



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **26TH DAY OF AUGUST, 2015** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Assistant Clerk of the Council; Ellen Osoinach, Deputy City Attorney; and Jason King, Sergeant at Arms.

Item Nos. 883 and 884 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

		Disposition:
COMMUNICATIONS		
872	Request of Kernel Moses Wrosen to address Council regarding the state of the City (Communication)	PLACED ON FILE
873	Request of Aaron A to address Council regarding homeless issues (Communication)	PLACED ON FILE
874	Request of Mike Summers to address Council regarding homeless issues (Communication)	PLACED ON FILE
875	Request of Jerry Chandler to address Council regarding houseless issues (Communication)	PLACED ON FILE
876	Request of Sarah Carlston to address Council regarding homeless issues (Communication)	PLACED ON FILE
TIMES CERTAIN		

August 26, 2015

<p>877 TIME CERTAIN: 9:45 AM – Accept Portland’s Neighborhood Greenways Assessment Report (Resolution introduced by Commissioner Novick) 30 minutes requested</p> <p>Motion to accept the report: Moved by Fish and seconded by Novick. (Y-5)</p>	<p>37149</p>	
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Charlie Hales</p> <p>Bureau of Planning & Sustainability</p>		
<p>878 Authorize a \$5,000 Intergovernmental Agreement with Washington County for the administration of the Master Recycler Program (Second Reading Agenda 842) (Y-5)</p>	<p>187301</p>	
<p>Bureau of Police</p>		
<p>*879 Amend an Intergovernmental Agreement with Multnomah County District Attorney's Office to adjust reimbursement revenue and renew term of Police Bureau overtime costs on after-hours call-outs on child abuse investigations (Ordinance; amend Contract No. 30001158) (Y-5)</p>	<p>187302</p>	
<p>*880 Accept and appropriate a supplemental grant in the amount of \$60,000 from the Oregon Department of Justice and the Oregon High Intensity Drug Trafficking Areas program for the purchase of a Chevy Tahoe for a police canine unit (Ordinance) (Y-5)</p>	<p>187303</p>	
<p>*881 Authorize an Intergovernmental Agreement with the City of Gresham for the use of Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY 2015 Edward Byrne Memorial Justice Assistance Grant Program funds (Ordinance) (Y-5)</p>	<p>187304</p>	
<p>*882 Authorize an Intergovernmental Agreement with Multnomah County for the use of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY 2015 Edward Byrne Memorial Justice Assistance Grant Program funds (Ordinance) (Y-5)</p>	<p>187305</p>	
<p>City Attorney</p>		
<p>883 Authorize the City Attorney to intervene on behalf of the City of Portland in Oregon Public Utility Commission Docket UM 1734 (Resolution)</p>	<p>CONTINUED TO SEPTEMBER 2, 2015 AT 9:30 AM</p>	

August 26, 2015

Office of Management and Finance		
884	Accept recommendation and reaffirm the City's commitment to responsible, sustainable procurement by considering the presence of conflict minerals when purchasing cellular devices and radio subscriber units (Resolution) (Y-5)	37150
*885	Pay claim of Melissa Finn in the sum of \$6,573 involving the Parks Bureau (Ordinance) (Y-5)	187306
Commissioner Dan Saltzman Position No. 3 Portland Fire & Rescue		
886	Authorize contract with Burlington Water District for fire prevention, suppression and emergency response services for FY 2015-16 (Second Reading Agenda 850; Contract No. 30004731) (Y-5)	187307
887	Authorize an Intergovernmental Agreement with U.S. Department of Agriculture Forest Service Mt. Hood National Forest for mutual aid assistance (Second Reading Agenda 851) (Y-5)	187308
Portland Housing Bureau		
888	Authorize a contract with Home Forward for \$254,476 for delivery of short-term rent assistance funded by U.S. Department of Housing and Urban Development Emergency Solutions Grants (Second Reading Agenda 852) (Y-5)	187309
Commissioner Steve Novick Position No. 4 Bureau of Emergency Management		
*889	Authorize application to Federal Emergency Management Agency for a Pre-Disaster Mitigation grant in the amount of \$500,000 for a residential seismic strengthening program (Ordinance) (Y-5)	187310
Bureau of Transportation		
*890	Authorize Intergovernmental Agreement with the Oregon Department of Transportation for the City to participate in the Local Public Agency Certification Program (Ordinance) (Y-5)	187311

August 26, 2015

891	Authorize Intergovernmental Agreement with Oregon Department of Transportation for Right of Way Services to define roles and responsibilities regarding the use of real property for construction of public improvements related to the Red Electric Trail Project (Second Reading Agenda 857) (Y-5)	187312
892	Amend Intergovernmental Agreement with Oregon Department of Transportation for the Red Electric Trail Project to reflect the current project limits, schedule and updated processes under the Local Agency Certification Program (Second Reading Agenda 858; amend Contract No. 30002431) (Y-5)	187313
Commissioner Amanda Fritz Position No. 1 Portland Parks & Recreation		
893	Accept a grant from the Oregon Department of Education and authorize a price agreement with Centennial School District for the Afterschool At-Risk Meal and Snack Program in the amount of \$30,000 (Second Reading Agenda 859) (Y-5)	187314
REGULAR AGENDA Mayor Charlie Hales		
894	Amend contract with Rosenbaum & Watson, LLP in the amount of \$458,000 per year for a five year total not to exceed amount of \$2,243,834 for the independent Compliance Officer and Community Liaison for the Department of Justice Settlement Agreement (Second Reading Agenda 870; amend Contract No. 30004378) (Y-5)	187315
Office of Management and Finance		
895	Amend contract with Moore Iacofano Goltsman, Inc. to increase contract amount by \$29,215 to provide additional consultant services to include the Portland's Centers for the Arts facilities in the City's ADA Title II Transition Plan (Ordinance; amend Contract No. 30002636) 10 minutes requested	PASSED TO SECOND READING SEPTEMBER 2, 2015 AT 9:30 AM
Commissioner Dan Saltzman Position No. 3		

August 26, 2015

Portland Fire & Rescue		
*896	Accept a grant in the amount of \$95,239 from the Federal Emergency Management Agency for the FY 2014 Fire Prevention & Safety Grant (Ordinance) (Y-5)	187316
Commissioner Steve Novick Position No. 4 Bureau of Transportation		
*897	Authorize contract with Sergeant's Towing for Abandoned Vehicle Towing and Storage (Ordinance) 20 minutes requested	REFERRED TO COMMISSIONER OF PUBLIC SAFETY
Commissioner Amanda Fritz Position No. 1 Portland Parks & Recreation		
*898	Amend contract with Starfish Aquatics Institute, LLC, to provide lifeguard certification and auditing services at multiple Portland Parks and Recreation locations from the original contract amount of \$100,000 to \$220,000 (Ordinance; amend Contract No. 30003581) (Y-5)	187317
Commissioner Nick Fish Position No. 2 Bureau of Environmental Services		
899	Authorize a contract with the lowest responsive bidder for construction of the Sewer Level Remote Telemetry Monitoring Demolition and Installation for \$512,700, Project No. E10516 (Second Reading Agenda 867) (Y-5)	187318
900	Authorize a contract with the lowest responsive bidder for construction of the Skidmore Pump Station Upgrade for an estimated \$731,000 Project No. E10291 (Second Reading Agenda 868) (Y-5)	187319

At 11:48 a.m., Council recessed.

August 26, 2015

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **26TH DAY OF AUGUST, 2015** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Judy Prosper, Deputy City Attorney; and John Paolazzi, Sergeant at Arms.

<p>901 TIME CERTAIN: 2:00 PM – Accept the Private For-Hire Transportation Innovation Task Force Recommendations on Taxis and Transportation Network Companies final report (Previous Agenda 871; Report introduced by Commissioner Novick) 2 hours requested</p> <p>Motion to accept the report: Moved by Fish and seconded by Saltzman. (Y-5)</p>	<p>Disposition:</p> <p>ACCEPTED</p>
--	---

At 5:04 p.m., Council recessed.

August 27, 2015

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **27TH DAY OF AUGUST, 2015** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz and Saltzman, 4.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ian Leitheiser, Deputy City Attorney; and Jason King, Sergeant at Arms.

<p>902 TIME CERTAIN: 2:00 PM – Appeal of Paul Stanford against Portland Parks & Recreation decision to deny a permit application to hold the Portland Hempstalk Festival at Waterfront Park in 2015 (Hearing introduced by Auditor Hull Caballero) 3 hours requested</p> <p>Motion to grant the appeal and overturn the Portland Parks & Recreation decision to deny the permit application to hold the Portland Hempstalk Festival at Waterfront Park in 2015: Moved by Saltzman and seconded by Fish. (Y-3; N-1 Fritz)</p>	<p>Disposition:</p> <p>APPEAL GRANTED</p>
--	--

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

MARY HULL CABALLERO
Auditor of the City of Portland



By Susan Parsons
Acting Clerk of the Council

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

August 26, 2015
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.

AUGUST 26, 2015 9:30 AM

Hales: Good morning, everyone, and welcome to the August 26th meeting of the Portland City Council. Would you please call the roll?

Saltzman: Here. **Novick:** Here. **Fritz:** Here. **Fish:** Here. **Hales:** Here.

Hales: Good morning, everyone. We have five citizens signed up for communications -- we'll take those first -- and then we have our regular Council calendar this morning. I have two requests to take things off of the consent calendar. Are there any other requests to remove items from the consent calendar besides 883 and 884? OK. We'll see if there are any others before we vote, but those are the two I have now.

So, welcome, everyone. Again, we have five citizens signed up first for public communications. We'll take them in turn. They get three minutes each. We then have the regular agenda in front of us. If you're here to speak on one of those regular agenda items, just sign up on the signup sheet and Sue will call you when we get to those. We typically allow three minutes per person if the calendar is not crowded, and that looks like the situation today. So, if you're here to speak on one of those items, you need only give your name unless you are a registered lobbyist, in which case you need to disclose that because it's required under the City's code.

We typically maintain decorum -- in fact, we really try really hard to maintain decorum in this Council chambers, so if you agree with someone and want to indicate that, please don't applaud or shout but give them a thumbs up or wave of the hand. Likewise, if you feel compelled to object to somebody's point of view, give them a thumbs down or some other polite hand gesture, but we ask that we not make demonstrations in favor or against our fellow citizens' points of view in this room so that they can all be heard. With that, thank you for coming and let's take item 872.

Item 872.

Hales: Good morning.

Kernel Moses Wrosen: Good morning, Commissioners. I was here speaking to you a year ago in March, and I didn't know what I was going to say when I sat down. I ended up giving you all quite a tongue licking. That's not my intention today. I still don't exactly know what to say. I've spent a lot of time thinking about it, but I signed up to talk on the state of the city so I could speak about anything that I wanted to. That was after my friend Jose hosted a sleepover in front of City Hall because police were doing more sweeps on the homeless. I am sure that you're familiar with the situation.

I would have to say this the state of the city is peril, somewhat like our global situation. We're up against some limitations. There's been some talk about climate action. It's a little too late for that. We need to take more aggressive action than having a 2030 plan because 2030 is still 15 years away. And I don't know if you all drive cars around town, but you can tell the traffic has changed quite a bit around here in the last few years. There's a lot of lights you have to wait three or four times to get through.

August 26, 2015

I don't know where I want to go with this. I know that the blankets are still illegal. That just breaks my heart, you know. When I set up that prayer vigil, my intention in that and what I wanted from all of that was a change in the wording of the ordinance or the code that says that blankets are illegal. That doesn't mean you have to spend any money on programs, doesn't mean that you have to change your behavior, but it's a moral imperative that you make things like food, water, and sleep accessible to all citizens despite their economic condition.

Winter is coming, and people will be freezing again, being forced to use illegal blankets to keep themselves warm. All they have to do is change the wording of the statute, but that seems to be rather impossible. Anyway, the city is in peril. The homeless people can't seem to get a break. It's been years of action and testifying. You're going to give 200,000 later on to Home Forward. They may be an alright program but at the same time, it's still giving money to landowners. It's not changing people's situation, it's just putting it off for another little while. It's \$200,000 misspent, in my opinion.

Anyway, you could take action. There's a bunch of people here about bikes and the 2030 plan, they've got a lot of good ideas. You want to restore the faith of this community in y'all? Make a move. Take a chance. I know you got into this business to make a difference. I know you're real people, that you have feelings, that you're not hardhearted and illogical, although that's the way it sure seems because -- I don't know what to say. I'm done talking. I'm over my time.

Hales: Thank you very much. Thanks for coming.

Wrosen: Thank you.

Item 873.

Hales: Good morning.

Aaron A.: Good morning. My name is Aaron, I'm with Right 2 Dream Too.

Hales: Why don't you have a seat? We can hear you better if you're closer to that mic, thanks.

Aaron A.: Alright. I don't have a long speech or anything, a short one. I came to R2DToo in mid-December 2011 not knowing what to expect. There was four of us that wanted a place to sleep that night. They let us all four in that night. I remember it was very cold and rainy. I decided to become a member and give a helping hand. There has been many changes since that first night. They also give clothes, food, hygiene products, if they have them. They also have given referrals plus give domestic violence victims a safe place to stay so they can get their heads straight.

A person also can learn many skills there at R2DToo. They all learn how to do security where you can excel or not. You can also learn public speaking, such as I am doing now, consulting, computer work, and a few others I'm not really familiar with. And then back to the streets. Out there on the streets, I noticed you guys have a lot of mental health issues problems. Places like R2DToo will give a place to stay safe at night for up to 12 hours. I also think you guys need to do something with all these mental people and keep more R2DToos going on. That's my speech.

Hales: Thank you very much. Thank you for coming.

Item 874.

Hales: Good morning.

Mike Summers: Good morning. I'm Mike Summers for the record. I stay at Right 2 Dream Too myself on 4th and Burnside. The line between the housed and houseless is very thin. Many people in Portland are on the razor's edge of housing stability. If they lose their job, unexpected medical bills, or a death in the family, these and many more things will result

August 26, 2015

in losing housing. The city is expected to grow at least 250,000 more people in the next 20 years. How will we provide for those people? And if we are not able to provide enough affordable housing for Portlanders now? Although the City has the power to change this story, with development happening citywide.

Right 2 Survive strongly supports all the anti-displacement measures that are added to the Comprehensive Plan by the Planning and Sustainability Commission. As part of an anti-displacement PDX, we work with your staff and Planning and Sustainability Commission to add 13 new proposals and strengthen 15 more. It is imperative that the City Council keep each and every one of these policies in the final comp plan.

An important new anti-displacement measure in the Comprehensive Plan is for the City to provide protections for renters in order to prevent them from being displaced from the housing and to ensure that they have a safe, healthy place to call home. We believe to live up to this commitment, the City Council can address the growing problem of no-cause evictions happening around Portland. Even though that's not a specific part of the comp plan, we believe that something can be done in that area now so that the City can have another tool in their anti-displacement toolbox.

A critical policy that was added to the comp plan says the City must adequately involve communities that could be adversely affected by planning and development decisions. This means that the houseless community will have a stronger voice, guiding how our city grows and develops with equity and inclusion is our ultimate goal.

As part of a strong and growing group of 30 organizations, we are counting on City Council to keep all of these important anti-displacement measures in the final comp plan. Right 2 Survive will continue to track the comp plan, working with a broad base of community allies. We will look forward to seeing you again as public discussion opens up about the comp plan. Thank you.

Hales: Great, thank you very much.

Item 875.

Hales: Mr. Chandler, are you here? Alright, we'll have to give him another day.

Item 876.

Hales: Ms. Carlston, are you here? OK, same there then. Alright, then let's move onto the consent calendar. Again, we have these two items that have been requested to pull, 883 and 884. Any others? Let's take a vote, please, on the balance of the consent calendar.

Fish: Mayor, who pulled 883?

Hales: It was actually requested by the City Attorney to carry it over to next week.

Fish: OK.

Roll on consent agenda.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

Hales: Let's deal with the two items that we pulled. The City Attorney has requested that 883 be carried over to next week, so without objection, I will do that and put it on next week's calendar. 884 -- Commissioner Fritz, I think that you wanted that pulled, is that right? Do you want to deal with it now?

Fritz: I was hoping to have a presentation by your staff. Are they coming to do that?

Hales: Let's -- no, I think the short answer is no, so let's hold it for later. And I think that we're probably close enough to 877 that we could probably start, is that right, Commissioner Novick?

Novick: I believe so.

Hales: Let's take 887 then.

Item 887.

August 26, 2015

Hales: Commissioner Novick.

Novick: Mayor and colleagues, we want this to be a city where lots of people feel comfortable bicycling because when people are bicycling, they're not using fossil fuels and contributing to global warming and because they're also healthier and not contributing to rising healthcare costs as much as people who are more sedentary.

There are some people, of course, who will bicycle whatever the conditions. They are daredevils, they don't care how many cars they are dealing with or how fast people are driving. There's a fair number of other people who would like to bicycle but they are concerned about their safety, so they will bicycle if conditions are conducive to that.

Recognizing this, years ago, we decided to establish greenways, stretches of street where the assumption was we will have low vehicle speeds and not that many vehicles and it will be especially conducive to bicycling and walking. And most of these greenways have worked extremely well.

We have discovered that there's some of our greenways where the vehicle speeds and vehicle counts have sort of crept up beyond where people are still comfortable bicycling and walking, and PBOT has concluded that our staff need better direction as to what to do when that happens. So, basically, this report and this resolution are about providing guidelines -- not hard and fast rules -- to our staff about what to do when you're dealing with a greenway where the speeds and the vehicle counts are higher than they should be and essentially empowering our staff to take steps which will vary depending on the street and which will be in consultation with everybody in the neighborhood to get those speeds down and those vehicle counts down. So, that is the idea behind this report and this resolution. I will now turn it over to Margi Bradway and Roger Geller and they can tell me if what I said was wrong. [laughter]

Margi Bradway, Portland Bureau of Transportation: Hi, good morning. That was a fabulous introduction, Commissioner Novick. Thank you. In fact, I think that you just did my first slide.

We're here to talk about neighborhood greenways. As Commissioner Novick just explained, it's a low-stress network primarily for biking and facilitating walking. I want to note that we were the first city in the nation to have a neighborhood greenway network. We started building our network over 30 years ago. We have people who come in from all over the nation who have copied our neighborhood greenway network. That's from St. Louis -- just was in town -- from Seattle to London. So, we have the benefit of being leaders in neighborhood greenways, as we do many things -- and biking.

One of the advantages or disadvantages of being a leader in neighborhood greenways is that we have a very mature system. When we put that system in place starting 30 years ago, we couldn't realize the amount of population, the amount of growth that occurred in Portland. How do you keep the neighborhood greenways operating? How do you maintain them as the city grows? So, a lot of this report is a data-driven approach to look at exactly what is happening on our neighborhood greenways.

I'm going to spend a bit of time talking -- again, just walking through what is a neighborhood greenway, just a quick touch on the policy support for these neighborhood greenways, and then I'm going to hand it over to Roger to dive into the data that we looked at. And then our recommendations both on performance guidelines and on policy moving forward.

Before I dive in too much, I also want to recognize Scott Cohen -- who's sitting in the front row -- who acts as our managing editor for the report and did a great job. So, thank you, Scott.

August 26, 2015

I think that we've hit on this -- there are streets with few automobiles traveling slowly and prioritizing biking and walking.

So, why are the neighborhood greenways important? They are a foundational part of Portland's transportation system. They carry thousands of people every day -- thousands of people on bikes. They create safe, comfortable places for people to walk and bike. And one thing about neighborhood greenways is they really provide connections between parks and schools. Not too many people know that the neighborhood greenway system also provides a huge part of our Safe Routes to School network, so we really focus on children when we're looking at expanding and building our network.

The neighborhood greenways also create a sense of place. Portland is known for its place-making. You've seen a presentation recently on intersection repair. A lot of those projects happen on neighborhood greenways. A lot of our green streets stormwater happen on neighborhood greenways. Most of our Sunday parkways events and Safe Routes to School events happen on neighborhood greenways. Again, these are safe streets that are good for place-making, good for holding events.

So, I think Commissioner Novick said it best -- that really, the goal of the neighborhood greenways is to create a place for people of all ages and all abilities to bike and walk. In particular, I think you may be familiar with the breakdown of the types of cyclists. This has been before you in the bicycle plan, but really we are aiming at the 60% interested and concerned and trying to provide a place for them to travel.

There's lots of policy support. I won't dive into each of these for neighborhood greenways, but the Portland Plan and the Comprehensive Plan are very clear that in order to meet our livability goals and our climate change goals, we need to aim for a 25% mode split for biking. The neighborhood greenways and biking in particular is also a key strategy as part of the Climate Action Plan. In the City's recent growth scenario's analysis, which is comparing kind of the future growth with our climate change goals of the recommendations in the Climate Action Plan, bicycle transportation is one that currently offers the most significant and measurable reductions in greenhouse gases. So, we find that neighborhood greenways is very important for achieving the climate stability as well.

Here's a look at the overall Portland bike network. We have 325 miles of bike network. Not all of those are what we consider low stress. Can we go to the next slide? This is a look at the low stress only, so the green in the middle is neighborhood greenways. The other low stress network -- parts of no stress network are trails or buffered bike lanes. So, you can see in the middle there that the neighborhood greenways really are in the heart of the city and provide a lot of connectivity to other low-stress corridors. Next slide.

Here's an actual map of the existing neighborhood greenways. You can see the dotted lines are the ones that are funded. These include the historical neighborhood greenway that started closer to the city. As we build out the network, we get farther out to the north, to the east, and to the south. Next slide.

So, what is the intent of the report? Well, as Commissioner Novick said, we've heard a lot of concerns about neighborhood greenways. We have heard a lot of concerns about Clinton Street in particular. We wanted to figure out what's working and what's not and take a data-driven approach, so we looked at all of the data in terms of speed, volumes, and ridership. We also looked at our existing policies. We wanted to create an understanding of the role of the neighborhood greenway in the transportation system plan as well. So, again, as I said, we're going to offer our recommendations at the end of the slide show.

August 26, 2015

At this point, I'm going to hand it off to our bicycle coordinator, Roger Geller, to talk about the data. The good news is, as Commissioner Novick said, many of our neighborhood greenways are working very well.

Roger Geller, Portland Bureau of Transportation: Thank you, Margi. Thank you, Mr. Mayor and Commissioners. As Margi mentioned, this has been a data-driven approach. We looked at 1500 data points to assess how our greenways are working. Generally, the news is good. They're working well in a lot of places, ridership is high on greenways in the parts of the city where ridership is high. This map shows the commute mode split by bike by census tract -- the darker the higher. This is the circle is four miles from the Burnside Bridge, and it shows that about half of Portland commuters live in areas where the average bike mode split is 13%. We've seen 250% growth in the bicycle use in the city since 2000. Here, we superimposed greenway counts. Basically, in the areas of the city where bike use is high, use of the greenways is correspondingly high. The greenways there are the most heavily used tend to be in Southeast and Northeast Portland.

There's really three key factors that influence how well a greenway is operating. Automobile speeds are a big part of that. We found that more than half of our greenways are operating at 23 miles or less for cars, which is good, but about 4% are 30 miles or over, and then there's this mid-range. This is what happens when you look at 1500 data points. [laughter] You map them out. And so basically -- this is the greenway network -- green is generally good on this map. Yellow is kind of in this nether area, and then once you start getting into orange, pink, and red, these are speeds generally considered to be too high for the effective operation of a greenway.

Generally, what we found was that Tillamook, Lincoln, Clinton, the Burnside corridor, Salmon, Taylor and the 40s's bikeway all had speeds that were generally too high. Mostly our older greenways. So, speeds of 25 miles an hour or greater on our greenways.

We also took a look at automobile volumes, and volumes are a key element for determining how comfortable a greenway is. We want both safety and comfort. Volumes, interestingly, are also a key factor for speed. We have the authority in the city of Portland to set low speed limits on our greenways as long as the traffic volumes are less than 2000. Once they get above 2000, we lose that ability to set a low and safe speed limit. So, most of our greenways have --

Saltzman: Is that 2000 per day?

Geller: 2000 automobiles per day, yes. So, almost three quarters of our greenways have fewer than 1000 cars on them -- again, in this slide, green is good, and about 85% of them are less than 1500. But we see some key stretches of our neighborhood greenways -- especially on ones we consider especially important in our system -- that have much higher volumes, typically in Northwest and Southeast. But also as we're delving into more detailed data, we're also seeing spikes in automobile use during the a.m. and p.m. peaks as the cars are increasingly using some greenways as cut-through routes. And this just shows greenways where we have more than 1500 cars a day, all of these that are listed on the left. When you combine cars that have greenways with 1500 cars a day and speeds greater than 25 miles an hour, these are the ones that really pop out as problems.

This report includes some recommended performance guidelines, and what we're asking you to do today is to direct the Bureau of Transportation to incorporate these guidelines into our practice. The development of these guidelines really begins with best national practices. It's also influenced by our 30 years of experience as well as the fact that we're getting a lot of complaints from citizens that these greenways -- at certain levels

August 26, 2015

of traffic, speed and volume are not working well. And so what we're recommending for vehicle speeds is a 20 miles per hour speed. This is really a safety measure. In a collision at 20 miles per hour, you're 90% likely to survive. If that increases even by 10 miles per hour, it's a 50-50 chance whether you would survive a collision.

We're also looking for automobile volumes of ideally 1000 cars a day with a maximum of 2000, and what this does is it really minimizes the exposure that people biking on the greenways have to closely-passing cars. The time that you're in the closest proximity to a car is somebody riding a bike is when they're passing you. At 1000 cars a day on a 10-minute ride on a greenway, you're going only get passed seven times. Once you jump that up to 3000, you're up to 23 times that you're being passed. What we're seeing on some of our greenways is that as the automobile volumes increase, people driving are getting a little frustrated, they're finding it difficult to pass, and then we're seeing unsafe passing behaviors. We don't have that documented in data, but we're hearing that anecdotally and observing it anecdotally ourselves on the streets. So, we want to really create few interactions between people biking and driving as possible and also prevent the kind of conditions that lead to unsafe behaviors.

Finally, the key for a greenway is crossing the busy streets, so we want to make sure that during the busiest times of the day, people have a minimum of 50 safe crossing opportunities per hour. Ideally, we'd like to have 100 safe crossing opportunities per hour, and how you do that depends on the condition of the roadway you're looking are to cross. And so that's what we're asking you to direct us to do. With that, I'll turn it back to Margi -- **Fish:** Roger -- or Commissioner Novick -- just a question. The resolution is titled, "Accept the Portland Neighborhood Greenway Assessment Report." So we are used to accepting reports, but the resolved says accept it and the recommendations contained therein and then it directs PBOT to implement the recommendations. So, I'm just a little unclear about -- PBOT is asking us to direct them to do something, and I'm fine with that. But the report also is replete with references to the fact that PBOT doesn't have adequate resources to meet the challenges in front of it. So, are we in effect directing you to do something that is going to require you to change your budget or seek additional general fund dollars or change any priorities in the queue? Because it is more than accepting a report, you're asking us to direct you to do something. I'm not clear about how that relates to our budget process and our normal policy-making, and I just want to be clear about what we're directing you to do.

Novick: Commissioner, I'll take a stab at that. You're right, this is more than simply accepting a report. The specific language is "direct PBOT to engage communities in implementing the project recommendations contained in the report, incorporate the operational guidelines into traffic operation practices, and pursue recommended policy suggestions through the transportation system plan update." And I think that boils down to we will do what we can to implement these recommendations within the context of existing resources.

Geller: Two of the three cost nothing.

Bradway: Yeah, and I want to be -- we really tried very hard in this report to have it outcome-based. So, we're talking about streets that are not performing, but our guidelines today are outcome-based and they are guidelines, they're not engineering standards. So, what your recommendation by accepting it is kind of endorsing these guidelines. From that I think flows some type of prioritization for if and when funding is available. We will work on these streets that are not performing well, but there's nothing in the report that says that thou shall then work on these certain projects.

August 26, 2015

Fish: We're setting the policy framework, and you are then going to prioritize the sequence, funding, and other things. So, we're not handcuffing you.

Hales: Well, actually, we're both going to do that. You do make project recommendations on page 22. And that's fine. I would expect that the Commissioner and the bureau to propose those projects in our capital planning process. Right?

Bradway: Right.

Hales: And along with other projects coming from PBOT. So, I guess that I don't want us to be shy about that. The short answer to your question -- will this lead to expenditures? Yes. When those expenditures will happen depends on what the Council does each time that we do a budget. So, that's up to us.

Bradway: Yeah, and I --

Fish: Mayor, that's probably a distinction lost on most people in the public where it says we're going to implement the recommendations and they have a budget. I was thinking as I was thinking about your resolution of preparing a resolution that accepts a report on homelessness and sets the Council directive that we reduce it by 50%. That that would have a budget impact and I'm happy to bring that resolution, but I want to make sure that we set expectations, so we're -- when we accept reports, we set policy and we set priorities. How you implement it is your business within the framework of the existing resources.

Bradway: Exactly.

Hales: Or additional resources as we approve them.

Bradway: Correct.

Hales: In any case, I guess I'm not troubled by the fact that we have a bureau saying here are projects that we'd like to do or we plan to do, as soon as they are funded --

Fish: As long as we're separating the budget decision from the policy decisions, Mayor. You're free to recommend any expenditure requests, but I think we have to be clear with the public about what we're signing on for today. The recommendations are aspirational. The policy you're asking clear direction on.

Hales: Yeah, I think that's fair. I have a related question, which is you do have -- I get the policy recommendations, I see the project recommendations. How would -- given if the Council accepts this report and we've incorporated these recommendations -- how would these bike projects -- would these projects be prioritized over others? I mean, there are other bike projects beside greenway projects. There are separated bikeway projects, there are additional bike lanes, there are, you know, projects like the 20s and the 50s, so how do these -- do these change ranking based on the Council's acceptance of this report?

Bradway: That's a great question, Mayor. For clarification on how PBOT's budget works, we have our capital improvement budget project. And typically, these greenways are considered operational improvements and they live in a bucket in the CIP called the active transportation bucket. They're the only flexible dollars, really, that PBOT has. Five years ago, that bucket was two million. And it's down to 400, and that's also the same bucket that we address Safe Routes to School and high crash corridors with. So there is a lot of need for this very small, relatively small, flexible bucket. So, when we think about priorities, going forward, we think about priorities within that small bucket of operational improvements that's separate and distinct from the capital project. I think that we have to do, I think -- looking at Roger -- we have to do both. We have to make travel a priority, corridors, and particularly those that need say buffered bike lanes on high-speed corridors. Those need to be a priority in certain places and it depends on the quadrant and that community. In other places, neighborhood greenways is going to be what we need to

August 26, 2015

prioritize. And as Roger's map shows, each neighborhood is different and the ridership is different. Roger, do you have anything to add?

Geller: Yeah, I just think that, you know, the larger capital projects that we go after are through federal dollars that are funneled through the region. And those tend to be on a different scale than these type of projects that we're talking about here. And so, the 20s bikeway is a good example. So, that's a long corridor project, it's multi-millions of dollars to do that whole project. Some of the things that we're looking at here, for example, looking at Clinton Street -- you know, the fix for some of these projects, or for some of these issues that we have identified are not tremendously expensive. We would not go after federal dollars for those kind of fixes. So, I think that's the distinction. We continue to prioritize the large corridor projects with federal funds. We look to improve our system with the flexible funding that we have available.

Fish: Roger, can I ask you about automobile volumes? Because in your chart, you say over 1000 triggers changes. So, the context for that is that is as our roads become more congested -- and they clearly are -- and our neighborhood roads are more congested, cars are being displaced onto the greenways. And we can attest to that, there are more cars. So that makes it less safe on the greenways. My sense it will only get worse, not better. And where I live in inner northeast, I just don't drive between 4:00 and 7:00 because I can't safely get anywhere. It's just complete congestion. So, what is the -- when you say over 2000 triggers changes, what are the kinds of things that you would consider by way of changes when you have that kind of level of congestion?

Geller: I think both educational and engineering tools. So, the standard engineering tools are some kind of physical barrier that prevents cut-through traffic on the neighborhood greenway streets. Traffic diverters like we see at 16th and Tillamook and Clinton and Chavez, Lincoln and Chavez -- we have 21 locations around the city, I believe, with traffic diverters.

There's also operational diversion where you put up a sign that says, you know, "do not enter." We have done something like that at 52nd and Division Street where we allow buses through but not automotive traffic. Things like that are working well. But generally, it's some type of barrier. It could also be improvements on the main roads so that the main roads operate better and the desire to divert them and cut through neighborhood streets becomes less attractive. But I think that that's the key.

And I guess that I would -- being an optimist, I would take exception to the idea that things are only going to get worse. I think that if we actually realize our regional and local goals, there's a good chance that things could get better.

Fish: Yes, all I'm commenting -- let's take someone going from downtown east, the Banfield between 4:00 and 7:00 is not a great choice. Sandy is now backed up all the way to the river. Broadway is backed up. And what I observe either on my bike or when I occasionally drive is that out of frustration, people are getting off the main roads and going into the neighborhood. And they're going at excessive speeds with a lot of frustration and sometimes anger. And that's exactly what we want to discourage.

Geller: Absolutely, that's exactly what we want to discourage. And you know, the operation of the bikeway system is a key part of our strategy for accomplishing many goals. And just what you're describing is the kind of thing that we need to prevent and protect so that the bikeway system continues to operate.

Fritz: This is an excellent report, and thank you for your work on it. I'm wondering, do we have any information on the demographics that the people who bike in greenways? Do we

August 26, 2015

know if we are being successful in investing in these and encouraging more women, families, communities of color to use them?

Geller: We have some really good data at the regional level. Metro did an Oregon household activity survey back in 2011, and so at the broad level, at the regional level they found demographically -- for example, a surprising finding was that people of color bike and walk at higher rates than do white people, and that's the true throughout the region. So, that's at the broadest level. And also, people at all income levels are well represented in terms of the bicycling. Things break down by gender, generally. In Portland, we see a great gender disparity, more men bicycling than women. On the parts of town that we identified as being the most comfortable, we're starting to see -- and we've been seeing for years -- the proportion of women climbing, and that's a very good ready indicator that we can look at. So, in parts of towns like on the greenway system, even on streets like Williams and Vancouver, we see 40% of the people that we count are women. In the far reaches where we recognize that conditions are not yet as comfortable for bicycling as in the inner city, we see women at 8%, 9%, 10%. So, that gives us good idea of who we're appealing to.

Fritz: Thank you, that leads in nicely to my next set of questions. Do you have a timeline for the three north-south greenways in East Portland that you've identified in the recommendations?

Bradway: Can you move forward to the slide? We've got a slide on that. To the last slide, yeah. As Roger mentioned, the future projects -- typically, we pursue grants and we have been successful in pursuing grants. And so, the Rodney project is almost complete. The 20s bikeway is currently underway, it's about 50%. The 100s is also underway -- 130s is underway. The 100s and 150s will be going under the kick-off process next construction season in the summer. So, they are about a year out, but they are all happening within a year window or kicking off a year.

Fritz: What is the planned public engagement for the ones in East Portland?

Bradway: I'm not the project manager -- there's a project manager for each of these -- but we will have a lot of public dialogue about these greenways. It was important to us that the recommendations today are guidelines and not standards because we want project managers to go out to the neighborhood, have a conversation about these guidelines, have the ability to make tweaks, to get public input on how they function, and go from there. So, Clinton Street project is actually already kicked off, and we have an open house scheduled for September 12th. We'll get input on our proposed design. I imagine that we would do the same for the ones in East Portland.

Fritz: OK. And why is there is no greenway connection from East Portland to downtown?

Bradway: So going back to the Portland Plan and the bike plan -- typically, when the neighborhood greenway system started -- and Roger has a lot of this historical context -- focused on the three-mile trip. So, it was a lot of the neighborhood greenways really focused on that three mile circumference around downtown. We know now that we need to serve the entire city and we have a lot of work to build it out. So, we are concentrating effort on East Portland, but it's going take a while to build our system out. Do you have any other --?

Geller: I think the other key is that greenways -- you can only develop that type of a facility on certain streets. Our system also relies on having good, low stress bikeways on the major streets. So, there are techniques that also create something that's better than bike lanes -- be it a buffered lane or a physically-protected cycle track. So, those need to be part of the system that works well, and as you get closer to the main center part of the

August 26, 2015

city where the traffic intensity increases, those are increasingly the types of facilities that have to be incorporated.

Fritz: I am concerned, though, that there isn't an east-west connection on greenway.

Geller: One of our top priority projects is also the 4M project, which is Mill, Market, Main, that basically runs from the boundary with Gresham and runs into the Lincoln bikeway, which will then go all the way in.

Fritz: Oh, I didn't see that.

Geller: It's not funded. That's because it's not yet funded, it's one of our highest priorities for seeking funding --

Hales: In the plan but not funded --

Fritz: There is an estimation about that, OK --

Bradway: Yes, there is.

Fritz: OK. My last question is about Southwest. What's the plan for improving Southwest?

Geller: So, Southwest -- and the report notes this -- greenways in Southwest will not have the type of prominence that they do in sort of the old streetcar grid neighborhoods, as well as even East Portland -- even though it's discontinuous, you can make it work. The topography creates very few continuous streets in Southwest, and those streets that are continuous tend to be the flat ones, tend to be the busiest ones. And so the bicycling strategy for Southwest is really to make those larger streets work for bicycling. Like a street like Barbur, for example, needs to have a protected bikeway on it. We've seen examples of that on SW Multnomah where we built a cycle track. We've examples on B-H highway, where we've built buffered bike lanes. The strategy for Southwest -- because of the topography out there and the street pattern -- is really to make the larger streets work. Greenways will have a rollout there, principally as connectors to those streets, but they won't be the long corridors that you see in other parts of the city.

Fish: Roger, following up on what Commissioner Fritz asked, what's the status of the big vision we talked about a couple years ago linking gateway green to a trail along the Banfield to downtown?

Geller: Also one of our highest priorities that we -- it's now called part of a project called THOP --

Fish: THOP --

Geller: "T-hop," or "thop," if you want. It is a connector between Tillamook. It then builds that piece under I-205 connecting into the I-205 pathway and gateway green and then continues is out further east along Holladay, Oregon, and Pacific. So it's creating a greenway corridor that links across I-205.

Fish: Is the continuing challenge figuring out how to co-exist with the railroad?

Geller: Not there, it's ODOT right-of-way. It's mostly just gaining the funding at the regional level to do that project.

Fish: But again, in terms of the east-west connector, isn't that project potentially very beneficial?

Geller: Oh, absolutely. It was identified by the bike advisory committee as a top priority, it's one of our agency's top priorities to seek funding in the federal funding rounds.

Bradway: So this November --

Geller: And I think that was your resolution many years ago to say, keep hammering after --

Fish: Yeah, I think Parks and Transportation were looking at it, but there was a tremendous opportunity to do some housing development along that corridor and get

August 26, 2015

people out of their cars and into bikes, but there is a railroad. The railroad piece is complicated.

Geller: As you go further west, yes. We've identified the segment that's only ODOT right-of-way and we believe we can deal with that.

Fritz: So, going back to Commissioner Fish's questions about funding and priorities -- I understand the difference between the major grants and the operational -- if we're looking through an equity lens, we ought to be thinking about how to provide safe bike facilities for people who have nothing over improving the ones that we already have, which might not be ideal. So, how is PBOT managing that challenge?

Bradway: So the projects that Roger is talking about have come up through our TSP process. And I'm not the lead planner, that's the transportation plan. We have criteria for that and there is an equity criteria that we look at. And so we look at equity, safety, other connectivity, other goals. And going into the next funding rounds -- so the next funding opportunity at the state level, ODOT in November; and then at the regional level, regional flex funds is this spring. We'll be taking those projects that meet our Transportation System Plan criteria.

Novick: And Commissioner, I think it's important to note that as Roger was saying, there are things that we can do to improve the functioning existing greenways that are really quite low cost -- putting in some diverters and some speed bumps. So, I don't think that it would make sense to say, "we are going to do nothing to improve the performance of our existing greenways until we made major investments throughout the city" any more than it would make sense for Parks to decide it's not going to do anything for parks in the inner part of the city before we build a bunch more parks in the outer eastside.

Fritz: That's a nice [indistinguishable] even though I wasn't suggesting that. I was suggesting that if there are funding requests coming to the Council in the next budget that we look at where we can provide some safe bike facilities -- for instance, on Powell, on Barbur, elsewhere. I would be more inclined to support that over funding for additional greenway in areas that already have them.

Bradway: Understood. Thank you.

Hales: So, are you finished with the presentation? I have a question about appendix C.

Bradway: I think that we did skip over one slide. If we can back track -- we bounced over it quickly. So just quickly on the recommendations regarding policy. As you are maybe aware, we are going through the process of updating the comp plan and Transportation System Plan. We have an ongoing conversation with the planners at PBOT about how to best address the neighborhood greenways in the TSP, but this report is not the place to do that, so I want to be clear to your question, Commissioner Fish, about what we're asking you to do today. We are not updating the TSP. What we do is we're recommending that our planning staff working with the Bureau of Planning and Sustainability evaluate and replace the conflicting policies to make it clear that neighborhood greenways are allowed diversion and allow a low stress network. And so, I can walk you through the different objectives and TSP policy 6.13 if you want, but today we are recommending that's taken care of in a different process. That's all I wanted to hit on.

Hales: OK. Other questions about that? So, my question about appendix C -- and we have a lot of people that want to speak on this item, so I don't want to go on at great length, but that's the tools and designs. So, you mentioned sort of this in passing in that this is an opportunity to look at what's working and what's not working. And you know, I think that it's fair to say that over this 30 years, Portland has tried a lot of things. We've

August 26, 2015

been experimental in the ways we've tried to incorporate bikes into an existing street system and then make it safer and better and more convenient over time.

I think it's also fair to say that some of those design tools have worked better than others. Without getting all the way down into the weeds of this kind of diverter versus that width of a lane -- Roger, particularly, but both of you -- so what have we learned in terms of our tool kit? Are there too many tools in the kit? Are there still more things that we're not using that are being used elsewhere in the world that we should be using? I'm just curious about sort of the state of the tool kit. Are we using the right tools? Are we using so many that we're confusing people, or can we use more? And which ones didn't work? And why are we not using them anymore? At least a summary view of that, would be helpful to everybody, and I'm interested.

Geller: Sure. Well, what we found -- we have done research over the years and found that a regular pattern of speed bumps rather than traffic circles are much better at creating a consistent low speed on a roadway. I think we know that physical diversion, barrier diversion works really well, especially if you do it in conjunction with some green paint that makes sure that people biking go to the head of the line, add signals. I think that there's some tools like pinch points that we have employed once or twice that probably aren't working that well. We haven't really used chicaning as a tool to slow cars on streets. Chicaning is where you make the street just kind of weave a little bit, and there's ways to do it with barriers and parked cars sometimes so cars don't have a straight shot that they can speed down, they have to, you know, to pay attention, basically, and drive a bit slower. That's something that we haven't really done I think in part because it's expensive. Seattle has an example where they spent millions of dollars to do something like that. Our streets are a bit narrower, so we haven't really tried that.

I think generally, we're satisfied with the tool kit that we have, and we do a lot of evaluation. Our engineers are very good at evaluating what we do. Are there more tools out there? I think we just started experimenting with operational diversion, where we put up a sign that says, you know, don't go this way unless you're a bus. I think that we were pleased with how that worked at 52nd and Division. It may not be the thing we use everywhere. We're looking at creating streets. Other jurisdictions around the world sometimes do one-way streets for segments on neighborhood streets. That's something that we really haven't done very much of yet. That would be an expensive and perhaps effective way to create the diversion.

Fritz: What they do in England they have jut out of the sidewalks to create a one lane and have a yield or a stop so that you have to slow down at that particular pinch point, and I think that works really well.

Geller: Yeah, that can work well.

Fritz: And not that expensive, either.

Geller: Right. There's things that we do like that.

Fish: Roger, we used to hear from the Fire Bureau that they had concerns about speed bumps in terms of response times. Have we found some kind of detente on that issue?

Geller: Yes. I mean, we always work with the Fire Bureau. They're good partners with us and I think it was our putting in a lot of speed bumps that first brought us together and they developed an emergency route system that we agreed not to touch, basically. And now we're working with them to develop and employ Fire-friendly speed bumps. These are ones that don't go across the street and instead are on one side of the street and stair-step down to another side of the street and so on. We're working with them on that, and that allows them to kind of weave through the speed bumps without going over them

August 26, 2015

and being unduly slowed down. So, yeah, I think that it's a very good relationship that we have with the Fire Bureau and working this stuff out. We don't put it down if they don't want it.

Hales: Great. Other questions? Thank you both very much. Do you have invited testimony, Commissioner, or are we going to the signup sheet?

Novick: I think we're going straight to the signup sheet.

Bradway: Yes.

Hales: Thank you very much. Let's do that.

Parsons: We have 16 people signed up. Will the first three please come on up?

Hales: Please try to be brief, we have a lot of people signed up, but make your point. Welcome. Go ahead.

Terry Dublinski-Milton: I'm Terry Dublinski-Milton. I'm on the board of Southeast Uplift and transportation land use chair for North Tabor. I would like to specifically speak on three points of the report.

First of all, the peak vehicles per hour. One of the main ways -- I've been doing outreach on greenway safety for at least four years and I've spoken at dozens of neighborhood associations, and this is the big area where we really need help is the commute time. Because a lot of our greenways will work mostly, and then will fail at the a.m. or p.m. peak hours. Sometimes, it's just one direction. But for a full network to work, if you really want your children to safely get to school, it's all about the pinch point, the one bad block because you have a parent that will say, "that block is way too busy because all the commuters are speeding to Providence, we will not let you go." And so they drive their kids to school.

The number of pedestrian and bike crossings per hour -- this is a second point, where it says that you should have a minimum of 50 crossings an hour but prefer 100 an hour. Again, you have to look at the weakest link. And if you have one arterial on this route on the way to school and it is too dangerous and you can't get across, your parent is going to say, "no, you cannot ride to school."

And then I'd like to talk about urban form for just a couple of seconds and what goes on outside of the 85th percentile. Speed bumps are great for most people, but you get that one red truck that speeds down the greenway and hops all the speed bumps. And that's why as part of an urban form, a lot of outreach I've heard, is that you should have diversion at regular intervals every five to seven blocks, so you know that red truck that's hopping the speed bumps will be turned off. Then, those trucks won't be on the greenway. There we are. That's what I wanted to say.

Hales: Thank you very much. Good morning.

Terry Parker: Good morning. I'm wearing my own hat again today. My name's Terry Parker.

It is only equitable that if cars are restricted from using greenway streets, gas tax revenues and other motorist-paid taxes and fees also need to be restricted from paying for them. Likewise, if motor vehicles are restricted on greenways, bicycling needs to be discouraged on high traffic volume streets, such as Hawthorne, Sandy Boulevard, and streets such as lower Division and Halsey where parallel bike routes are only a few blocks away. If motor vehicle travel lanes can be removed on Foster thereby adding a combined 1180 daily hours of engine running time, then bicycle lanes can be removed from streets like SE 26th where they create a safety hazard on such a narrow right-of-way.

The boisterous and unruly squeaky wheel of the bicycle lobby has infiltrated and for the most part taken over control of PBOT and is unethically City-subsidized. The public

August 26, 2015

process is broken. PBOT citizen and advisory committees have become stack decks, dominated by special interests and alternative mode advocates with little or no seats at the table for the primary financial stakeholders. Approximately 80% of the trips in Portland, the metro area, are by car. Nearly 10% of the jobs nation-wide are tied to the auto industry, most of them family wage jobs. City streets are getting more congested with road diets and traffic diverters. PBOT is continuing to make the overall situation even worse.

What will it take to end the discrimination towards drivers? Reverse the City's prejudice in automobile policies and create more family wage jobs. What will it take to stop profiling motorists as the origin for all safety issues?

I'm going to defer from my written testimony here for a minute. Because Commissioner Fish, you were exactly right. They are not -- the PBOT is not doing anything to accommodate the increased automobile traffic, and that's what's causing the cut-through traffic. We have to have better roads and less diets, less road diets, and that sort of thing.

Finally, the bottom line here is that adult bicyclist-paid licenses and user fees need to be implemented as the primary source of funding for bike lanes, greenways, and other specialized bicycle infrastructure. And motorists must have an equitable representation on PBOT committees that is proportionately linked to the mode split and who supplies the funding. Thank you.

Hales: Thank you. Good morning.

Alex Reed: Good morning. My name is Alex Reed. I am a Southeast Portland resident and I'm adopting an infant daughter in a few months, so safety and getting around is top on my mind. I'm part of Bike Loud PDX. I encourage you to accept this report and adopt the recommendations and view it as something that will help to fix an urgent problem but won't do everything. There's streets where people get around with their kids, there are greenways that people don't feel safe on, and this will help with that with the too many cars going too fast.

There's other things with greenways -- many of which you have touched on -- that this won't fix, and I just want to remind you of some of those. One is that a couple of years ago, when the City was facing budget cuts, part of the cuts to PBOT were of City funding to new greenways. We used to put in City money towards creating new greenways. Now, my understanding is that we fund somebody to apply for federal grants and that's the only money that goes into constructing new greenways. So, just wanted to remind you of that reality that if we want more connections in East Portland and Southwest Portland, we need to figure out a way to get more funding towards transportation for that.

Lastly, there are more problems on the greenways that weren't touched on in this report. There's some existing that have stop signs every two blocks. If we want people to get around by bike, then convenience is something that matters in how people choose how to get around. So, that's something that we're going to advocate at Bike Loud -- that the Portland Bureau of Transportation address it at a future time. It's not as high as safety, but if you want people to get around by bike, it needs to be fast, to some extent. Thank you very much.

Hales: Thanks very much. Good morning.

Amy Subach: Good morning. We've been trying to be not too distracting.

Hales: Give us your name and anybody else's name you want to mention.

Subach: My name is Amy Subach, and this is Isaac Subach, my son. This is Irma, my daughter. I wanted to testify in support of this greenway plan for a number of reasons, one of which is that my family has a severe history of heart disease. Being able to use a

August 26, 2015

bicycle as my primary form of getting around means that I'm able to be healthy and I'll be able to live to see my children grow up. It's very important to me.

Another thing is it's just a lot more fun to ride my bike to take her to school, than it is to have a kid screaming in a car seat, as many parents know. And the other thing is it's very important that Portland continues to be sustainable and equitable and livable. And as we increase our population over the next 15, 20 years, the more people that we have riding bikes, the easier it is for us to ride bikes, the fewer people will be driving and we'll be able to keep traffic lower and easier and it will be better for everybody. Thank you.

Hales: Thank you. Thanks very much.

Fritz: Well said, despite the distraction. [laughter]

Hales: Table pounding is permitted when you testify here. [laughter]

Subach: I think he objects to this -- I'm not sure. [laughter]

Chris Anderson: She's been riding her bike to school since how old? Since she was three.

Irma Subach: I really like it, it's -- I really like -- [laughter]

Anderson: I'm Chris Anderson. Thanks for your attention. I think that safety versus maintenance was a losing frame last year in the funding stuff, I think that we all know that. The problem is it divides Portlanders instead of uniting us around stuff that we can all agree on, which is sustainability and a healthy city. I'm an entrepreneur and the question - - what I'm wondering, what I'm asking myself is the return on investment for greenways and other bike infrastructure is just so staggering. It's hard for me to see how any other posture than all in is reasonable. So, hopefully we're all in. Thank you.

Hales: Thanks very much, and Irma, we like your son. We all love Portland, too. Thank you. Good morning.

Isabele McTighe: My name is Isabele McTighe. I'm a junior at Cleveland High School at SE 26th and Powell. First of all, thank you for all of your work in regards to supporting bicycling in Portland. I've been biking here since I was four years old. I've grown up biking everywhere -- our family never had a car -- and neighborhood greenways were a big part of what helped me feel safe and confident as a bicyclist, especially as a young person where you can feel more threatened by cars. I'm hoping that the adoption of this report will encourage more of my peers to also feel safe and confident on the roads on their bikes, instead of just opting to drive right away when they get their license. So, yes, I'm in strong support of the adoption of this report, and thank you again.

Hales: Thank you all. Good morning. I think you're first, Gerik.

Gerik Kransky: Good morning, thank you. Mayor Hales, members of the commission. My name is Gerik Kransky, I'm the advocacy director with the Bicycle Transportation Alliance. Thank you for the opportunity to testify. I'm honored to represent our 4000 members today in urging you to support the resolution for Portland's neighborhood greenway report and recommendations. With this report, the Portland Bureau of Transportation is providing critical information about how we make our neighborhood streets safe and I hope that the City will take the advice and put it into action.

Long ago, the City of Portland asked residents to choose neighborhood streets when riding a bicycle, and the reasons were simple. It was cheap and easy for the City to build bicycle boulevards with paint and signs, and the routes are comfortable to ride because they have only a few slow-moving cars. This 1980s-era solution is no longer working in a few key places, and it's time for the upgrades recommended in this report.

We're hoping the City of Portland will advance the adopted policy goals to increase the number of people walking and biking and the connections between increases this is

August 26, 2015

auto traffic congestion, flat bicycle ridership recently and increases in population should be clear. We're not doing enough to make bicycling safe, convenient, and accessible to make that a transportation choice for everyone. So, it's having an impact on everyone regardless of how they choose to get around, and we're really grateful to see this report and hopeful to see action that makes it safer and easier.

Now is the time to invest that political and financial resource into these hard-working streets. The report makes it clear that we need to divert auto traffic on to some of the main streets to help all of them work more safely and efficiently. I just would urge you to please pay special attention to the need for new traffic-calming diverters on the neighborhood greenways as you review the report and think about the implications. Thank you very much for your time.

Hales: Thank you. Good morning.

Gerald Fittipaldi: Good morning. My name is Gerald Fittipaldi, I'm the president of a new group called Bike PSU. I'd like to thank you for creating the neighborhood greenway assessment report, appreciate the time you put into that.

I just wanted to say that a lot of these fixes for the greenways to make them better are very easy and cheap. In other parts of the world, mayors send out people to Copenhagen, Amsterdam, whatever -- they come back and a week later, they put things on the ground. They don't wait a year. We've been pleading for a year, or more -- five years -- to improve Clinton, dating back to August when the advocacy group formed here.

There's been nothing but more planning, more questioning and everything, where in New York, they come back, they say we're going to do interim diverters and interim protective bike lanes or whatever but now. We're going to get it on the ground. We're not going to wait a year. We're not going to spend tens of thousands of dollars on planning and trying to figure things out, they actually do something and if it doesn't work, they try a different way. But they get it done and I think that that's important.

Hales: Thanks very much. Good morning.

Paul Jeffrey: I am Paul Jeffrey, a Portland citizen. Thank you for letting me talk. Mayor Hales, you have done a great job leading with many issues -- one of them I think is the most important one -- is climate change. This is a huge problem and it doesn't have a lot of easy solutions. It seems so overwhelming to start tackling this but so horrible to think that we didn't do anything when we had a chance. So, one chance presents itself today.

Greenways are one way to give people a safe choice to get around without using their cars. It's not just about bikes, but I might add this is the only part of the otherwise unfulfilled 2030 bike plan that got built. It's about alternatives to driving, it's about getting the carbon out of the air.

Greenways are in bad shape. Too many cars, too much speeding. Kids don't feel safe, adults don't feel safe. I don't feel safe, and I'm one of those daredevil bike riders. I don't like riding on greenways anymore. I don't like getting intimidated and honked at by cars, one after the other. Cars are using the greenways instead of the roads they were supposed to use. There are fixes. They are relatively cheap. It is a thing that we can do -- please, let's not blow it.

Hales: Thank you all. Good morning.

Ethan Frager: Hello, my name is Ethan Frager. I'm 12 years old and I attend Hosford middle school. I believe that we should have more diverters on greenways and speed bumps and things like that -- all the forms -- because I don't feel safe riding on them anymore, frankly, and they connect me to school. I've had drivers that have been quite

August 26, 2015

aggressive towards me, like screaming at me, throwing things at me, actually. So, yeah, I'd like to feel safer riding on them. Thank you.

Hales: Thank you. Thanks very much. Good morning.

Doug Klotz: I'm Doug Klotz, I live from the Richmond neighborhood. We've been talking about bikes a lot out there. I look forward to this greenway assessment report being adopted by Council. This will give the PBOT staff some much better tools to use in the maintaining and improving greenways and building new greenways. We're looking forward to the improvements planned for Clinton Street this year, and I hope that this report will be useful in making those improvements. Thank you.

Hales: Good morning.

Emily Guise: Good morning. My name is Emily Guise. I'm one of the co-chairs of the group Bike Loud PDX, and we are the people wearing green and holding up the signs in here. So, I wanted to come and say that I love the greenways. I think they're an essential part of the transportation system.

Because I'm able to go where I need to on the greenways, I don't need to own a car. And because I don't, I'm free from the burden of car payments, insurance, gas. And because I don't need to spend thousands of dollars a year maintaining a car, I was able to save that money and I used it to go back to school. I got a degree as a graphic designer and I was able to graduate with no debt. Because I had that degree and I had no debt, I was able to start a new career and land a great job that I love. So please, approve this report and most importantly, please direct funding to improve our greenway and expand them so that other people can enjoy the same benefits that I have. Thank you.

Hales: Thank you. Great story, thank you very much. Good morning.

Ted Buehler: Good morning. Thank you very much for having us here. My name is Ted Buehler and my favorite neighborhood greenway is Rodney. I own a house on Rodney and I'm two blocks away from a diverter that keeps cars off it south of me, and I'm very happy about that. I just wanna say thank you for putting together this document. I've read most of it, I haven't read all of it but I intend to read it all. I think it's great stuff.

For years, I've been working with different advocacy groups trying to encourage Portland to improve the neighborhood greenways and I was very pleased with the results so far, but a year ago -- oh, I'm also co-chair of Bike Loud PDX -- the other one -- and I'm on the Boise Neighborhood Association board. So, we've been working with PBOT, we've been asking PBOT and you guys for traffic control on these neighborhood greenways and I think that this document is what we need to deliver it. I'm fully supportive of all policies and procedures in it.

I want to tell you a story of when we were encouraging Portland residents to sign post-cards to Mr. Novick over here, asking for a better diverters on Clinton. Myself and some others put up a card table on Clinton around 34th or 31st or something -- on the grass of course, not on the street. And we could look down the street and we could just see a whole lane of cars in the middle of the street and all these poor bicycle riders cowering in the door zone because there were aggressive drivers and people on a bicycles tend to be sort of modest, meek folks. You know, they don't tend to put themselves in the middle of the road like they're actually supposed to. And all these people looked kind of hunted and they all looked a bit harrowed, and we asked them if they wanted to sign a post-card. A lot of them were in a hurry to get their kids at daycare, but a lot of them were like, "oh, yeah, I do, let me tell you why." And they said in the past, this was a great street for bicycling. But because the city has increased population without increasing bicycle mode share and any number of other things, there's just lots more cars

August 26, 2015

on the road and they no longer felt safe. They had stories about other parents who wouldn't let their kids ride and they didn't feel comfortable taking their kids on trailers on Clinton Street. All of those people are not riding their bikes with their kids to get places now, they're all driving cars or staying home or taking the bus. My guess is a lot of them are driving cars.

Today, you guys have the opportunity to pass this and to make the improvement in quality of infrastructure that's necessary whenever you increase the density population. I encourage you to pass it and to inquire regularly of Margi and Roger and Scott "how's it going? Are we there yet?" Thank you.

Hales: Thank you. Good morning.

Glenn Traeger: Good morning. I'm here to support greenways. I think it's important for the City Council once in a while to look at how our streets are being used and to reallocate use depending on how commissions change. It is important to realize that in order for us to be a sustainable city, we have to encourage bikeways and greenways. I live in Northwest Portland, and I am right now somewhat concerned about all the new development that's going up. If you just see all the cranes and stuff, it's probably the fastest-growing area in the city. But our bike infrastructure is lagging much behind. I don't think that there is an easy way to get from Northwest Portland to downtown -- or safe way. I think the greenways is one way to solve this problem without spending a lot of money on new roadways, bridges, and infrastructure. So, I think it is important for the Council for the department of transportation to look at ways to move the people in Northwest Portland -- not just the people that live there right now, but the people that will be moving in the next five, 10 years -- in order for them to get safely to their work downtown.

Hales: Thank you. Thank you very much. Good morning.

Reza Farhoodi: Good morning, Mayor Hales and members of the City Council. Thank you for allowing me the time to speak. The short notice of this agenda item prevented many of my neighbors from testifying today, but I'm here on their behalf to support the assessment findings, policy updates, and recommended performance guidelines.

Hales: Just put your name into the record.

Farhoodi: Oh, I'm sorry. My name is Reza Farhoodi. I'm on the Pearl District Neighborhood Association board and I'm a member of the bicycle advisory committee. We want to support this plan -- the PD&A does -- because developing the city that is friendly and accommodating to bicycle riders of all ages and abilities is incredibly important if the City wants to meet the longstanding mode split and carbon emission reduction goals.

For Northwest in particular, building out a better greenway network would help not only people who live here, but also the significant populations of those who commute here or visit for medical appointments, shopping, recreation, and other activities.

The well-connected street grid and high density urban form in Northwest Portland create a dynamic, walkable environment, but unfortunately, our bicycle infrastructure has been much lagging compared to parts of inner Northeast and Southeast Portland. The biggest problem that we have is without better volume management in the form of automobile diversion, Northwest greenways consistently experience the highest traffic volumes in the entire city, with every greenway seeing more than the maximum recommended volume of 1000 vehicles per day. Therefore, they are relatively high-stress locations to ride a bike, particularly for families with children and the elderly.

As the report indicated, there has been a notable lack of investment in Northwest Portland, and the disconnected nature of our bicycle network has let the stagnant mode share compared to the rest of inner Portland. Bike lanes are few and far between, and

August 26, 2015

where they exist, they are narrow, they can drop without warning -- 405, Burnside, the rail road create major barriers to connectivity. The neighborhood greenways lack almost any form of traffic calming or crossroad treatments and are in fact greenways in name only, with signage and share arrows.

Northwest Portland has great projects in the pipeline for bicycling, including the green loop, which will create a safer north-south route through downtown; and the Northwest greenway project which will hopefully create a new crossing at I-405 and a safe one at Naito Parkway at the Steel Bridge. But these are long-term projects that will take five to 10 years to come to fruition. Our neighborhood desperately needs more immediate relief with our bikeway network, and I have several projects in mind that can be done relatively cheaply, including installing a temporary diversion on NW Johnson Street, creating a safe and clearly marked route between Naito Parkway and our numerous east-west greenways, and implementing traffic calming on NW Overton Street by Fields Park where there's been concerns about speeding traffic through there, and also implementing the recommendations from the Pearl access and circulation plan that this body adopted in 2012.

In summary, our neighborhood urges the City Council to accept the plan as recommended by PBOT and seek additional funding that could be used towards building out both our short-term and our long-term needs for the health, safety and livability of the neighborhoods. Instead of being an after-thought, Northwest Portland can be one of the best places in Portland to ride a bike as long as bicycle travel is encouraged and promoted by implementing PBOT's recommended tools, policies, and performance guidelines. Thank you for your time.

Hales: Thank you. Thank you all. Good morning.

Barry Joe Stull: Good morning, my name is Barry Joe Stull and I'm a bike nut. I have my bike out right now. I think it's pretty rotten that our city has kids trying to ride their bike to school -- as we heard this morning -- having your citizens, Mayor, acting aggressive towards them. I think that the thing that we have to really celebrate is leaders set the tone. I personally -- sitting back here looking at the scar on my leg when a teacher on his way to work ran a stop sign and hit me in the bike lane. That was over 10 years ago. I'm still bearing the scar and having bicyclists dying on our streets. And it's because no matter how much green paint you put down on the surface of the street, somebody is going 30 miles per hour -- that doubles the chances of them killing the person that they run into. So, we can either accept the fact that we have people discouraged from bicycling -- which in my experience, otherwise, has shown it's quite healthy and enjoyable activity. We have got to stop killing people, folks. That's what it's about. Killing people who ride bicycles -- as we could see, there was a ghost bike one block away. I was out front protesting -- not bike safety, but out protesting the night that that happened. And there was nothing about that night that is any different than today. That little strip of paint isn't going to stop the car from running over the person. The little icon on the street surface is not going to stop the car from running over the person. What stops the car from running over the person is one, our leaders say that you don't threaten our children on their way to school for any reason - - especially if they are riding is a bicycle, but for any reason and that we stop killing people by simply separating the bicyclists from the cars. My friend Moses Wrosen wrote a great poem over 20 years ago, which means that our past is someday, perhaps, going to be your future, and we promise the candy bar in your tank. No, we said that we wanted one out of every 10 streets to be reserved for bicyclists. We should do that more than Sunday Parkways. We can do this, folks. Leaders set the tone. Stop killing us.

August 26, 2015

Hales: Thank you. Good morning.

Charles Johnson: Good morning. For the record, my name is Charles Johnson. We all want a sweeter PDX, especially sweeter for bicycle riders. If you go on [facebook.com/sweeterPDX](https://www.facebook.com/sweeterPDX) altogether, you'll find a video dated by 24th of August where a driver assaults a bicyclist with his car and body. The driver of a Lexus license plate number 864gmc -- which is being investigated by the police right now -- at the corner of Yamhill and 76th, not accidentally tried to kill somebody, but road rage chased a woman and accosted her. So I hope the Police Commissioner will look into that and I hope that people in the Portland Bureau of Transportation will look at this video on jody cullin's Facebook page and make sure that in all neighborhoods -- strangely enough, as you know, Yamhill and the 70s and the 60s is Mt. Tabor Park. I don't cross any streets with green paint on them there, but lots of people bicycle with children there. So, I hope that you will not just accept this report, but you will use it as a tool to invigorate your action to create safer spaces for bicyclists and more people out of their cars and into bicycles and especially see that the victim of this assault that I mentioned gets good victim support services from the police department. Thank you.

Hales: Thank you. Thank you all. So, are there further questions for staff before we take action on the report? If not, then I'd like to hear a motion to adopt it.

Fish: So moved.

Novick: Second.

Hales: Further discussion? Roll call, please.

Item 887 Roll.

Saltzman: Thank you for this excellent report. I fully support all the recommendations. I guess my only words of advice are that you know, I'm not an avid bicyclist, and I think that part of the problem between bicyclists and motorists is there exists a vocabulary that the bicycle community knows and understands but your average motorist does not understand, you know, what the green stripe means. How do you behave? I had to ask this years ago -- how do you behave when you turn on the SW Stark and half the street is a green shade? I'm not sure what the right behavior is. I also understand that we have the signage -- just looking through appendix C -- is extremely complicated, and motorists are not going to understand the signs. I think the bicycle community gets it and they understand them, but we've got to make sure the motorists do to make sure that people are safe. I think that there needs to be dramatic simplification of our signage and the way that we communicate how we want motorists to behave on greenways and other streets. And I do wonder, do we have simple signs saying, "you are on a neighborhood greenway street" as opposed to sharrows? Again, I don't think people really understand. A simple sign saying the next three blocks -- you know, the priority is for safe bicycle commuting. I think that would go a long way.

I think people want to behave safely. They want to know how to behave correctly but it can be confusing. And on top of that, 30% of drivers at any time from recent evidence from our law enforcement are busy texting or talking on the phone, so they're distracted or may have a kid in the back seat crying. So, I think that we have got to -- I'm a strong supporter of grade-separated bike paths. I think that's what we need to have in this city and that's where we should be putting more of our resources. I realize it can't be done everywhere, but we need to put more emphasis on that because that to me is really what's going to get those people who -- that 60% of the people who just aren't going to do it unless they feel safe make them feel safe. So, again, a good report and keep it up and thanks for the testimony. Aye.

August 26, 2015

Novick: Thank you, Margi, thank you, Roger, everybody else at PBOT who worked on this. Thanks everybody for coming here to testify, and I wanted to thank my colleagues for not staring daggers at me at the fact that we only reserved half an hour for this item when we should have guessed it would take longer.

Commissioner Fish, thanks for noting that the resolution isn't simply about accepting the report but also giving policy direction. I think actually one significant fact of the idea that Council is adopting this report and giving the policy direction is that we will put up more diverters, we will have more speed bumps. We might all get calls from people saying, "wait a minute, my commute's gotten even longer because there used to be the street I cut through and now it's slower," and now we can say, "well, actually, that's a neighborhood greenway and we actually have given direction to PBOT to take steps to ensure that it's used as a greenway." So, thanks again, everybody.

I'm really pleased to adopt this report. And again, we don't have the resources to do everything that we would like to do, but in this issue there's some steps that we can take that are not as expensive as a lot of the other stuff that we are desperately needing to do in this city. Aye.

Fritz: Thank you very much, everybody, for being here and the staff for the great report and also the committees working on this.

We are becoming denser. There's a lot more people living in Portland, there's a lot more people driving, more people biking in Portland and walking and taking the bus. So, we all need to share. You know, I love the bumper sticker, "share the road," and we have to remember that there's more of us and it's going to take longer to get from A to B. And in fact, the getting from A to B is often not the main point of the journey. Yes, you want to get from A to B safely, but you also want to have an experience traveling -- whether it's walking, driving, or biking -- which is safe and allows you to converse with families or interact in a friendly manner with your fellow citizens -- our fellow citizens. So, I have taken to starting off a little earlier because I know it will take longer, evaluating my choices in terms of the transportation.

I do have to just brag that my sister, who is two years younger than I, just cycled for four days straight to get from the Irish Sea to the North Sea cross-country in England along with her partner and their 13-year-old twins.

It was interesting -- I was just in the United Kingdom for an extended vacation, and to see the strategies used there in little tiny streets where you wouldn't dream of going 30 miles an hour because you can't get around the corner at that speed. So, there are some structural things we can do and I appreciate Commissioner Novick emphasizing those. We embrace the Vision Zero concept that we are going to work towards no fatalities, no crashes on any of our streets for any of our modes, and we all need to take responsibility for that, whether it means all of us stopping promptly at stop signs, whether we're walking, driving, or cycling, all of us respecting the rules of the road and thinking about each other. That's part of this strategy and it's something that I certainly embrace and I commend Commissioner Novick for doing so also.

We do need to prioritize funding for places that have nothing and for people who have nothing. I'm hoping that we can -- as we start thinking right away about setting our legislative agenda for next year -- thinking about how can we get the state to step up to their obligations to provide safe routes on the state highways that are some of the main arterials -- some of them don't have sidewalks or bike paths. We need to all work together on them.

August 26, 2015

As with most of the things that we do here in this chamber, this is another milestone and a great end of this particular -- accepting of this particular report. It's also the start of the next phase of the work and it's continually doing the work. I thank everybody for your patience, diligence, and willingness to engage. We're all in this together. Aye.

Fish: I want to thank Leah, Margi, and Roger for the good work and the presentation and outstanding report, and I want to thank Steve for the leadership that he has given us on a whole range of issues. Already this year, we have taken up Vision Zero, Sunday Parkways continues to be a great success, and soon we'll be taking up bike share, which I strongly support. And each of these is another marker along the way to fulfilling a commitment that we made as a Council to be a bike-friendly city.

You know, a couple of comments we heard today I just want to reflect on. One was the gentleman who talked about the return on investment. And I'm really glad, Mayor, that increasingly we are bringing that into these conversations. For example, in our utilities, we used to shy away from talking about return on investment when we did green streets. And as a result, we neglected to tell people that it costs less money to move away from gray and move towards green. So, whether you are an environmentalist or not, if you make the case that it's a more cost-effective approach, it seems to me you will get more support than if you frame it just in terms of an ideological proposition. And so when we talk about return on investment -- limited amount of money with a big return, including a safety dividend -- that should bring all of us together because that's what we should be focused on.

I also appreciated the gentleman who talked about not feeling safe. And you know, whether you've lost a member of your own family -- as Commissioner Fritz and I have -- to a traffic fatality, or whether you know someone who has suffered in a traffic fatality, you never want to have that happen to someone that you know and love. And the basic buttressing of Vision Zero is that people would start being more considerate and change their behavior on the roads. And to the young woman I saw this morning texting while speeding down Broadway, slow down. To the gentleman I saw yesterday on Sandy weaving in and out of traffic so he could get a 15-second advantage, slow down. To people in my neighborhood who treat a red stop sign as discretionary, please stop.

I talked to the Chief yesterday, Mayor. He came to brief me, as he does monthly. He said that citations are up in distracted driving, but frankly we don't have the resources to be everywhere at once. But I hope that the bureau continues to do intensive enforcement actions in various places because apparently, some people aren't just going to get -- they are not going to get the message until they have to pay a steep fine and then they can actually balance whether it's worth texting and being distracted and being on their phone and risking other people's lives -- whether it's worth incurring all those fines. But the fundamental piece of Vision Zero is changing behavior, and I think we have a lot of work to do to get that message out because I think a lot of our neighbors, a lot of our fellow citizens are frankly behaving in an irresponsible and selfish way on our roads, and we have to call that out. We have to stigmatize that behavior.

Finally, having joined the Mayor and others on Sunday at Sunday Parkways -- it is exhilarating to be on these low-impact streets and be able to ride safely. I mean, it's transformational. And you know, a Sunday with all of the precautions we take is not exactly how it works during a normal work day, but it sort of reminds us what it is to be on a dedicated bike pathway that's safe, and that ought to be the goal. We can't shut down

August 26, 2015

the city every day like Sunday Parkways, but we can build in the technology to make it as safe as possible.

My comment earlier about my sense about things getting worse is not meant to be an indictment of any particular policy, it's just that we have a lot of capacity, we have limited roadways, and my sense is that people's behavior is not heading in the positive direction. That's all I meant. People are cutting corners, creating routes through parking lots, through dry cleaning spaces. All of the sudden because everyone is in such a damn rush, they're putting everyone else at risk. And Vision Zero was supposed to remind us to slow down and stop being so selfish and not set a goal every day of gaining a minute on our commutes, but remembering that our behavior has impacts on people.

I fully support both the policy changes and the recommendations. I think this is an outstanding report. And again, I want to thank Commissioner Novick for his steady leadership in this area. Aye.

Hales: Well, thank you, Commissioner Novick and PBOT, for bringing this report to us today. Just reflecting on what we've heard not only from all of you from the bureau and from the community that have testified, but also from the Council, it seems to me that we approach the challenge of making Portland a better, safer bicycle city from strength. We have a lot of work to do, we have a lot of problems to solve, but we approach this challenge with strength.

One, we have policy makers, elected policy makers who believe in Vision Zero. You heard my colleagues talking about that this morning. We believe in that goal and we will work towards that goal and that is the right goal. And we have administrative leadership in the Portland Bureau of Transportation that passionately believes in that goal, too. Just talk to Leah Treat for a minute or two about Vision Zero and you'll see what I mean -- and it's not just Leah. And that goes back, actually, some years.

I was thinking about that a bit, Roger -- you and I have worked on these issues for more than a year or two. Next month, we will mourn the passing of Vic Rhodes, who was our PBOT director, one of Leah's predecessors. I had to sign travel authorizations for him to go to an exotic location because he went to Omaha I believe six times in order to negotiate with Union Pacific railroad so is that we could have a bikeway on the Steel Bridge, and he got it done among other things. Vera Katz used to call him our "counter-culture city engineer." That leadership in the bureau has been consistent about making Portland a city of all modes and a city of safety, and that work continues. We value you as professionals telling us how to make this work.

And then we have advocates in the community. We have the Bicycle Transportation Alliance, Bike Loud, and individual citizens who come here and make the case or serve on our committees again and again -- Doug -- because they care about these issues and they're passionate about it and they live it in their own lives. In fact, I remember when we made the radical decision to make it legal to ride a skateboard on City streets, our chief financial officer's son came to the hearing and helped to make a case for that. And that was pretty transformational, I think, for a lot of us to hear that advocacy. So, I want to thank you all as advocates because that helps to keep us moving forward as well.

I am optimistic. I believe we will be that city, and we will be that city because we have elected leaders who share the vision, we have a bureau that gets it and knows how to get it done -- needs more resources to get it done, but knows how to do it -- and we have citizens that expect this work to be done.

August 26, 2015

As the Police Commissioner, I get these wonderful and terrible text messages when our Police Bureau almost every night successfully deescalates a situation involving someone with mental illness. I know we're making progress against our goal of being a better bureau in that way. And of course, I get the tragic reports when we lose someone. And I know that we are in this year in the worst year ever for gang violence, and yet despite that, we've lost more Portlanders to traffic violence than to homicidal violence. That's how serious this problem is to our fellow citizens who are at risk until we achieve Vision Zero.

So, this is important work. I want to thank you all for doing it. I enjoyed Sunday Parkways as well. I'm going to start doing some commute rides because I went on a policy maker's ride and a number of citizens said, "hey, you should do that more often." So actually on Monday, I will commute by bike, Clinton Street coffee house at 26th and Clinton and ride in with folks who take that trip and try to take more of those commutes with advocates who know the situation on the grounds. Once again, our neighborhood associations are critical because neighborhood volunteers that know exactly what needs to be done in each neighborhood to make this work.

So, there's a lot of work to do. I think this report is an excellent map. Let's go make it real. Thank you all very much. Aye. Thank you. Let's take a momentary break and then go back to the rest of the calendar.

Novick: Just a housekeeping announcement -- some people may be here for an LID informational meeting, which is actually happening in a few minutes downstairs in the atrium. Andrew Aebi should be there in a few minutes. So, if you're here for an LID informational meeting, go downstairs. Thanks.

Hales: Alright, thanks. Thank you all very much. Let's return to the calendar. Since Jeff Baer is here, I think we will move to item 884, which we pulled from the consent calendar. Could you read that item? We'll bring Jeff up to answer questions.

Item 884.

Hales: Commissioner Fritz.

Fritz: Thank you for being here. I pulled this off consent because I want to make sure that the Portland citizens understand the issues and how you're addressing them. Thank you very much for being here.

Jeff Baer, Bureau of Technology Services: Good morning, Mayor Hales, members of the City Council. Jeff Baer with Bureau of Technology Services. Just to reiterate what this is, it's a resolution to continue to affirm our support for responsible practices where we influence the materials in the supply chain, especially when it comes to devices that have these conflict minerals in them. And just to also emphasize that this has been a very collaborative effort between the Oregon Coalition for Humanity, Bureau of Technology Services, and also Procurement Services with Christine and her team. And just to talk about some of the things that we're doing, we purchase --

Fritz: Before you do that, I'm not sure what everyone at home knows what conflict minerals --

Baer: Very good. So, the way this works where we buy products and where manufacturers source their material -- this in particular is about what they call 3TG, so it's tin, tantalum, tungsten, and gold. Those products are in a lot of electronic devices. Where the manufacturers source that from, we want to make sure that they are in conflict-free zones. The federal requirements have provided that they have to declare where those sources are materials are and from what I'm being told, all of our current cellular and radio providers are in concurrence with those regulations and this resolution.

August 26, 2015

Fritz: And from the resolution, it talks about -- it says the United States Senate and the House of Representatives have found that armed groups bear responsibility for the mass atrocities in the eastern Democratic Republic of the Congo. The International Rescue Committee has found that more than 5.4 million civilians have died and countless more remain at risk as result of attacks conducted by armed groups in the eastern Democratic Republic of the Congo. These armed groups generate hundreds of millions each year by trading in conflict minerals and operate with little accountability for perpetuating economic crimes, war crimes, and crimes against humanity, including sexual violence and the recruitment of child soldiers.

So, this is something that the United States government has been addressing and that you have been working to make sure that our supply chain doesn't include these metals.

Baer: That's correct.

Fritz: Thank you, I just wanted to clarify that.

Fish: And Jeff, just to follow-up on that -- so, the federal government makes the certification and then we follow that? Or is there some independent judgment we have to make?

Baer: Maybe Amanda would be able to speak to that.

Amanda Ulrich: My name is Amanda Ulrich, I am the coordinator for the conflict mineral movement in Portland with Oregon Coalition for Humanity and also a volunteer ambassador with Women for Women International, specifically working on their program in eastern Congo.

For publicly-traded companies, they are required under Section 1502 of the Dodd-Frank Act to turn into the Securities and Exchange Commission if they have identified anywhere in their supply chain they are sourcing minerals that may be from the Congo and further if they are, where those particular minerals are coming from in their supply chain. And so, there are systems already in place for those companies to audit their supply chains, and some companies do so independent and separate and apart from that requirement. And so, for any company that's publicly traded you can verify on through the Securities and Exchange Commission the paperwork that they turned in.

Fish: OK. And how do we know if the geographic -- if another country has been put on the watch list? You said Dodd-Frank focuses on the Congo --

Ulrich: It focuses on the Congo and surrounding areas. So, you mean how do we know if there's -- can you clarify what you mean?

Fish: You said Dodd-Frank is very specific in identifying a particular region. If we're going to comply with this directive, how do we know when another country or region is in play?

Ulrich: You mean like another part of the world?

Hales: Another country that has issues like the Congo has or something like that, how would that get lofted up on to the screen here for people to see?

Fish: Does the State Department under Dodd-Frank make some kind of certification? I see nodding heads.

Ulrich: Yeah, I see what you're saying. This is focusing on this region of the world because they have some of the largest supplies of these minerals and also the largest death toll since World War II. Basically, it was a grassroots movement that started the awareness. I mean, I suppose to answer your question, if there was another region of the world that had this concentration of minerals and egregious things like this happening, I suppose you would have your nonprofits of the world that would raise the attention of it.

August 26, 2015

But that particular piece of the Dodd-Frank legislation is specifically addressing this region of the world because it's such a huge humanitarian crisis.

Fish: Thank you, and thanks for raising the profile on this issue.

Hales: Yeah, that's great. Thank you. Other questions.

Fritz: How does the average consumer know whether their product that they might purchase is conflict-free?

Ulrich: Well, one resource you can utilize is the Enough Project. They're based in Washington, D.C., a nonprofit. We work with them on this. This is a nationwide movement, conflict-free -- there have been other cities that have passed similar resolutions, and universities across the countries that have and first United Kingdom city recently as well -- and they have ranked the top publicly-traded electronics companies in terms of how conflict-free they are. And you can go to their website and look and see how the top companies rank. Beyond that, the Enough Project is available to talk about any companies that might not be the top traded or they're more private -- they have resources where they can help to inform you as a consumer where the company that you are looking at falls.

Fritz: If somebody is watching and wants to find out more about this, can you give us a website they could go to?

Ulrich: If you Google the Enough Project, it will pop up. I can't remember the exact URL but it's like www.enoughproject.org or something like that.

Fritz: Thank you.

Ulrich: Enough.org.

Fish: Jeff, are there particular companies that are essentially on a do-not-buy list that you would then have to follow that list?

Baer: I don't think there currently are -- looking to Christine to see if that is the case. But I do know that the ones that we are buying from today are in compliance.

Fish: Are in compliance.

Baer: Yes.

Christine Moody, Chief Procurement Officer, Office of Management and Finance: Commissioner Fish -- Christine Moody, Procurement Services. This resolution is really our first step forward as far as complying with the federal requirements and supporting the federal requirements for documentation and supporting that documentation to the City so that we can review that and see if there's some changes that we need to make in the future for our buying decisions. As Jeff said, currently where we are buying all of our cellular and radio devices, they are in compliance. But this is kind of an ongoing effort of making sure that the companies that we're doing business are providing that information publicly so that we can use that to inform our buying decisions.

Fish: I'm pleased that Commissioner Fritz pulled this because I for one have a better understanding now of what we're talking about. Thank you.

Baer: I do think this sets the stage for future evaluation for other micro processor-based in electronics, because there are other areas aside from cellular and radios that we can look at and we'll continue to look at our supply chain.

Ulrich: I will add that Intel actually began offering the first conflict-free micro processor in 2014. Their CEO is really committed to issues in the Congo and I've been in touch with their conflict mineral team at Intel and they also invest in a conflict-free mine in eastern Congo because they also believe in supporting mines that are conflict-free to also support people living in the Congo who are affected by the mining in their country. And so, this resolution couples nicely with our area in general being a leader on this issue.

August 26, 2015

Fritz: Thank you for reminding about that. I think when I met with you several years ago, Beaverton was considering passing something like this. Did they do so?

Ulrich: No, they were waiting for Portland.

Fritz: Oh, yay.

Hales: Love it when that happens. [laughter]

Fritz: Thank you.

Ulrich: Thank you.

Hales: Other questions for this team? Thank you very much. Appreciate you coming to eliminate this. Anyone else that wants to speak on this item? Please come on up. Good morning.

Ann Shannon: Good morning. Thank you. My name is Ann Shannon, and my daughter and I are cofounders of Run for Congo Women, A Thousand Sisters, Outcry for Congo. We were instrumental in advocating for the original legislation for conflict minerals. My daughter is an author of two books on Congo and both my daughter and I have traveled to DR Congo and have met extensively with victims of the violence there.

First, I do really want to thank the procurement office and the technical services bureau for their responsiveness and just -- it's so gratifying to live in Portland and have a government that is responsive to the deep concerns of the citizens and that we do have an impact. And to me, this resolution really is an example of that.

First, I do want to note that there is a very broad base of awareness and support for policies that we take that can stop the violence in Congo. My daughter -- as founder of the Run for Congo Women, we have had yearly events and actually some more-than-yearly events where 100 to 500 women and children and men show up and they reach out to the community asking for donations to support the victims of violence there. Oregon Episcopal School has raised \$38,000 for women in Congo. St. Mary's has had several events educating their students about the conditions in Congo. And my daughter when she speaks here in Portland draws from 200 to 800 very enthusiastic supporters. So there are literally tens of thousands of Portlanders who are very concerned that we do everything we can to stop this violence.

I will say that when the conflict minerals legislation was first passed, within a month -- within a month -- I was at a barbecue and Congolese nationals were coming up to me so grateful for the work that we had done because all of their families had been affected. And we do have a Congolese community of ex-pats here. My daughter's second book is about one family and a friend of ours who -- she's the cheese steward at Fred Meyers, and she's lost 28 family members to this carnage, plus six children have been abducted. So, we have a lot of people in our community who are vitally concerned.

I do want to say that the support of Intel and the leadership that they have exercised in relationship to this -- to me this resolution, you know, in a way supports that kind of leadership in industry because Intel wasn't always for this legislation. But they heard how much -- and they really got how much Americans do not want Congolese blood and suffering in the products that we carry in our pockets and that we use for every day for hours on our computers. Oh, I'm out of time, I'm sorry.

Hales: Thank you.

Shannon: Thank you so much.

Hales: Thank you. Good morning.

Robert Hadley: Good morning. I'm Rob Hadley, I'm a local educator and also a cofounder of the Oregon Coalition for Humanity. We started this process about two and a half years ago, and it has been quite an education for us both working with the City. And

August 26, 2015

again, I want to echo previous comments about the great work that has gone into this from a number of people at a number of levels and working with you, the Commissioners, and the Mayor's Office to help make this happen.

I believe strongly in my work as a Holocaust educator that a budget is a moral document, and how we spend our money says something about who we are as a city. And I think a city making this first initial step really -- and that's what I believe this is -- is an important first step to really stating who we are as a people, who we are as a city, and what we value and how we spend our money on these resources.

You asked the question about how does the public know what a conflict-free phone is? The answer is there isn't one, and that's the truth. We haven't got there yet. But that's the push that we, I think, as citizens of the city, as universities across this country are pushing to help companies like Intel you talked about earlier to really make that happen, and it is having an impact. And I hope that today's action by the City of Portland will be the next in that domino effect to help other companies realize we have a responsibility to know what's in our products and to help our consumers know what they're consuming. Thank you very much.

Hales: Thank you.

Shannon: Would it be too much to ask for me to be able to say one more thing?

Hales: Sure, go ahead, please.

Shannon: Now I'm going blank. Oh, dear -- I'm sorry.

Hales: You're so surprised that we agreed to it -- [laughter]

Shannon: I'm sorry.

Hales: That's OK. We appreciate you being here. Thank you. Anyone else who wants to speak on this item? Good morning.

Alysha Atma: I'm Alysha Atma, the Executive Director of the Atma Foundation we worked with Congolese for four to five years in the eastern Congo, so definitely understood and heard the stories on the ground and how they affected the families. I'm up here just to clarify your questions, Commissioner Fish. If there is another country or community, perhaps, that is dealing with the same issue, then, yes, it's going to be the State Department that you would find out if that was added to the list.

Fish: And they already certify human rights abuses generally under other law, so that makes sense.

Atma: Yeah. And second to that is how do you know if something is conflict-free or going in that direction? The Enough Project is a great website, but also corporate responsibility in different companies should be addressing it as well. So, if you're Googling Samsung or something like that, they should be able to address it in their corporate responsibilities. And eventually -- hopefully, in the near future -- we will have actual conflict-free stickers that will be on phones or computers or things like that. Right now, the safest approach is looking for the Intel micro processor. That's how you're going to know that you're much closer to conflict-free than otherwise. Just wanted to clarify those questions.

Hales: Great. Thank you very much. Appreciate that.

Atma: Thank you. Have a good day.

Hales: OK, then let's please take a vote on the resolution.

Item 884 Roll.

Saltzman: Thank you for pulling this, Commissioner Fritz. I'd sort of forgotten about this. I know we did it several years ago, and it's nice to see it has come to fruition and a great plug for Oregon's largest private employer, Intel. Thank you. Aye.

August 26, 2015

Novick: Jeff and Christine, I really appreciate your work on this. Amanda, I appreciate your and everybody else's work. Thank you, Commissioner Fritz, for pulling this item. I actually noticed a few weeks ago -- and I emailed Jill Eiland at Intel about this -- there was an article that said that more than 80% of the 1262 companies that file compliance reports with the SEC last year said they couldn't identify whether their products contained conflict-free minerals, but Intel was one of the companies with the highest compliance scores. So, the 80% figure is unfortunate, but it's good to know that one of the biggest employers in the region is a leader on this issue and it's good to know that the City is as well. Aye.

Fritz: Thank you to the advocates for bringing this to my attention. And it was several years ago -- I apologize that it kind of dropped off of my to-do list with various bureau reassignments and other things happening like election campaigns and such which took a lot of my time. I'm really grateful to the staff, especially Christine Moody, who didn't need my continual asking about it to continue working on it -- Jeff and your predecessor Ben Berry also -- obviously paying attention and cares as much as we do about these egregious issues in the Congo. And so, I appreciate being able to talk about it today. Dora Perry on my staff had done great work on it. Christina Nieves has now taken up the mantle of that. It's really important.

I'm back, and I have more free time, so if you would like me to help work with Beaverton or other jurisdictions -- one of the reasons I pulled this from the regular agenda is I want people watching at home to know about it. It was certainly news when you brought it to me. We're growing in awareness, we need to continue to publicize it. Count me in. Aye.

Fish: Commissioner Fritz, thank you for pulling this to the regular agenda. Thanks to everyone who came to testify. I had the misfortune the other night of watching a presidential debate, and it seemed like the only thing that unified all the candidates is that they wanted to repeal just about everything I agree or they were against almost everything that I support. And in the mix on the anti-side, in addition to being wanted to appeal Obama care, there were people saying we should appeal Dodd-Frank. This is a part of Dodd-Frank probably the public doesn't know as much about and I'm delighted that you brought this to our attention. Thank you. And to the gentlemen that said the budget is moral document, I'm going to shamelessly borrow that line as we go into our budget season. Thank you very much, and thank you for shining a light on this issue of corporate responsibility. Aye.

Hales: Thank you. This was a great discussion and an opportunity to illuminate this issue and thank you, Commissioner Fritz, and to our professional staff for once again making Portland a leader in doing the right thing. I like that we are in that place. The fact that we have a prominent local business that is a leader as well is a great example, and we should hold up that example and encourage every other Oregon business that has anything to do with technology to follow Intel's good example. Obviously it's possible to be profitable and responsible at the same time, so let's have others follow that lead as well.

There are lots of ways in which budgets can be moral documents and exercise social responsibility in how we spend money and how we invest money, and this is an important piece of that. I appreciate this discussion and your eloquent advocacy today and around the world. Thank you. Aye. Wonderful. Thanks. Let's move on to the regular agenda. We have a half dozen or so items there to deal with.

Item 894.

Hales: Thank you. Second reading. Unless there are Council questions, we'll proceed to a vote. Roll call.

August 26, 2015

Item 894 Roll.

Saltzman: Well, last week Ms. Saadat and I got in a little exchange about the type of focus groups that are gonna be funded under this effort, and I was sort of questioning, for instance, why we have an LGBT focus group for [indistinguishable] the focus is largely on those with mental health challenges. Somebody approached me afterward and said, "How about a focus group for these with mental health challenges?" So, I hope that's part of the list and I look forward to an update on that. Aye.

Novick: Aye.

Fritz: We do have to dedicate the resources necessary to support those staff and volunteers who are working on the settlement agreement and its resolution. I greatly appreciate the work that is being done and I also am committed to continuing to work hard on it. Aye.

Fish: When I asked Senator Gordly to be my representative to this process, I made a commitment to her that she would have the resources and the support to make this a successful enterprise. And she continues to devote a considerable amount of time and energy to the success of this process, which is incredibly important to the city and obviously to honoring our obligations under the DOJ settlement. I think this is a reasonable request. Aye.

Hales: Well, thank you. And Ms. Saadat, to you and your team, you have our full confidence and that's why we're here today -- to make sure that you have the resources to do the work. There's a lot of work to do in building public understanding and building confidence in how we do this work as well as making sure that we fully and completely comply with this mandate to change how we police our city. All of us are fully committed to that, and that's why this is a unanimous vote and I'm very pleased to say that. Aye. Thank you.

Item 895.

Hales: Good morning.

Karl Lisle, Office of Management and Finance: Good morning. Karl Lisle with the spectator facilities program at OMF. With me is Danielle Brooks, ADA program manager for the City. This is an item with a simple contract amendment to add an ADA assessment of the Portland's 5 facilities.

The context for this item is the new spectator facilities and venues activities fund description which was established with this year's budget which clearly now explicitly includes oversight of the City-owned performing arts facilities as well as other spectator venues. That's the context for this amendment, and this is some of our early work in trying to bring those facilities into our understanding and managing that portfolio of assets.

In context, the City owns the three facilities operated by the Portland's 5 Centers for the Arts -- the Keller Auditorium, Schnitzer Concert Hall, and the Hatfield Hall which contains three theaters within it. They are all operated by Portland's 5 under the guidance of MERC, Metro committee, but they are City-owned facilities so there is a City responsibility to bring them into our own Title II transition plan work under the ADA.

This contract amendment will allow the original consultant team that assessed the other 30-some buildings in the City's portfolio for ADA barriers. It will allow the same team to bring in those reports the same information about the five theaters in three facilities. We anticipate that that work will be done early next year, so after the holidays, with a lot of the same consultant team members performing that work for efficiency and consistency. It will cost \$29,215.

August 26, 2015

And then following that assessment, we will be able to work with our partners at Portland's and in the Office of Equity and Human Rights to put together a multi-year program, solicit some public input on the barriers in the work done, and then put together a multi-year work program to begin addressing them. And some of the barriers are going to be likely easy things to assess through routine maintenance and others might be long-term bigger issues that we'll have to talk to Portland's about how they might get addressed in the future.

Fish: As the Council liaison to Portland's, I just want to compliment you for a succinct statement because you hit all of the questions that we had, and that's why I fully support what you're doing.

Lisle: Great, thank you.

Hales: Other questions or requests? Thank you both very much. Anyone want to testify on this item? It passes to seconds reading next week. Thank you.

Item 896.

Hales: Commissioner Saltzman.

Saltzman: I'll turn it over to Kim Kosmas.

Kim Kosmas, Portland Fire and Rescue: Good morning. I'm Kim Kosmas with Portland Fire and Rescue. I'm here for the hopeful acceptance of this grant.

Hales: OK. Any questions?

Fritz: I do. So, this grant is for education for people who are deaf and hard of hearing on the importance of smoke alarms and other assistive devices. How will it be implemented?

Kosmas: Well, we have some plans that we are working on putting in place. We will be working with the Oregon Association of the Deaf, and also with the Public Utility Commission of Oregon, which will have the telecommunication devices access program. We'll be able to do some outreach, depending on what they say is best way to outreach to that community.

The TDAP program with the Public Utility Commission of Oregon -- they rent those devices out to individuals that are hard of hearing, and so we would be able to do outreach by having pamphlets to put in with those, along with other things that we will be able to have as handouts and other avenues to reach those individuals and do it correctly. Because I know it is very sensitive with this community as to how they are reached and --

Fritz: Will the Fire Bureau be doing the outreach or these community groups?

Kosmas: Yes. We are just bringing them in as stakeholders and to discuss what we're going to be doing and what the best route would be to take to do that.

Fritz: Have you had any conversations with the Commission of Disability?

Kosmas: No, not that I'm aware of at this time.

Fritz: I would suggest that should be a very soon -- at their next meeting to get on their agenda because they will certainly have some suggestions for how to do that outreach.

Kosmas: OK.

Fritz: And how are you planning to decide who gets the assistive devices? Obviously, this is a nice amount of money, but it's not enough for everybody who needs one to get one.

Kosmas: And that's where in the stakeholder meeting we will be doing a litmus test just to determine what items or things we should be looking for, what questions to ask as to who will actually qualify to get these devices for smoke alarms.

Fritz: Again, I would encourage you to talk with the Office of Equity and Human Rights and to have conversations with how to make sure that those who are most in need are the ones, rather than the ones who are most connected to being able to ask.

Kosmas: Yes, I totally agree.

August 26, 2015

Hales: Good suggestions, thank you.

Fritz: Thank you.

Hales: Other questions for Kim? Thank you very much. Anyone else want to speak on this item? If not, then let's take a vote, please.

Item 896 Roll.

Saltzman: Aye.

Novick: Aye.

Fritz: I appreciate very much the answer to the questions and applying for and getting the grant from the Federal Emergency Management Agency. I do believe it is important to -- I'm surprised that the Commission on Disability hasn't been involved in designing the project, and I want to make sure that as it's implemented, there's an opportunity, obviously, I would think for Portland Fire and Rescue staff to be continuing education on equity issues and in particular their service to people who may be deaf or hard of hearing in the regular course of their work as well as in this program. Aye.

Kosmas: If I could share a piece of information -- both Caryn Brooks and Deborah Harrison have been two of the key players in putting this grant together. And so they have made contact with a lot of these groups and we will be definitely making sure that we check all of the right boxes and do it correctly.

Fish: Aye.

Hales: Aye. Thanks very much. Appreciate that discussion. Let's move on to 897.

Item 897.

Hales: I believe you want this returned?

Novick: Exactly, Mayor.

Hales: Without objection, I'll refer this back to Commissioner Novick's office.

Item 898.

Hales: Commissioner Fritz.

Fritz: Thank you, Mayor. I'm quite excited about this. I've been assigned as speech by my staff -- usually I just toss it over to staff. But I'm also going to ask Eileen Argentina to come forward just in case there are any questions. So pay attention, this is the presentation.

Hales: Alright, we're in.

Fritz: This is an ordinance to amend an existing contract. It involves ongoing budgeted work in Parks aquatic programs. Specifically, it's a contract for lifeguard certification and safety auditing, two corner stones of our safety program. This contractor provides safety audits that are conducted without advanced scheduling and follow-up evaluation of our safety responses to ensure continuous improvement. The firm also certifies our lifeguard training program -- and I would have to say I am very proud of the services that we've provided to the families of Portland all summer, including some pretty amazing activities and rescues by our lifeguarding staff.

The emergency ordinance is on the regular agenda because it involves amending a contract for more than 25% of the original amount. It was originally awarded pursuant to an open and competitive request for proposals process. Late in that process, the bureau discovered the successful proposal would not meet our insurance requirements and then the next and only other proposal was then accepted. However at that point, the bureau needed to make the transition as quickly as possible in order to minimize any gap in these critical services. And so I guess reading between the lines, we may have underestimated in the first place is the summary of this.

The request for proposals anticipated a three-year contract with an option to extend for two years for a total of five years. Unexpected delay related to insurance caused the

August 26, 2015

bureau to execute the contract for two years at a cost of \$100,000. The three-year amount would have exceeded \$100,000 and would have required extra staff time associated with getting to the Council agenda. The vendor has performed well and this ordinance will fulfil the original intent to contract with this vendor for a total of five years by adding three more years. Did I get that right?

Hales: OK. Questions for either Commissioner Fritz or Eileen?

Fish: Just a comment, Mayor. When I had the honor of being the Parks Commissioner, we had -- I forget what summer it was, Eileen -- but we had a near miss in a very crowded pool. And it's because of the training that the lifeguards receive that they were able to save a life. We did a debrief afterwards, and I learned a lot about the extensive training and also the role that Starfish Aquatics plays in doing the annual training. The bureau has an enviable record of keeping our pools and our aquatic programs safe. It's a very difficult job, and it's in part because of the quality of the people, Commissioner Fritz, that you hire and who provide services, but it's also because of this training. So, we are literally saving lives because of it and I'm very grateful that we are making that investment. Thank you.

Hales: I'm sorry, I got myself confused in thinking that we are already voting. Does anyone want to speak on this item? Got ahead of myself. There is none. Now we'll take a vote.

Item 898 Roll.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye.

Hales: A very busy summer, and these lifeguards do amazing work and having them properly trained means that we have lots of great safe days out in the pools. Thank you. Work well done. Aye.

Hales: Two more items and they're second readings.

Item 899.

Hales: Roll call, please.

Item 899 Roll.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

Item 900.

Item 900 Roll.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye.

Fish: I'm going to vote aye, but I also want to thank both the BES and the Water Bureau for participating in two events recently, Mayor. One was the night market and having Bull Run water there was a big hit --

Hales: Yes, it was.

Fish: -- for people who were hot but also for both teams participating in Sunday Parkways and providing information to the public through tents and also fresh Bull Run water. Appreciate their efforts on that. Aye.

Hales: Me too, thank you. Aye. And we are recessed until 2:00 p.m.

At 11:48 a.m., Council recessed.

August 26, 2015

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.

AUGUST 26, 2015 2:00 PM

Hales: Good afternoon, welcome to the afternoon session of the August 26th meeting of the Portland City Council. Would you please call the roll?

Saltzman: Here. **Novick:** Here. **Fritz:** Here. **Fish:** Here. **Hales:** Here.

Hales: Welcome, everyone. We have a single item on our calendar. I'll have our Clerk read it in a moment, but just some basics first before we get started.

This will actually be the continuation of a previous hearing we heard a week ago. There are people who are signed up to speak from that hearing who didn't get a chance to be heard, so the purpose of today's hearing is to hear them and then give the Council a chance to discuss the report in front of us.

If you're here and signed up to speak, I think we'll be trying to allow each person two minutes just because of the number of people -- assuming that most of them showed up. You don't need to give your address, just your name if you're here to speak.

Obviously, we'll maintain the rules of decorum in Council chambers as we always do. If you agree with someone and want to show your support for their position, feel free to give them a thumbs up or a wave of the hand. And vice versa. If you really disagree with someone and want to demonstrate that, give them a thumbs down or some other polite hand gesture, but we ask that we not make vocal demonstrations in favor or against our fellow citizens' points of view in here so that this Council gets to hear them. So, that's the situation. I'll ask our Clerk to read the item, since we haven't done that yet.

Item 901.

Hales: Commissioner Novick, do you have any comments or suggestions before we start hearing folks?

Novick: Just that this is an opportunity of course to hear from people who didn't get a chance to testify last week, and also for the Council to identify any questions that they'd like the task force to continue to explore. The task force has done tons of work, and at some point, they're going to have to close up shop. And it may not be that they have the capacity to explore every question people are interested in having them answer, but they are willing to entertain taking a further look at some additional questions.

We've got a number of people here who are available to answer questions of various kinds. I believe we have Kenton Brine, assistant vice president of Property Casualty Insurers Association, to give us that industry's perspective on insurance questions people might have, take us into the briny deep of those questions, as it were. We have Brook Steger and Caitlin O'Neill available from Uber to talk about TNC questions. Unfortunately, we don't have a Lyft representative today. We've got Jody Yates and Ken Mcgair to address private for-hire program questions.

Also just want to say about a bit about the timeline. We received the task force's report on August 20th. We're going to have a complete status report on October 7th. I expect to have a Council work session on a draft final regulatory proposal late October or

August 26, 2015

early November, and the pilot expires on December 19th, so our deadline for having final regulations would be before that.

Hales: That's very helpful. Thank you.

Fish: Mayor, can I just make a comment?

Hales: Please.

Fish: At the last hearing, I noted that the technical issue before us today is whether we accept a report. And in my view, accepting a report is a ministerial action. There's a report, we accept it. It doesn't mean we're accepting all the recommendations, it means the report goes from the committee to the Council for further action. As the Commissioner-in-Charge just noted, we are not today taking up final regulations.

So, I just want to signal for people testifying that what is helpful for this Commissioner and potentially my other colleagues is not having 30 people all say the same thing, because there's no extra credit for just having cumulative testimony. It's having people identify specific issues of concern and educate us about your point of view. But 30 people singing off the same hymnal doesn't get us as far as very surgical comments that allow us once the testimony is over to discuss what our next steps are.

I think there will be some discussion about directing staff to do some things over the next 20 days. I'd hate for you to miss an opportunity to frame your concern by just singing off the same hymnal for the next two hours. So please don't feel you need to repeat a common theme in the testimony. If there's something very specific you want us to understand, please take advantage of the time to educate us. Thank you, Mayor.

Hales: Thank you. Any other comments or suggestions? Thank you. Let's go to the sign-up sheet of those that signed up but didn't get a chance to speak before. Again, our apologies for that and thanks for being here if you are here today.

Parsons: And we have about 13 I've counted signed up.

Hales: Come on up, please. Thanks very much.

Matthew Consola: I want to thank you for giving us the time to do this. My name is Matthew Consola, I'm speaking on behalf of the ride share companies.

I want to start off saying I was very frustrated after last week's meeting. A lot of things were thrown around that just wasn't true by people just making conjectures, so I'm hoping you were able to take this all with a grain of salt. Because it really doesn't matter what I as an Uber driver think about this and what the cab drivers think, it really depends on what the customer thinks. They wouldn't be choosing to use the ride share companies if there wasn't a problem and they didn't want to use them. The reason the numbers are up is because they like the service better.

In the Portland Tribune on January 2nd, a report was made that over one million people are moving to Portland because we are the number one destination. One million people in the next five years. Last week, we heard there wasn't enough rides going around and that the ride share companies were taking all the business, yet the majority of people using the ride share apps are people from out of town. With a million more people coming -- we have horrible freeways here right now where it's bumper-to-bumper traffic at 2:30 in the afternoon, and we need to get these people off the road. And with two or three more cab companies coming on board, obviously there must be enough work to go around if there's all these cab companies coming around.

I personally work mostly the 12 midnight to about 5:00 a.m. I know Commissioner Fritz was concerned about surge pricing. I can say most of the time I'm working those hours, it's not surge pricing but there is some because surge pricing is there to let us know

August 26, 2015

more cars are needed. I try to go out in areas like Hillsboro or Lake Oswego where more cars are needed and I don't concentrate in downtown.

Hales: Thank you very much. Good afternoon.

Muktar Abdou: Hello, everybody. My name is Muktar Abdou. First, I want to thank our Commissioners, our Mayor, everybody here to let us to work Portland, and Portland is great city for everybody. It's not for particular company, it's not particular -- like what we see now with we drive in Uber especially Radio Cab driver is the one who whenever they see us, they do something bad action. But I want to tell them this town belongs to everybody, it doesn't belong to one particular person or to any person. I was here last week -- they were talking [indistinguishable] statements. That's not true. Somali -- we say the sunshine nobody hold hand. Uber bring a good thing. People like it. The customer -- they treat them bad or the drivers who they treat bad is run away from them. They went to the Uber to get a better service. Better service everybody.

Like, the world changing every day. Now we can use all the equipment we use in telegraph right now is not working. You bring that idea, it's not working. This is a smart phone. We need it. All our customer -- they happy. I never seen any rude customer, but they happy. They say it's like we have what we needed. We see where we going, we see everything. It's two, three minutes we picking up the customer. Plus, they say you charge me some money, I will pick up tomorrow in front of the hotel I will sit and people raising hand I will pick up and I will pay same amount of money but we give you all this opportunity. You don't see what we give you what we let you. It's not your town. It's for everybody.

I want to tell them if it's fair fare the town lets us. It's around town, around people who want to change. We don't want to stay with their net. One of our customers told me Uber good for everything. That means they like it 100%. There is not -- they are like 50% or 25% less everything. They don't do good service. People need it.

The second thing -- our life change right now. Wherever we need it is whatever we do it. The town will be changed, and I want to tell it's not the time you forcing people by choice. It's the time people have their own choice on whatever they like. Here, there's a two-minute shop. One-expensive one is this. Let's serve our people. The one who has small money, let's give the ride. The one who has the big money, let him get his own ride. It's not you saying this is my way, this is my road, this only me. The world right now is changing with electronic and with internet service.

I want to say thank you for your vote. We need it. They change over Portland. It's your vote. If you don't your vote today or tomorrow, our young generation they don't have best future. They cannot stay like a telegraph. Tomorrow, the world will never change. We know in the world there is people who never want to change in the world, only they want their own interests. They don't look at interest for society, only they look in their pathway. That's not the answer. The answer is look every side and let the people do their own choice.

Hales: Thank you.

Abdou: You're welcome.

Hales: Welcome.

Guy Auker: Hello, my name is Guy Auker. First, I want to say is I'm a driver for Uber, by the way, and what's nice as a rider -- I like the convenience of just pulling out my app and getting a ride. I've used it numerous times in Portland. Number two, as a driver, I want to say I like being a driver because I'm a single father and I like the extra income and the flexibility that as an Uber driver that gives me. It's nice that anyone with a good driving

August 26, 2015

record and a clean criminal history could do that. It's a really nice extra income. I do want to say that. The third thing I want to say -- first, Mayor Hales, you're in charge of the Police Bureau, correct?

Hales: Correct.

Auker: One thing I'm curious to see once we started this on April 22nd, have we had less drunk driving crashes -- I'm just making sure I'm saying this right -- less drunk driving crashes and less deaths due to drunk driving? And also, I would like to know, have we had less drunk driving arrests? I'm very curious to see that number.

Hales: Good question. I don't know that answer at the moment but my impression is that it might be better than this time last year.

Auker: OK. I will call your office to see if we can --

Hales: We can pull apart those numbers. We know how many traffic deaths and accidents there are.

Auker: I would love to know that answer. That's all I have.

Hales: Good point. Thank you all.

Blake Carson: My name is Blake Carson, I own a Radio Cab. It seems that things are finally moving along, and that's almost good, but it's just a question of what good is four more months gonna do? It's not going to buy more time for a proper background check. It's not going to buy more time to prove proper insurance. It's not going to do anything but buy them time to have a tragedy in the streets of Portland, and that seems to be the only way that somebody is going to pay any attention.

Watching the video from last week, it was brought up that the third party audit -- one of the drivers was removed. And the question should be, how many trips did he give before he was removed? You're right, no system is perfect. But you kind of hope your system will catch a convicted murderer. There was one of those -- thank god that he wasn't here.

It's kind of hard to sit and find new things to argue about because we were kind of specific on what our expectations were. You know, it's kind of hard to beat the dead horse but sometimes the horse needs to get beat. We want a proper background check. A man who was convicted of exploitation of a 13-year-old girl gives 5700 trips. Do you want your kid in that car if she's 18? That's the only way you can get an Uber ride is if you're 18. Tick tock. Thank you.

Hales: Thank you. Good afternoon.

Wynde Dyer: Hi, I'm Wynde Dyer with Green Transportation. I had plans to come here and say meaningful things to you all, but quite frankly I'm sick of talking and you're sick of listening. I would have said those meaningful things anyway had I not found out about an hour before this meeting we lost one of our taxi drivers last week. CG George of Portland taxi company who was maybe in her early 50s passed away of a heart attack down in LA this weekend. They found a middle-aged woman slumped over in the back of her Uber vehicle died in a parking lot.

People are literally dying to make 50 cents an hour with their cars or 2.50 a mile for taxi drivers. You have a city here that is rapidly gentrifying. People of low income, with low mobility are rapidly being displaced. There are so many people on the freeways trying to get to and from the menial jobs that they can work. Traffic is deplorable. Yeah, I know there's all the Port union stuff too, but whatever the case, putting 10,000 more cars on the street isn't going to help anyone make a better living or get anywhere fast her or do anything about the income equality and transportation equality gaps we have here between the rich and the poor in the inner city and the outer city.

August 26, 2015

And so I'm just going to ask you, what can you do about this? I know you can't bring her back and whatever happened in LA is what happened in LA and we'd like to pretend those things won't happen here, but they will. Figure out some sort of cap solution that works for both industries. It can be flexible on Uber's part, it can be firm on ours, I don't care. We all need to make a living wage job, and right now Uber is a shiny new toy. Its gloss is already wearing back. They're coming back to us. Those drivers are going to be hurting just as bad as we are like they are everywhere else in this nation.

Put cameras in the cars. Make them accessible only by your police force. We need to protect our drivers and our passengers. We need car-based GPS tracking. We need visible branding both for enforcement and for safety purposes on the TNC cars. It can be removable. There are such things as magnets. They use them elsewhere, we should use them here. We need insurance -- full insurance -- when those cars are operating commercially, and that includes period one. We also need accidental occupational insurance like we cab drivers have. Uber drivers need those too.

And last but not least, my personal pet peeve -- the fire extinguishers. Dan Saltzman, please don't back down on that one. They've got these little key chain fire extinguishers they were given at the not-ASE inspections. Make them at least have the key chain extinguishers. They are really important. If you do research with your fire department, you'll realize they're not a thing of the past and cab drivers have to have them, Uber drivers have to have them too. Thank you.

Hales: Thanks very much. Welcome.

Delilah Jones: My name is Delilah Jones and I'm an owner at Radio Cab. I have been driving for seven years. I do want to -- like you were saying, Nick Fish, I want to make this an educational opportunity for you guys.

I'm not sure you're familiar with the permitting process, so I'm going to walk you through it briefly. Basically, when you first want to be a taxi driver, you go to the City of Portland -- now the Bureau of Transportation is dealing with it, and you show your face, you take a test. It's not hard. I passed it in eight minutes with 100%. Granted, I'm a native Portlander, so -- but you know, it checks that you know your way around a little bit. And you get a background check, a driving record check, you pay them \$100, you get a picture taken and you get a piece of plastic with a sticker on it.

Every year, you go back. You give them \$100. That \$100 goes for your background check and the staffing in this office. And your driving record check again, every year. So this year's different because of the short-term fix you guys did where I got a free sticker for three months or four months and then I just got this one in the mail that's good for a year, it's good until May 2016, as it would have been. But I didn't have to pay for it, so that means the City is. The City is paying for my background check.

My question is -- I've read the recommendations of the task force, and they suggest that the permitting process should be shifted from the public to the private sector and I don't really understand why. This is not an onerous, difficult thing to do. It takes about 45 minutes. It costs \$100. I looked on Craigslist. Uber is advertising that you can make \$768 a week, which is a really arbitrary number. So, one day of work for the entire year, right? And you're covered.

The fact is at this office you know that every person who has one of these pieces of plastic has been vetted by a very good background check. You know the background check, you know that the driver has done it. You can also at that point check that they have the proper commercial insurance. I would love to see -- what California has done is to require that from the point the app is turned on to the point that the app is turned off, the

August 26, 2015

Uber driver is covered primarily by Uber. But if you guys can't mandate that or the state can't, then this is an opportunity. The City can check that they have the proper commercial insurance and nobody is going to fall through the cracks. Thank you.

Fritz: Thank you very much. That's very helpful. Is it your understanding there's an annual background check?

Jones: Yes, there is. I actually called PBOT today and verified they did do a background check, they will do background checks. New drivers at this point don't have to pay anything. So, this is a great opportunity since we're not charging for the next 12 months, apparently. Any Uber driver in the room can get one of these and be covered and have no questions about it.

Fritz: We haven't decided that yet, we're going to be working on the insurance issue. I appreciate that. Last week, there was mention of a \$600 a year --

Jones: That's a separate issue. That's the plate that's on the back of my cab. I actually thought about bringing it in but I didn't have the proper tools to remove it. So, that is an annual renewal fee, \$600 per plate. So I pay \$300, my business partner who drives during the day pays \$300.

Fritz: What's that for?

Jones: Supposedly, it's for enforcement, although I have never heard -- I have been driving for seven years, nobody has ever taken a look at this.

Fritz: Does your car have to be re-inspected?

Jones: Yes. My car is inspected twice a year, once by the City and once by my company. It's a mechanical inspection as well as making sure that I have my fire extinguisher, my first aid kit, my camera is in good working order, the meter is clicking at the right rate, all that sort of stuff.

Fritz: And presumably, if you showed up and tried to take your cab out and it had a cracked windshield, your supervisor would say you can't drive that.

Jones: Yes. That's happened.

Fritz: Thank you, that's very helpful.

Fish: I could just beg your indulgence for a second. On the primary insurance question for commercial insurance, my understanding is there's consensus that it will be primary during all the periods. So, I appreciate you -- that's my understanding.

But the insurance issue -- there's a wrinkle. I'd like to just get your opinion on this. Someone gave me a chart because they know I visualize things better than reading things. In period one, TNCs offer less insurance than cabs. In periods two and three, TNCs typically offer more commercial -- well, maybe not -- and so whether you accept or reject the premise of the question, we're going to have to grapple with something nonetheless, which is do we mandate parity for cabs and TNCs at a specific level for all purposes, and if so, what should the amount be? So, what should the amount be?

Jones: I think a minimum should be sufficient. Radio Cab exceeds the mandated minimum. I don't know what those numbers are, I'm not --

Fish: I think what we we're hearing is cabs are at a half million and TNCs are below that in period one, potentially above it. One option is to mandate parity at the level of, say, a million dollars for all purposes. I'm not asking you to bind everybody here, but do you have a view on that?

Jones: That seems sufficient to me. That's what Radio Cab covers is a million.

Fish: There should be parity --

Jones: Parity, absolutely --

Fish: It should apply equally to both.

August 26, 2015

Jones: Absolutely. And the argument that I heard last week during period one, the Uber driver could be sitting in a coffee shop watching YouTube videos. The fact is that then it's lowered risk and they'll get that lowered premium, so what?

Fish: Yeah, I personally don't accept that distinction. You persuaded me of that. So, primary insurance, parity for all providers, and now the question is, what's the minimum?

Jones: A million dollars seems reasonable to me.

Carson: Industry standard.

Dyer: Industry standard. I think some have two million, the cab companies with medical accounts. That's for specialized accounts. Across the board, one million.

Fish: Thank you.

Hales: Thanks very much. Good afternoon. Who'd like to be first?

Lightning: My name is Lightning. I represent Lightning Watchdog X. In my opinion, the pilot program is over. I think Uber and Lyft should leave the city. Let me state why.

The cab companies during this pilot program have lost a tremendous amount of profits. They've invested a lot of money over the years -- many, many years -- and they're still here. They are also losing a tremendous amount of money, the companies' valuations are plummeting immediately. If this pilot program has any meaning, we should stop Uber and Lyft this time until they can come back to the table and say, "how are we going to prevent this?" We talk about shared economy, we want to come to the Portland market. No, you want to come in and do a hostile takeover on the Portland market. That's what you've done in other states. You have 150,000 drivers in India. You have 42,000 drivers in China. This is such a small market. You don't have to do a hostile takeover here.

Think about what you're doing. This is a pilot program. Do not step on the traditional cab companies to gain competitive edge here. It doesn't boost your company all that much anyway. I want you to think about how you're going to come into town and work with these cab companies, work with the drivers, and check where their incomes are. I want to know how much money you're going to invest into the city. I want to know what your future plans are on taking care of the people in this city and not just skimming off the top and taking the money back to San Francisco. So, I want you to slow up a little bit and think about taking care of these cab company owners, taking care of the drivers, and don't come in here like a hostile takeover and try to take over this market because Portland will stand behind their traditional cab companies. Thank you.

Hales: Thank you. Good afternoon. Welcome.

David Holmquist: I want to thank you and admire you first -- I'm David Holmquist -- for your conduct as a Council last Wednesday in listening to what was being said. I think much of it was uncivil. Much of it was anti-social. Much of it was misinformation. So, I admire your job. I couldn't put up with it myself, but you did, and thank you very much.

I'm not going to read what I wrote for the last week. I handed out copies of that. On the insurance issue, I'd like to just say that a million is enough. I think what insurance should do is cover the apparent risk. When the risk is low, you shouldn't have to cover very much. In period one and period two, the driver is alone in the car and the real issue is the damage he might do to somebody else and damage done to himself and his car. That's a lower level of risk than a million.

Fish: Sir, let's take your point. And who do you represent?

Holmquist: Uber.

Fish: I didn't hear that.

Holmquist: I represent myself but I drive for Uber.

Fish: I'm sorry, I didn't pick up on that when you introduced yourself.

August 26, 2015

So, if we mandate a minimum amount of insurance, why not let the marketplace determine what the premium is calibrated to the risk? You make a persuasive point there may be less risk in period one. So, if we mandate what the minimum coverage is, presumably an insurance company is going to charge less for that amount of insurance because there's less risk. But let the marketplace sort that out. Isn't our job to set what the floor should be?

Holmquist: Yes, I believe that what you say is true. I wouldn't like to see the City Council set insurance practices by levels of coverage. I do think that the period when we have three or four, five, six people in our car, there's a tremendously higher risk and I question whether a million is enough in today's health care situation, which is really high.

Fish: But again, just to be clear, sir, you have no quarrel with the Council setting the minimums, and you and I agree that then the marketplace can figure out what's the appropriate cost for that insurance.

Holmquist: I do have some quarrel with your setting the minimums. This is not my area of specialty, but I would think that would be something that Uber would want to work out and the taxi companies as well to protect their investment and their liability.

Fish: Not here to argue the point, but our concern is not protecting Uber or the taxi companies, our concern is protecting the public safety.

Holmquist: Mine too.

Fish: And if someone's someone -- god forbid -- is hit by a vehicle, we want to make sure there's adequate coverage for that person. That's the public interest for us, not the marginal impact of the cost on the operator.

Holmquist: I think Uber and I and taxi companies would agree with that.

I also want to say something about caps. I don't see caps as necessary because in our way of doing this business, the drivers can quit any time they want to quit. They can walk away from that day's work by signing off their app and going home. We don't have to put in 12 hours. That means that if there's not business on the streets available [indistinguishable]. If we're not driving people around we're wasting our own resources, so what we do, then, is we go home. Or we park and we turn on our app and wait. We are not driving around, Ms. Fritz. We do not drive around aimlessly -- thousands of cars in this city wasting resources. That would be really stupid. I'm not stupid. I don't believe other drivers are, either. So when there's not business, I'm saying, we quit.

Fritz: So you're saying you take somebody out to Lents and you just stay there until there's another ride back from Lents?

Holmquist: I'm saying -- no. At times some people do, and they wait for a ride in Lents. Sometimes that works, sometimes it doesn't. More often than not, we turn off our engine and wait for a ride to happen.

It does happen that the core of Portland has more riders than elsewhere, mostly because most of our riders -- two-thirds in my case -- are from out of town and they're here in the core during business staying in hotels, eating at the great restaurants. They're not in the suburbs. I just wanted to say that about caps.

So, we are self-limiting. If the business isn't there, we're not on the road. Like we've heard here, if someone is not making any money doing Uber, they are going to quit the business. They're going to quit the business. It's a self-limiting thing. Caps are not necessary. I don't understand why there are a number of caps on the cabs other than perhaps -- this is only conjecture -- the City fathers are saying, "you people shouldn't be in cars, you should be in public transportation, on bikes, and on your feet." And I don't think

August 26, 2015

that's a position that our City Council should be taking to determine how people get around.

In fact, private for-hire rides are very strong business. People want it. What we should do is make sure that there's public safety and that there's quick service, good service. And you're about that task, I think, and that's good. But as for determining how people get around in the city, you're making options available, and that's good. The new Tilikum Crossing bridge is a marvelous thing. No cars or trucks are involved, and that's a tremendous commitment from our city to public transportation and alternate means of getting around. That's a multimillion-dollar commitment. Very good but neither taxis nor Uber will be using that bridge. We could use another one.

Hales: Thank you very much. Welcome.

Peter Mordasher: Hello, my name is Peter Mordasher. I have been an owner/operator with Radio Cab from 2008 until June 2014. I'm currently part of Uber Technologies. I have to say, after the last meeting, I'm kind of embarrassed being with a company, the Radio Cab company, for so long and hearing so many false points that those people brought up. I don't have time -- like we don't have time to go through all the false points right now. I will bring up one.

Mr. Darin Campbell, is a profound liar and manipulator who was making a presentation here. He represents -- I have to say, he never represented for me, never will. He made a point that because Uber customers have cellphones and credit cards, then Uber takes like skimming off the top taking all the best fares. That's simply not true. Here's Tuesday, August 25th. 22 trips total \$125.31. Divide that by 22 -- that will be less than \$6 but more than \$5 per trip. Now, I'm not making a point that Uber drivers is not making money or anything like that. I'm making a point that Darin Campbell is a liar and manipulator, or at the very least, he's just doesn't know the facts which I do not believe is true.

Fish: Sir, can I just make an observation? We celebrate the first amendment in this country and we can great your right to come and within boundaries say whatever you want. I have yet in my seven years on the Council seen a debate made better and more helpful and more useful when we question people's motives or we use derogatory language. You may have a very strong view about the testimony of someone, but I would encourage all of us -- we don't need to disparage people we disagree with. If you have a disagreement, state the disagreement. We're adults, we're going listen carefully to you, but I think we should avoid name calling and derogatory comments. It lowers everybody.

Hales: Yeah, just tell us what you think we need to know.

Mordasher: OK, well, I'm just trying to let you all know that some points brought up in the last testimony were just false. That's the only point I was trying to make and I brought up an example.

Also, I'd like to say I'm happy being an Uber partner because being with Uber encourages a person to find a job. Finally, all I heard from cab drivers last meeting and this meeting -- money, money, money, dollars and cents. Give me more, give me more money. The social security office on Yamhill -- go that way. You broke? Go that way. Don't go here. This is a business. Whoever provides a service for lower price wins. Period. End of story.

Hales: Thank you.

Lightning: If I may finish my speech real fast -- 10 seconds. We need to understand when the traditional taxi companies and drivers are hurting right now, the next people to take the biggest loss and to understand this will be public transportation, streetcar, TriMet

August 26, 2015

MAX, and buses. When Uber pool becomes efficient they'll cut into your profits. And I can assure you at that time you're going to really look real close at this because that's public money that you're all responsible and you better watch Uber and you better watch Lyft real fast because they're not here just to get 2000 drivers here. That's small time for them. They're here to take over your public transportation. The public has a right for you to defend us and protect our rights on that. Look around, state to state. They're no joke.

Hales: Thank you very much.

Mordasher: One last thing -- in five years from now, there will be self-driving cars all over the place. So, what are we going to do? Sit here like, oh, poor drivers not making any income, let's not allow self-driving cars? Really? I don't think so. Thank you.

Hales: Thanks very much. Welcome.

Paul Laskonis: Thank you very much. My name is Paul Laskonis. I've been driving for Green Cab for over 13 years. I'm here to talk specifically about the recommendation of no caps in the industry.

Creating public policy that works can be an art form. You need to balance the needs and wants of all the stakeholders. You guys know this. I've been creating policy for Green Cab for over 12 years on their safety committee and disciplinary committee. Now, this idea of having no caps is -- actually, I'm sorry, let me back up. So, the balance of the needs and wants of stakeholders, done right you have growth. When it's not done right you have other things. You've got things like destruction, things like desperation, you've got things like crime.

The history of bad policy has been transportation industry in Portland. We only had two cab companies for a long time. Like the limo driver from Uber pointed out last week, after 30 years of being the only two companies, they got lazy and their cabs weren't anything to be proud of. So then the City did a good thing, they allowed three more companies to enter the market and all the companies had to ramp up their game in order to be competitive.

Then we had another bad policy introduced called moratorium. For over 12 years, every year, Green Cab would submit new applications for new cabs and they were denied. They were denied even for new WAV vehicles. So the community cried out that there was a problem with the cab companies, not realizing that the cab companies had their hands tied. So then after all of this time with no new cars, now we want to put thousands of new cars on the streets.

I'm not against Uber being here. I'm just against the idea that everyone who has put a significant investment is going to have that investment pay off. I'm worried it's going to destroy only of the companies, I'm worried it's going to destroy some lives. I'm worried that it's going to cause gross imbalance and so far, all I can see is it just serves the needs -- the no-cap policy just serves the needs of Uber as a company. I think even as an Uber driver, I don't want 10,000 Uber drivers out there. Couple thousand -- whatever the market will allow -- that's great. But let's not just rush into no caps.

Hales: You should wrap up.

Laskonis: I have a lot more to say but I'll leave it right there.

Hales: Thank you. That's very helpful. Welcome.

Mike McDermot: Thanks for having me here. My name's Mike McDermot. I'm a wheelchair van driver at Radio Cab Company. I'm on the board of directors at the cab company and I'm a former board of directors liaison to the safety committee. I'd like to speak to a few topics.

August 26, 2015

One of the primary ones is the level of capping we have in this city, or that we used to have. We used to have caps on our permits and we would treasure those. We would try to appeal to the City to get more permits. People call them plates. Each cab is attached to a permit that means they can pick up within the city of Portland. They've been inspected twice. My wheelchair van was inspected -- had a surprise audit the other day by Will Martin up in PBOT. They call the cab to New Rose City but New Rose City forwarded the call to us. I answered the call and showed up, so they audited my vehicle.

The interesting thing is we bring in Uber to help alleviate all of the complaints we get from midnight travelers who are coming home from bars, going home late at night from work, and we can't do it because we don't have enough cars out. So what does the City do? The City says, "I'm sorry, there's enough permits. If we allow more permits to go out, it might create a monopoly and we don't want to do that." So, they allow Uber in. The City allowed Uber in to help alleviate that even though this could have been fixed in the status quo. It was never fixed, it was never even addressed.

We tried to get more permits and we couldn't do it. I'm on the board of directors. I know about conversations we have. I know what we try to do. I know we've tried to approach the City about it. We allowed other cab companies in because we want to make sure that people are fairly represented.

We still do many more trips than our closest competitors combined. Our average driver is driving 50,000 to 60,000 miles per year per shift on their vehicle -- not per shift, over the year. The other cab companies can't do it because they don't have the reputation that we have. We have great managers who take care of the lease drivers, and we make sure the lease drivers comply with our safety standards. We make sure they comply with the City's safety standards, Mayor.

Uber -- now we're just allowing a bunch of amateurs on the road. They've already hit our vehicles. I've already seen the damage they are doing. I know the amounts of damage they are doing. And I do agree with you, Mr. Fish, there needs to be parity. A million dollar limit on all levels. It needs to happen. Whether or not they say they're going to sit under a shady tree or at a coffee shop -- that's not true because they are going to be driving somewhere.

Hales: Thanks very much. Welcome.

Rachelle Menashe: Hi, my name's Rachelle Menashe and I have been a Radio Cab driver for four years. I started driving a cab because I am partially handicapped and this is pretty much the only thing I've been able to do to make a living. I do collect medical and a minimal amount of disability. I have a cap on the amount of money that I'm allowed to make, otherwise I will lose my benefits.

Since Uber and Lyft -- since this pilot program has started, I find myself having to work at least two to three times harder and longer hours than I was before. Pretty soon, I'm not going to be able to afford my rent. I'm sure there's a lot of other drivers in the same boat.

As a cab driver, I take great pride. I call this my career, my career choice. There's many years of people putting into this industry, and to allow TNCs to come in and operate -- you know, we work very, very hard all week long in order to be able to reap the rewards of high-volume peak hours, the weekends, rush hour. And now it seems like most of the testimony I heard last week was from Uber and Lyft drivers claiming they only work part-time and during those peak hours. So, they're taking our bread and butter away. Those are the days, those are the times I know I can count on making more than minimum wage.

August 26, 2015

This pilot program has already been accepted. Mayor Hales, Steve Novick, we know you met behind closed doors with Uber lobbyist Mark Weiner. Even though it seems like it's a done deal, I urge the rest of you to please put a stop to this. I had a customer the other day ask me if I do this as a hobby or as my job and that just really hit home with me. You opened the door, you can close it. Thank you.

Hales: Thanks very much. We'll take the next. Good afternoon. Welcome.

******:** Hello. I'd like to thank the Council members for the opportunity to speak today. My name is John Moran, and I'm a proud driver for the local ride share company Radio Cab. I like to use the term "ride share company" because the TNCs like to use it even though it's clearly a misnomer. There's no sharing in the TNCs' ride share model. It's hiring someone and a vehicle to take you where you want to be going, not sharing a ride to where you happen to be going. The Bureau of Transportation doesn't even believe this lie, so they have coined the term transportation network companies. But I digress. I'm here to make the point of carrying capacity.

This term is used by biologists and economists alike. It is defined as the maximum equilibrium number of organisms a particular species can be supported indefinitely by a given environment. If there's space and resources, those organisms will grow until they reach that number. One thing to note is that when this number is surpassed, times of famine and die-off ensue. I'd like you to keep this point in mind and come back this.

For years, the Bureau of Transportation has kept the number of permitted taxis lower than the amount the taxi companies were asking for. This had the side effect of slower wait times for taxi customers, but what it did was ensure the drivers had a livable wage. It also limited the number of vehicles on the road. As Portland grows, we are experiencing more traffic. If you haven't driven in it yourself, please trust me, I'm out there every day.

I bring these two points up because back in February, the private for-hire board of review finally approved more taxi permits. 242 were to be given out. An increase the Oregonian reported as 63% more than was even on the road at the time. It talks a while to purchase, paint, and outfit cars with meters, cameras, dispatching system, and taxi light, so the decrease in wait time for customers wasn't immediate.

As these cabs were coming online, the pool of taxis grew by 63% and the innovation task force approved TNCs to work in Portland, which didn't just increase the number, it flooded the market. As a taxi company, we are still only permitted a maximum number of vehicles on the road, and the TNCs are allowed an unlimited number of taxis. Don't let them say they are not taxis.

The result of these two incidents has been a famine to all private to hire drivers citywide. We haven't just hit carrying capacity, we have blown over the number. In January of 2012, then-Mayor Sam Adams directed Portland Revenue Bureau to complete a comprehensive review the economic and working conditions of taxi drivers. The review found that the effective hourly income of Portland's taxi drivers is \$6.22. You're chopping up living wage jobs for part-time supplemental income jobs. If that report was done today, that income would have decreased.

Radio Cab is not afraid of competition. We have been a proud staple of Portland for 75 years. Uber and Lyft are just competition, but what you're allowing is them to have the upper hand in this competition, which is why I ask that you see what the result in the customer wait times is with just the 63% increase by saying no to TNCs so you can get an idea what that decrease in wait times is without it just being allowed for the TNCs to take credit for it.

August 26, 2015

Their numbers on wait times are skewed anyways. Cash pickup further out in the suburbs -- the times it takes to get there is longer. The numbers show by the task force show that TNCs rarely go out to the suburbs.

Hales: I need you to wrap up quickly.

******:** I will do so. I know that capping the number on TNCs on the road isn't new to Uber. They have successfully bullied New York in stepping back on that regulation, which is why if it's going to be done, it should be done now because they won't allow it later. If not to help private to hire drivers keep a livable wage, please do it to help us decrease traffic. The City Council is here to make Portland better. Let your legacy be that. Thank you.

Hales: Thank you. Welcome.

John Moran: Hi, my name's John Moran and I'm an Uber driver full-time. I drive between 40 and 50 hours a week.

I think one of the main topics that I would like to bring up is what I hear every day from my passengers: the dislike of cab companies. They are sick to death of unreliable service. They love Uber. They use it other places. Like has been said before, the majority -- I'd say probably a good two-thirds -- of my passengers are from out-of-town. They're tourists and business people. I've had business people tell me that they did not like coming to Portland because Uber was not here. They were so dissatisfied with the service. I had one gentleman actually tell me he refused to come to Portland. He sent other people because he was so frustrated with the taxi services.

I'm a recovering alcoholic. I've been sober almost 10 years. I'm not proud to say that I'm sure on many occasions, I drank and drove. I think if Uber was around at that time, I would have used it a lot more. I really think that there's so many more people that are getting out of their cars, deciding not to drive to the bar, because there is a reliable service that they can call. They can see immediately when it's coming. When they call a cab, many times, the cab doesn't turn up. When the cab turns up, they come out and there's someone else getting into their cab. So it's a very, very reliable service.

I would really implore you to actually talk to the people that actually use the service, not just the cab companies, not just the Uber drivers or Lyft drivers -- the actual people that use the service. They love it. They absolutely love it. I think that's all I have to say.

Hales: Thank you, thanks very much. Good afternoon.

Tony Seymour: My name is Tony Seymour and I am a Radio Cab owner, have been for 14 years. Thanks very much for your participation and your willingness to listen to some of the interesting comments you've been getting.

One thing I would like to reiterate I think has been forgotten is when this whole thing was put together, when the transportation plan for Portland was put together, the taxi cab was the lowest common denominator of it. In other words, with taxi cabs, we can build a system and then we'll have buses and we'll have trolley cars and we'll have whatever above that to move a large amount of people once upon a time. But I gotta tell ya that when it stops, when public transportation stops, who do you call? It's not the Ghost Busters, it's the cabs. And we're there all night because we are required to be there 24 hours a day. Now, is there a lot of business from 3:00 in the morning until 7:00 in the morning? No, there isn't. But do we get to go home as one of the Uber drivers suggested was probably his idea about what he should be doing when he's not moving? If I were moving all the time, I could have retired years ago. The truth is that a good share of the time, I'm sitting and I'm waiting for work.

Reminds me of a story that I'll bore you with for a second. There's a joke about a pig and a chicken and how they participate in breakfast. The truth is that the chicken is a

August 26, 2015

participant in breakfast and the pig is committed. You guys are the chicken, we're the pig. And I don't mind doing that, I love what I do. But the truth is we are the ones that are committed to doing the work and we have been, and we've been doing the City's work all this time -- letting you have a public transportation system. Can you imagine running your public transportation system all night long? No, because you've been asked to do it and you've said no. Consistently. TriMet said no and the City Council has probably pushed that along. [beeping]

I actually have a lot more things that I wanted to say, but basically I want you to know Tess important to remember the human factor is really important. The cab drivers and their companies have been taking care of the people who can't take care of themselves in Portland for a long time. This gentleman right here spoke of taking care of businessmen and tourists. Those are the people that cab drivers love to have because generally they're going someplace and they don't mind spending a little money. But what about your mom that's at the grocery store and wants somebody to come pick her up and take her groceries into the house for her? I guarantee that Uber drivers will not be signing up for that one. The trick for us is that we're required to do those things and we don't mind.

But the trick is if you take away the cream of the crop, we've got nothing left. What you're going to do is put a lot of people out of business because they can't afford to continue to be only doing the crappy jobs. I know that all of the cab drivers that I know are voters. And the people that we carry in our cabs are voters. One of the things that seems like right now you guys are stuck in a place where you could stop this thing and start over again or at least add some of the information and comments that you've received that will make it work because we're not asking for you to throw them out -- or at least I'm not. I think ultimately, we're going to have to face the fact that this is something that's coming in the 21st century.

What's happened is that you guys have come off at warp speed to make this thing happen. One of our City Councilmen was on the phone with them screaming at them when they told him you can't come to our city and do that. And what's going on now? "Please come to our city, we want you here." There's something missing about that. I feel sort of like the little kid that told the emperor that he was naked in the parade. Because it's like, here we have this thing where everybody is saying this is going to be so wonderful, and the truth is it's not that wonderful. It needs to be brought into our system, our Portland cab industry layout and the way that it's been put together by the City needs to be brought in gently, not all at once. Not helter-skelter. That's all I got.

Hales: Thank you very much. Thank you all. Welcome.

John Houlgate: I'm John Houlgate. I have been driving with Uber since November last year when we were operating in the suburbs. I live in Southeast Portland.

I'm one of these Uber drivers who drives during those hours from past 12:00 midnight, sometimes as late as 7:00 a.m. And I know just from having met with some of my other drivers at the airport and other locations that we do have people out there working in those hours and taking some of those difficult trips that the prior gentleman was talking about. So, that's not really what I came to talk about so much as I have to ask a question.

Why are we so intent on capping the number of drivers? What I have been hearing from these meetings is that there's two main reasons for setting caps. The first one is congestion, the other one is trying to ensure drivers make a living. I want to challenge those notions. For every -- let's start with congestion. For every adult driving age

August 26, 2015

passenger in an automobile or riding in an Uber or a taxi, you're eliminating one more car off the road. In addition to that, the cars that are out there moving people around are getting full utilization out of those cars and they are taking up less parking spaces around the city. So, that's eliminating another form of congestion.

Another concern had to do with pollution and exhaust emissions and everything. Uber drivers -- I can't speak for everybody, but I can speak for ride shares, the Ubers and Lyft people -- a lot of us are in this business for ourselves and we have a financial incentive to drive cars that are fuel-efficient. A lot of us have Priuses. I own a Prius. Some people own Leafs or other electric fully electric automobiles.

The other thing I wanted to mention is that when you're talking about ensuring that the drivers out there can make a living, is it really the City's job to ensure that people can make a living? I thought in order to make a living, you have to be able to provide a service that people value and that people are willing to pay for that service. That's what determines whether or not you make a living. But if the City is setting things up in such a way that -- you know, you limit the number of people out there doing that job to that all of them can make a living at it, then we're moving beyond what should be a business operation to a de facto welfare program.

I'd like to suggest that if you are looking at capping licenses for people to drive in the city, how are you going to cap what the demand is out there for the people? [beeping] Because when you do that, you're going to constrain the people who actually need a ride. We're going to go back to having longer wait times and even people not getting rides. Now, it may not happen right away after you pass some sort of capping scheme, but over time as things change we're going to be right back where we started from. And who knows, maybe there'll be another disruptive technology to come in and kind of change the playing field like it's happened before. Thank you very much for your time. I'm finished.

Hales: Thank you very much. Good afternoon.

Kedir Wako: Good afternoon. My name is Kedir Wako, I'm the general manager of Union Cab cooperative. I have been in the taxi industry since 1998 when I first started as a cab driver. Union Cab was established in 2013 after working diligently for three years to be issued 50 permits. Union Cab is a company affiliated with CWA AFL-CIO and Jobs with Justice. We follow the rules. We followed the process and we did it right. We choose the taxi industry for our livelihood so that we may support our families and provide our children with the choices they would need to be successful.

Deregulation. The removal of cars on permit will saturate the market and lose earning potential for all drivers, taxi and TNC alike. This will have a grave consequence on many families of drivers who are already limited in their ability to earn a living wage. The taxi industry, however, has a cap because of its unique nature and it is part of the public utility system. Balancing on the supply and demand of the taxis allows the system to operate sustainably and allows a driver to make a living wage.

Caps ensure the taxi company can deliver on the City-mandated service requirement. Cap is not a monopoly, it is simply a monitoring system administration can use. If all caps are removed on the number of taxis and TNCs that are serving the market, the supply floodgate will open, yet the underlining demand will remain unchanged, as we have witnessed. The resulting race to the bottom means no one is making reasonable income and the fallout of our industry to most dedicated drivers. If the driver is no longer able to earn income, their option for family survival will be extremely limited. Drivers and their families could quickly become homeless and consequently end up on welfare. The burden will fall on the City and ultimately, the tax payer.

August 26, 2015

Under your leadership, Mayor Hales, taxi drivers and small cabs companies are suffering by the wrong regulations taken by your office. In 2012, City of Portland study shows that taxi driver barely makes a living wage based on hours. There's no change for the drivers except flooding the city with thousands of vehicles. Increases the number of permits does not increase the number of drivers' income. Mayor Hales, as the son of a cab driver, please remember the time away from the home that your father committed daily driving.

Fees. Union Cab fees pays those permit fees by collecting from cab owners or the company. 1000 company annual fee, 600 annual fee per vehicle, and 100 dollars driver annual fee. The application permit fee must be uniformly applied to all for-hire transportation companies, including technology taxi company or TNC. Technology taxi company must carry commercial insurance like any other taxi company.

Most importantly, in the upcoming months there will be another 250 cabs added to the Portland metro area. We ask the City Council to authorize more cab stands in the following areas. All major hotels and motels in Portland metro area; shopping center like Safeway, Fred Meyer, WinCo, and Walgreen; and all Northwest Portland area Pearl District restaurants and bars. By adding those cab stands, the City of Portland will avoid congestion that already highly congested by Uber drivers in those already overpopulated areas.

We highly urge the City Council to establish a level playing field and to carefully consider the impact on drivers when determining the right balance with increasing supply and preserving family wage. Thank you.

Hales: Thank you. Good afternoon.

Tesfaye Aleme: Good afternoon. My name is Tesfaye, I think most of you know me. The testimony I'm giving is submitted to all of you.

I am lucky. 40 years ago, I was political prisoner in Ethiopia because our part of the country's dictatorship. I was tortured daily. I just wanted to die at the time. But somehow, I escaped with my life. Over time, I got married, moved to Portland, and raised family of four children. I was able to achieve the American dream thanks to the goodness of the city of Portland -- one of you, Mayor Charlie Hales.

The city of Portland. This is where I earned the opportunity to be a cab driver, then co-founder of Green Transportation. Being founded in 1997, our company, which operates taxis, shuttles, and medical and WAV transportation had been doing very well. Over the years, we have taken a keen pride in operating a well-run business with a little to no debt. We are proud we provide family wage income -- [indistinguishable] -- applied for additional permit two years ago and followed all the procedures the City established, including showing the demand for more taxis.

After going through all the steps in good faith, I was awarded new permits two months before the pilot project. Part of getting these new permits was the requirement that I purchase WAV vehicles, which I did right away. This year, I paid \$18,450 in permits. Then along comes Uber. Without going through any procedure, spelled out in City Code, they were suddenly granted unlimited ability to put unlimited number of taxis on the road with no real requirement for wheelchair accessible vehicles, and no requirement to the same level of insurance that branded taxi companies are required to provide. And Uber only paid \$20,000 permit fee for its unlimited number of vehicles.

Uber and Lyft have approximately 3200 vehicles on the street of Portland. If they paid the same permit fee that the branded taxi companies in Portland paid, combined they would owe the City of Portland almost \$2 million. None of this is fair. Why and how did this

August 26, 2015

happen? It's because Uber bullied the City into approving an opportunity that was denied me for years.

Like the other branded taxi companies in Portland, Green Transportation is small business. We provided WAV services, we give 24/7 coverage to all areas of the city, and we pay commercial license. Many of the branded taxi drivers in the city are immigrants just like me. The same stories and life experience similar to mine.

You have given a 50 billion California-based company an advantage over us. Then when the trial period began, you said Portland existed branding taxi companies could have unlimited number of cars, too. After spending half million dollars on new wheelchair vehicles, I could not afford to buy another vehicle. Portland City leaders -- I thought -- had rewarded my company for providing exceptional service, but I was wrong. You are instead helped to drive my business into a state of disrepair.

I have several WAV vehicles that are not being driven now because my many drivers cannot sustain their family by driving them. They say they cannot afford to serve person with disabilities because those are not the most profitable. How is it that solves the WAV problem in Portland? It's not. It has just created a new problem.

Green Transportation has spiraled into debt. What is the message this sends to Portland-grown businesses if an out-of-state company come here, ignore all rules, and operate as it pleases, forcing local companies out of business?

The City has failed miserably on four of eight guideline principles of the so-called pilot project. The current regulation of not providing an environment that promotes for fair competition.

Hales: Mr. Tesfaye, I want you to wrap up soon.

Aleme: Yes. The current regulations are giving Uber and Lyft competitive advantage excluding WAV services. Taxi drivers are no longer able to make living wages and there is not an effective enforcement that is ensuring Uber and Lyft are following the same regulations put in place. If only you had figured out a way to honor those of us who have invested everything into our company, a cap on the number of branded and unbranded taxis would have helped.

But in the end I still feel lucky. I survived prison and daily torture by a very corrupt government, I can survive this. But Green Transportation may not survive. We have followed your rules. If we fail, it is on you. Can I say something just in addition?

Hales: Yes.

Aleme: We have followed the insurance, the WAV, the permitting processes, and the background check. We've done everything we can do but on the back of us, the billion-dollar companies have come and pushed us into the corner, and maybe we are going to go out of business. But what we did is a level playing field so that -- we're not -- one thing that everybody is trying to say is we're not asking Uber to get out. We're asking to have level field. Insurance, permitting. Why do we think that they do not want to use the City of Portland for permitting? Because if we're asking the number of vehicles, if they're paying for the number of vehicles, they will know. If they are paying for the number of drivers, they will know. If they are paying for the company, they will know. Everything will known if it goes through the City of Portland. It has to go, it has to be done that way.

Hales: Thank you very much.

Aleme: Yes.

Houlgate: I just want to add there's a way to naturally cap the drivers in this area, and that's through the market. Thank you.

Hales: Thank you. Alright. Others that we have signed up? Come on up.

August 26, 2015

Fritz: So actually, at the end of the last hearing there was a procedural issue with the Council Clerk not being able to take additional sign-ins, even though at the end of the hearing we always say, "Does anyone else want to testify?" So, I took the list of the four names of the folks who were hear last week.

Hales: Yeah, we'll certainly take those folks. Go ahead.

Jeanette Thibert: Jeanette Thibert. Thank you. Yes, I drive with Radio Cab.

Mayor Hales, Commissioner Novick, Commissioner Saltzman, it's become clear over time that it many of you might want to leave a lasting legacy. That might be important. The 120-day extension to this current issue might be quite the gift for that opportunity. So while many things have come to light recently that may not be part of that legacy that you'd like remembered, this is your golden opportunity.

We missed an opportunity to in the beginning do data gathering before we implemented the pilot project. I want you to do a couple things and ask yourself, make your decision-making based on what is best for all of the people of Portland. And I said people, not corporations, OK? It's become very clear that -- let me back up.

Most everyone here has a spouse and some of us have children. So when you're in discussion and decision-making, I want you to remember what it's like to live in a house with teenagers because you might be experiencing *deja vu*.

When this began, the TNCs, Uber and Lyft -- Uber in particular -- easily approached the City. They easily could have done business in Portland a year and a half ago. It would have caused a slight mindset shift. They chose not to. What I'm asking you to do is practice restraint, practice discipline, and occasionally say "no." They could easily provide full coverage insurance. They choose not to. They could easily put fire extinguishers in all their cars. They are resistant. They could easily provide coverage 24 hours a day in all neighborhoods of the city for people in wheelchairs. They have not chosen to go far enough to find solutions.

They want to do the chores that are easy, the ones that they like. They don't want to do the work. And they don't want to be held accountable to be responsible. Nobody, nobody has to do business in this city. No one. We get to. It is a privilege, and with that comes responsibility. If your teenager came to you and said, "mom, dad, I'm 17. House rules shouldn't apply to me, I'm almost an adult." Would you agree? Why did Uber get to come here and not abide by the rules? If your teenager came to you and said, "wow, I'm almost an adult, I'd like to set my own allowance." We've allowed Uber and Lyft to set their own wages. And then, oh, because they do it, now everyone else gets to. We don't treat teenagers this way, why do we allow corporations to act like teenagers?

Hales: Thank you.

Thibert: Leave a legacy your children would be proud of.

Hales: Thanks very much. Welcome.

Kirk Foster: My name's Kirk Foster with Wapato Shores Transport. Tesfaye said most of what I had to say, so I'll jump right to the end of what I say.

Let me summarize first out -- I think everything needs to be looked at from a question of equity or equality. We have a lot of well-run cab companies, like Tesfaye's, that are perfectly capable of competing on a level playing field, and that's what it has to be -- simple equality all the way through. There should be no separate rules for TNCs or taxi companies. They should have the same insurance requirements, same signage, same background checks, it should be the same across the board. If it's all the same across the board, the TNCs will suffer a little more and the taxi companies will have an equal playing

August 26, 2015

field and whoever is best will come out on top in the end. Simple as that. There should be no special rules for either group. It should be the same.

I want to touch on the WAV funding thing because that's something I'm more specially involved in. The reason that there hasn't been equality for WAV transport in this city -- or equal access or however you want to phrase it -- for all these years is one simple thing, and it's cost. Both cost of service and opportunity cost. It takes roughly 50% longer to do a WAV ride than an ambulatory ride because the driver has to deploy the lift, assist them on the lift, get them in a van, secure the wheelchair, help them with the auxiliary seat belts, stow the lift, do the ride, and then repeat everything on the backend. If the driver is struggling to survive, why would they take a WAV ride when they can do two ambulatory rides in the same time and double their revenue, given the option of keeping equity of cost to the passenger? So, that is the reason the problem has been there in the city. It's always been the reason and always going to be the reason until the problem is solved.

I'm just going to bring this back around to that specifically, because that problem existed before, and regardless of what you do with the TNCs, this needs to be addressed and this is a good opportunity to do it now not kick the can down the road again.

The idea of the funding that the task force presented -- the idea of reimbursing is the only -- I think it's a good idea, I think it's only way that it's going to work. It's ridiculous to have anybody suggest that we fund somebody's purchase of equipment or fund a start-up business to provide WAV service -- a start-up business that has not proven they can do it. If the City collects funds and reimburses every driver or owner or cab company or TNC or anybody that provides wave service after the fact, the City will both have all the data it needs because the WAV passenger's name will be known and they can be surveyed to check for quality of service. The operator or whoever they may be can be reimbursed for the additional cost.

A WAV ride is roughly 275% of the cost of an existing ride. If every driver of any organizational structure goes ahead and does a WAV ride, collects the same fee they would from any other passenger, and the City reimburses them the different in cost, then there will be no disincentive, no cost of opportunity and there will be no cost reason for a driver to choose an ambulatory over a WAV ride. So, the entire problem will be eliminated if we can have after the fact reimbursement for WAV ride citywide. And that's what I want to say.

Fritz: Give me that number again as to how much more expensive a WAV ride is?

Foster: Approximately 275%.

Fritz: Thank you.

Hales: Thank you. Welcome.

******:** Yes. My name is ombe amacano [spelling?] and I drive for Uber. Actually, I'm just going to start by quoting some of my passengers. I was told by a gentleman from Bend who was so mad that Portland couldn't allow Uber to come to Portland, and do you know what he said? He said it's a very stupid idea to fight the technology. Very stupid idea to fight progress. Shouldn't be, not there or anywhere in the world because that's just keeping human intellect from developing. We shouldn't be fighting progress. We shouldn't be fighting technology. The other one said Soviet Union was collapsed just because they failed to keep up with technology. The other one said, Roman Empire -- when they failed to fight Christianity, what did they do? They joined them. If you can't fight them, join them. As easy as that.

In Portland, we used to have this Washington Mutual. We used to have Montgomery Ward here. Where are they? And Radio Cab and so on. They went out of

August 26, 2015

business. Why? Because they couldn't keep up with progress. If you can't keep up with progress, you have to go. As simple as that. Is another thing -- maybe we can request the City Council to try to make some regulations. Uber [inaudible] -- their intention is not to regulations, their intention is to keep Uber out of business. I had passenger who was visiting the northwest from I think -- I think Miami or something, and he was in Seattle. He only had one extra day and he wanted to visit either Portland or Vancouver. He went online and checked that in Vancouver, there is no Uber but in Portland there's Uber. So, his choice was easy. He come to Portland and he got me. He told me, "my friend, I only have four hours. Show me all the landmarks of Portland." I showed him around starting by Pioneer Square. I took him to Washington through Washington Park. I too took him to the Blazers stadium, I took him to Multnomah Falls in just four hours. He left \$166 in Portland. What's wrong with that?

Hales: Great, thank you. Thank you very much. Thank you all. So we do have some more folks -- you've completed your list, right? We have folks who signed up at the end of the hearing, so I'll call them. [reading names] Any of the four folks that are here, come on up. Good afternoon.

Frank Choto: Good afternoon to you. Mayor, Commissioners, and citizens of Portland, it's always a privilege and a pleasure to appear before you. My name is Frank Choto. I've been around, I started driving back in 1986 after completing college here in Portland. Some things need to be said.

The first is -- and it comes as news that might upset -- but this is a new day and a new age and a new technology and a new industry that is upon us manifesting itself as TNC. From all indications, it's here to stay not just to the city of Portland but throughout the world. They're in my hometown where I grew up back in Africa and they are here.

We have citizens who have expectations and who vote and who are hopeful that these new technologies will go away, but they will not. We therefore need to be honest with them and raise our level of discussion here by telling them that there is the possibility that these companies are not going away. I'll join them comfortably, I'm not scared of them. And make them understand that this is the new playing field, these companies here and pose a question, given the continued presence of these companies amides us and doing what they do, how do you as taxi companies move forward and manage to survive and perhaps even thrive? It's not an easy question but it's a question that needs to be asked so as not to sit here and give them the false hope that these discussions are going to end in these companies exiting. I don't see it. But since my time is running, let me touch on insurance because that's a big thing and I suspect from listening to the testimony that you're not getting everything that needs to be told about insurance.

Insurance can destroy a company in the blink of an eye, and that's why it is so hard. Now, how have the taxis dealt with it? They're not telling you everything, and I'm not blaming them, some of these are seen as trade secrets, some are seen as irrelevant, but you need to know this. Most taxi companies have this thing called an accident fund. It is a fund quite outside of insurance which is used to cover accidents. So, they never use their policy to cover these things because when you use your policy to cover your accidents, your rate goes up and it will destroy you. It almost destroyed me.

I briefly suggested six months ago that insurance need not be all in the private sector. Perhaps it's time to approach the insurance commissioner down in Salem and raise with them the possibility of insurance through the public sector. Because there was a referendum here about 15 years ago that authorized that and the construction industry has taken advantage of.

August 26, 2015

One more thing and then I'll be done. Parking for these cars is an issue that needs to be addressed. Maybe a monthly pass so they can park. I'm tired of quarters being slipped into the machines. A monthly pass would be nice. And also, no one ever raised the question -- all these people who drive. What toilets do they use? And if they're tired, where do they go? And if they have a flat tire on a Sunday night, who fixes that? And we do have good ideas. The scope of my remarks cannot dive into that -- obviously, you have other things to do. But if some of us who are interested in these issues would be given an opportunity not in a forum like this, but where we can get into them in-depth -- we've thought about them for years and we have some good ideas. It would be nice to meet with your staff to chart out some of these things.

Lastly, the people who testify here are the people who always testify here and they represent a minority of the driving community. Sometimes you need to go over there to where the drivers are. There are places where they congregate, like the backfield of the airport -- hundreds of them. And then you will get a different perspective from the pure driver.

Hales: Thank you.

Choto: OK? Not the owner who also controls a few permits on the side and who also has a vested interest other than driving. Thank you.

*****: Hello, I'm that driver.

Hales: OK. We're going to give you the chance to have the last word.

*****: Commissioners, my name is [indistinguishable] and I know you've all seen me. I'm very passionate and as you can tell, I'm hardly able to breathe right now. I'd like to throw some words up. My words are this: sophistry, bullying, and there's one more but I just can't get it out right now.

This is essentially what Uber has been doing, sophistry. The other gentleman sat there and laughed while my sister was testifying in this space. And you know, the body language of that other gentleman right there --

Hales: Please, tell us your point.

*****: Right. What I want to say is I remember when Commissioner Novick asked -- you know, we let Wal-Mart in here and nothing happened. It's still making me cry every day over the question that the gentleman put up. I remember, Commissioner Fritz, what a lovely question that was to Uber, "How much insurance have you got?" And the reply was, "enough."

Sir, I have a question for you. You have been, you know, through different publication have been said that you and Uber seem to share an advisor. Sir, I don't really have any idea of what you stand for, but Commissioner Fish has really put some very smart, intelligent questions on the table.

What I wish to say is I'm not against the drivers that drive for these other companies, these multinational companies, by the way. They're not the mom and pop, you know -- whatever operation they make out when they put -- my brother Abdul -- whoever it was -- last time he was talking about how he was buying a home when you first started.

But anyways, if you had a dispatch maybe you could go to the dispatch and ask these very intelligent questions. I go to that beautiful lady in the white hair and ask her questions every day. I've been driving for Radio Cab for three years now. There are lots of questions. But when you have just a smartphone and that's all that keeps you from whatever -- the outer darkness -- god help you.

August 26, 2015

All I've got to say is Wal-Mart has managed to skim a lot of profits out of this small little city and walked off. I give a ride to two different schizophrenic lovely ladies in Lake Oswego, and they speak and have conversations all the time in the back of my cab. I continue to pick them up and drive them where they gotta go. If you want to know how much wheelchairs fit into the back of a Prius, ask me, I can tell you. There's two very comfortably and then two passengers can also ride. I can get one bicycle into a Prius and two passengers -- god forgive me -- in the front seat. These are things I've had to find out and through my command structure, I vet my questions and get them answered.

Hales: Thank you.

******:** We are a very self-sufficient company but right now, we have our hands tied behind our backs because as you all understand, Uber does not pay for the privilege of driving here. I don't know why they're here, through the grace of god or otherwise, it's a mystery. I'm really sorry. I know I look like Vin Diesel, if you put U on the side of your car, I will come and give you a hug. I am Woody Allen, I'm not here to eat anybody's lunch, I'm here to do what is right.

Hales: Thank you very much.

******:** The only way I can describe me is you know, I'm here, I'm queer, and get used to it, because I have way too many labels. I've got disabled bet, I've got immigrant, I've got --

Fritz: Thank you so much.

******:** Sorry about that. Thank you so much.

Hales: Thank you. We appreciate you, too, I think that was a good way to end this public testimony. I'm serious, thank you very much.

I know we want to bring staff up. I know there are a number of questions, so why don't we do that, Commissioner -- bring the PBOT staff up, is that right?

Novick: Actually, Mayor, I'm wondering if -- we've got for the first time a representative of the insurance industry here. He made a special trip, and I've got a couple of questions and I think we should take advantage of having him here.

Hales: It would be very helpful.

Novick: We've had a lot of discussion about insurance without anyone from the industry here.

Hales: That would be very helpful. We could bring up experts and resource people, including Mr. Brine -- that would be quite helpful.

Fish: Steve, could I raise a procedural question? Since we're now in the endgame here for at least today's hearing, can I just get a sense of how you want to handle our discussions? So for example, we have a report that we can accept. As I said earlier, that's a ministerial function, we can accept it. Typically, we do not modify a report, the report speaks for itself. We can accept or reject recommendations, but we're not apparently going to be doing the next level of regulation for a while.

But there are specific things in the testimony that I think one or more of us want to address. What is your preferred approach for us to do that? It doesn't quite feel like we'd be -- it doesn't quite feel like we would amend a report because the report speaks for itself. But to the extent we have -- if there's a consensus on the Council around any of the issues that have been raised and a desire to have staff come back with specific language and recommendations, how do you want us to handle that?

Novick: As far as accepting the report, all that matters to me is that we actually have a vote on accepting the report before we leave today. As far as additional questions to staff -- obviously, staff will be here after today and if people have questions they think it would be OK to postpone for a while, that's fine. If people have questions they want to ask the staff

August 26, 2015

right now, that's fine, as well. To me, the bottom line is simply at some point today, I want to have a vote on accepting the report and if we want to take time in advance of that to ask questions of staff or other guests here, that's fine too.

Fish: Let me sharpen my pencil. If it's as of today the will of the Council that we establish some criteria for insurance or any other issue, do we put that on the table today and ask staff to come back with specific language?

Novick: I don't know for -- I think that would be reasonable. At this point, we have extended the pilot for another 120 days and what we're looking at what the final regulations will be. We're going to take some time to do that. I mean, we can give -- if we have consensus, we can give staff some preliminary indication of what we'd want in final regulations, but it's not as if we're going adopt final regulations tomorrow.

Fish: Right.

Saltzman: Speaking for myself, I didn't come prepared today to delve into the details of the insurance issue knowing full well that we're going to have the committee take another look at this and we have another 120 days, so I would feel very uncomfortable starting to do amendments on insurance today. I'm comfortable accepting the report or not and continuing the charge of the committee to come back to us, but we're going to have several bites at the apple here and we've had several bites. I don't want to start to live and die these issues every time we consider this issue.

Fritz: Yes, and at some point the Council needs to make a decision on the policy questions. In this memo we're given dated August 20th, Portland private for-hire transportation innovation task force recommendations relating to taxis and TNCs, there are I believe 20 different recommendations. I only agree with five of them. It would seem to me to be helpful at some point before the committee continues on down the path they've recommended for the Council to give some direction -- yes, no or maybe -- on each of the recommendations.

Novick: But Commissioner, the committee has already issued their report and we can do whatever we want with those recommendations. The --

Fritz: What would be the process for deciding what to do with those recommendations?

Novick: Well, the process is we are going to propose final regulations to take effect before December 19th and we will have a discussion among the Council about what is acceptable and not acceptable in proposed regulations. But as far as the task force is concerned, I actually thought as of last week we should consider their work in this phase done. However, some task force members have indicated that if there are specific questions the Council would particularly like them to consider further at this point, they have some capacity to do that. But of course, Council doesn't have to ask the task force to follow up on specific questions, we can follow up on them other ways.

Fish: Steve, let me frame the practice consideration just to get your thoughts. The thing I want to avoid is in December us agreeing to a set of regulations which the industry then says, "well, we're going to need six months to transition into them." For example, we set insurance regulations in December and people will say, "well, we're gonna have to spend six months talking to private insurance, seeing if we can line it up, blah, blah, blah." So, there is a virtue at some point well before the end of the extended pilot period for the Council to be clear about some of the baseline issues because the folks out here are going have to -- like around insurance, if we mandate certain levels of insurance, they're going to have to find companies that provide that insurance.

Novick: Actually, Commissioner, you've raised an excellent point. The specific issue you raise is one I wanted to ask Mr. Brine about while he's here: how long does it take for the

August 26, 2015

insurance industry to agree to sell insurance to people of a type and coverage level they haven't before.

Hales: Again, let me suggest we bring Mr. Brine up and maybe staff as well, because I think there are some issues we ought to get before our experts as questions regardless of what happens next. So, please. Ms. Treat, do you want to come up, Leah, and bring staff with you? OK, I might be able to accommodate that later but again, we're accepting a report here. Who'd like to begin?

Saltzman: Well, at the risk of -- well, we'll stick with the insurance first. I do have one minor question I'll ask after the insurance presentation.

Hales: Go ahead, Steve.

Novick: Mr. Brine, first of all, it would be great if you could hazard an answer to the question Commissioner Fish in effect just asked, which is, suppose we decided in the near future that we were going to tell the TNCs that they need to have a higher level of the insurance during period one. The TNCs have said that those products are not available. Some people on this Council have the suspicion if you call up an insurance company and say, "I want X amount of insurance coverage, what do I have to pay for it?" they can answer that question pretty quick. Do you have an answer to that question?

Kenton Brine: I'm Kenton Brine with Property Casualty Insurers Association, we're a national insurance trade association with about a thousand member companies that write insurance -- some of them write locally, some of them write nationally, some of them write regionally. Our members write about 40% of the auto insurance policies in force across the country today.

With that, there is not a simple direct answer to what you're saying. I can confirm this: the policies that would be in excess of what is currently required under the agreement -- the national agreement and what's in place in Portland today -- those policies do not currently exist because they're not required to exist. Insurance companies can be responsive -- they've frankly been quite responsive to the emergence of this transportation alternative. And not only had I never heard of Uber two years ago, but insurance companies had not heard of Uber two years ago, and we spent considerable time coming to know how that business operates and frankly being on the opposite side of some of these issues from them initially. But we've come to an agreement on what those minimums can be and what carriers are willing to write, and that's currently set at those mandatory minimums that you have in place in Portland today.

Fritz: If there was a new taxi company, they can get a million dollars -- why is it different from an Uber company?

Brine: Sure, thank you for that question. Tax companies are commercial enterprises and they buy commercial insurance policies. What we're talking about is this hybrid of a person who is at one moment driving their private passenger automobile for private purposes who then turns an app on on their phone and becomes a commercial driving operator or however it's defined in Portland language. And what the industry -- what insurers have tried to do is to say we need bright lines between those two activities. When you're a private passenger, when you're just a regular driver driving your personal car for your own purposes, you're covered by your auto insurance policy that you purchase. When you switch over and turn that app on you become something different than what we signed you up for and therefore, you need a different kind of coverage.

The kind of coverage that is contemplated in the national compromise between insurers and the TNCs and what is included currently in place in Portland says once the app goes on, there's TNC insurance, which is not classical commercial insurance. It could

August 26, 2015

be sold by your private passenger insurance company as a private policy, or an endorsement on your private passenger auto policy, but there's a line. On one side of the line is you as a normal driver driving your own car, on the other side of the line is you as a driver picking up passengers for money.

Fritz: But why can't we say that Uber is like a taxi company? They as a taxi company can get the commercial insurance.

Brine: I don't want to speak for Uber's position on this, I can tell you in a long at first battle but then a negotiation process with Uber, insurers have come to see actuarially that the arguments that are made by the TNC companies are -- at least as near as we can tell so far -- are accurate. There's a difference between an Uber driver and a taxi driver in that the Uber driver is, you know, for lack of a better term, minding their own business when they don't have their app on. They're not the same risk as a driver commercially driving all the time that's in their vehicle.

Fritz: But we're talking about when the app is on. When the app is on, they are a commercial driver. What does there have to be a distinction when they've accepted a ride?

Brine: I think this gets into the argument about how the Council sees the activities of Uber and whether they see them as a commercial driving enterprise or sees them as a company that provides an app that allows people to sign up and provide transportation services. They will say, I suspect, that their model is different and their drivers are different. And I'm saying as an insurer, that's not really something I can speak to directly, but I can say insurers are writing these TNC policies as endorsements or standalone policies because we agree we don't see them the same way as we would see a commercial taxi company or commercial taxi driver.

Novick: Mr. Brine, I think the question we're asking is what about if required a certain level of coverage -- let's say the Council did decide as soon as you turn on the app on, you need \$1 million in coverage. I can see there are specifically negotiations between the TNCs and the insurance companies about what the rates should be. But in terms of just the level of coverage, if we impose that requirement and Uber and Lyft said, "well, it'll take us a year and a half to figure that out with the insurance companies," would that be a plausible statement? Or would it be more plausible to say if they have \$100,000 in policy now, just multiply the cost by 10 and we'll sell you a policy for that.

Brine: Well, there are kind of two -- the direct answer to your question is I'm not sure how long it would take exactly. It would take time. I don't think it would take a year and a half, but it would take time for insurance companies to do the math and figure out if that's a product they can affordably sell.

The other question that I think is important for policymakers -- because I've heard this come up several times today -- it is absolutely any policy-making body's right and responsibility to make laws to protect the public and determine what those minimums ought to be. The question is, what will the financial and market impact be of those decisions? I think it's fair to say -- although I have to be cautious to not make "what industry would do" statements because that's against federal anti-trust law, but I suspect that the level of participation that would be in place in the insurance market would be different with a policy requirement, with a minimum requirement in the million-dollar-at-all-times range versus --

Fish: But sir, let's put it in terms that may be more familiar to some of us up here that once upon a time put a child on their insurance policy for their own car.

Brine: I did that myself.

August 26, 2015

Fish: Yeah, so you and I --

Brine: Feel the pain.

Fish: We both feel the pain of having a conversation with our insurance broker and saying that we're going to put someone on. Just for argument's sake, when my daughter was 19 or 20. The insurance company didn't say that there was a question about whether they could give me coverage, and they didn't spend a lot of time talking about actuarial stuff. They said, "if you put your daughter on the policy, it's going to double your rate." And I said, "well, boy, that's not the best news I've had today, so what are my other options?" And they said I can increase deductibles for certain things and as a way self-insure as a way of reducing costs. If your daughter has a clean record over time, you'll get a discount and things.

I never had a debate with my insurance broker about the mechanics of insurance, they just told me what it would cost and I either put her on my insurance or not. I don't understand why in the commercial context it isn't the same matter. I understand that you're saying the cost may be on a level Uber or some TNC doesn't like. That's not the question we asked you. We're asking, is an insurance company going to underwrite the insurance if we mandate it? And since insurance companies underwrite college football players and underwrite horses and underwrite my daughter, why on earth wouldn't there be a market for underwriting a commercial policy at the limits that we set, regardless of what the secondary question or what the cost is?

Brine: To be clear, I never said there wouldn't be a market. I have said that the market would be a different market for that product than the market that's in place today.

Fish: OK. But you've also said very tellingly that in the industry's view, there's a different actuarial model for that period one.

Brine: Sure.

Fish: So why isn't that good news for TNCs? The industry can offer a million dollars for insurance, but also through its own actuarial -- through its own underwriting process, they can also make the judgment that's a pretty good business because it's very unlikely that there's going to be very much exposure during period one. OK, so that's a good business. What's wrong with that?

Brines: What's wrong with that is in the first place, if you define it as commercial coverage, that limits the number or type of carriers that can offer the coverage. It says writers of personal insurance policies can't market that market unless they develop a commercial product, which has to be developed and approved by the insurance department and go through that process. Some companies would do that, a lot of companies won't. There are a lot of companies out there that don't write commercial auto insurance. So, you're limiting your pool of insurers. You're also limiting your pool of insurers who want to enter a market where the minimum limits are \$1 million for that period one time period.

Finally -- I hope I'm answering your question -- When you add your daughter to your policy, you're talking to your private passenger auto insurance company that's been writing private passenger auto insurance maybe for you for a short time but for the entire insurance-buying public for maybe a hundred years. So, there's a lot of actuarial data and they know what it's gonna cost. So, they have the data to price a product and they're going to compete with each other to provide that product for you and your family and the other drivers.

In the case of this particular circumstance, we're talking about something that's new enough that makes it difficult for me to say how long it would take a product to be

August 26, 2015

developed, how much it would cost, and these are things that are sort of market-driven. They're also case law driven. All the things that go into the price of the policy that you are providing for your daughter have been provided through years and years of case law and legislation and negotiated settlements in the case of auto accidents. So there's a lot of factors that go into pricing auto insurance policies, and some of those are not known yet.

The industry has tried to be responsive and develop products based on the known knows, the things that they can actually actuarially price things out at, and that's what they're trying to do here.

Fish: Just so I'm clear -- and this is a complicated area and I appreciate you walking us through it so clearly --

Brine; And I do want to be as clear as I can for you.

Fish: I hope we can call you back on lots of issues so -- let me put it this way -- I can understand you, which is saying something. So, where TNCs offer the lower coverage in period one, are you suggesting that by and large that's just rider insurance to a personal coverage?

Brine: It can be, yes. That's how it exists today in some markets.

Fish: So by keeping the limits low, it opens the door to this being coverage through private insurance at least for period one, and the commercial doesn't kick in until two and three. So what we're really arguing -- so the concern you're raising is that if you display private insurance in period one, you're not sure whether there's a viable commercial market for that period, or at least you think it could take some time.

Brine: I think it would take time for it to grow. I think that there could be a commercial market for both period one and period two if the limits are set at that high level. I think that just based on even a layman's understanding of what private passenger auto insurers are interested in, there will be a lot fewer carriers that are interested in a market where the minimum limits are \$1 million.

Fish: Help me understand one other piece -- and again, I appreciate your patience. In period one where you turn on your phone and you're driving, your waiting to arrive, and you run someone over -- god forbid -- are the current limits adequate for that event?

Brine: My guess is that if you were the victim of an accident or a family member of that accident, you may not believe so. However, public policy is a trade-off in a lot of ways, and one of the issues that arises for all drivers is those mandatory minimum limits -- I'm sorry, I didn't want to interrupt your question.

Fish: Yes, we make trade-offs, but for the person who was crossing the intersection who was run over and killed by a distracted driver, the extent to which they can get compensation for medical, for any liability is set now at least with TNC at 100,000. Is that adequate?

Brine: That's really not a question I'm comfortable answering. I mean, that's a public policy question and issue.

Fish: The same person who is hit and killed in period two I think would take some solace that we're up to a million dollars. I'm not sure I can make a clear distinction in my mind as to why we should have a tenth of the insurance for the same event simply because of an accident of timing.

Fritz: Actually, it's a twentieth because it's 50,000 currently.

Fish: Sorry, a twentieth. I'm struggling with that. If our public policy concern is consumer protection, protecting the victim, I'm not sure why we value life so differently in period one versus period two. [applause]

August 26, 2015

Brine: I think ultimately, as we discussed the term trade-offs, the thing to be cognizant of as you make that determination is if you want to have these transportation alternatives working, existing in your city, it makes a difference how much it costs them to enter that market. It makes a difference how much it costs in insurance and permitting and all those other things that have been discussed here today. I'm not arguing that you don't have a right to set those and you have to weigh the public policies and concerns that you're raising, I'm just arguing that there is a cost impact to having a product where the minimums are here versus here, and there will be a market response to that from the people who you're talking about.

Fish: Right. Let's be clear, we either externalize that cost on an unsuspecting public, or we ask an industry to incorporate that cost into their business model. And we typically frown on externalizing those costs on unsuspecting people.

Fritz: And colleagues, if we are going to do this then -- part of what we've been talking about for the last several months is a level playing field. The company currently have to have more insurance for the TNCs. I know, Commissioner Saltzman, you said you weren't ready to make a decision on this today. However, if it's going to take the companies a while to gear up, it might be wise to give some direction if three or more of us are looking at having the same rules across the board for insurance that indeed, they will need to provide insurance at \$1 million with the primary being the TNC starting when the app is switched on. You mentioned earlier about a bright line -- that's a very bright line, you've got the app is switched on. If you get into a crash when you're going to hit the screen because you're about to accept a ride, that's a clear cause and effect, and yet, it wouldn't be covered at this point.

Brine: Well, it would be covered, it wouldn't have a minimum of a million dollars' coverage. But under what's in place currently and what we have supported around the country, including in Oregon, there is coverage. It's 255100 minimum coverage.

Fritz: That doesn't even cover 10 days in ICU.

Brine: It's not just that coverage, other coverages apply. Any coverage that's applied by the state -- and in Oregon, personal injury protection insurance is required for all drivers, and underinsured and uninsured motorist coverage are required by the state --

Fritz: [inaudible] -- it's pathetic --

Fish: But sir, isn't there a catch-22 here? I mean, aren't most insurance companies going disclaim on the basis that they're going to say the person was operating in a commercial context and their own insurance doesn't apply? My insurance on my car does not allow me to run a commercial --

Brine: That's why we're talking about a separate product, TNC coverage that is required from when the app goes on all the way through the ride.

Fish: Right, but it's with limits of 25, 50, and 100 --

Brine: Until period two, right --

Fish: What's the additional coverage that you're referring to above and beyond that?

Brine: The national agreement language that we have pursued in Oregon and in past in 20 states so far says if your state requires you as a private passenger auto driver to carry UIM and PIP coverage, it is required coverage in period one and period two under the TNC insurance policy. There is no gap -- that's the whole purpose of seeking the legislation in every state is to have no gap.

Fish: And that's the current law in Oregon?

August 26, 2015

Brine: No, we've not enacted that law in Oregon, we were not able to get that bill passed last session. But that is the language in place, as I understand it, in the existing pilot project in Portland.

Novick: That's right. But Commissioner Fish, you reminded me of another question that I wanted to ask Mr. Brine, which is that we've heard some concerns over the last several months that drivers might have their insurance canceled if they haven't told their insurers that they're going to be driving for a TNC and that there might be a mass of cancellations when suddenly the insurance companies hear that you're driving for a TNC and they cancel your policy.

There's also a concern expressed for passengers and also people who a driver might hit that it might in effect be a retroactive cancellation, that a driver that's driving for a TNC might hit somebody and a claim is submitted to -- when they are driving for themselves, not with a national agreement coverage in period one, two, three -- but a driver might hit somebody and then a claim is against their personal insurance, and the insurance company will say, "no, I'm not going to pay that claim because I didn't know this driver was driving for Uber or Lyft, and if I had, I would have canceled the policy" so the policy is retroactively canceled. I just wanted you to address those concerns and see how valid you think they might be.

Brine: I've heard that concern raised but I've never, ever actually seen evidence of it having occurred. I personally have no knowledge of that ever occurring anywhere in the country, and that's as far as I can respond to that specifically. But I have heard that concern, and I've heard legislators expressed that concerns as we talked about this bill.

I have a six-state region, I pursued this legislation in five of those states and it's been approved in four of those six states. Across the country, 20 states have enacted the very language that's in place in Portland today. 27 states overall have enacted some kind of regulations establishing insurance requirements for TNCs. Most of them -- all except one -- follow generally the same principles that are in place in Portland today. And I think I need to state -- if you were to go forward with something with the different, higher limits, you would be the only place in the country that requires that.

Now, if I may go back to your question, Commissioner. The insurers have had a lot of concerns about TNC drivers, and that's why we have been interested in this kind of legislation. What happens when you enact the kind of rules that already in Portland currently or might consider on a statewide basis is that you're reducing an exposure an insurer has for being charged for an accident when someone was driving their vehicle for commercial purposes -- talking about that bright line that I mentioned before. So, there's not much of an incentive for an insurance company to cancel someone whose accident is covered by a TNC insurance policy when they get into an accident on their private passenger auto policy. I can see them getting canceled if they have an accident on their private passenger auto policy -- that does happen sometimes if they've had multiple accidents, especially. But tickets, accidents, and those things that occur on one side of the line are the things the insurers have exposure for. So, there's not much incentive to say -- now we had a conversation once before, and I want to add the addendum that if insurers start to ask you if you drive for Uber when you're not driving your car for personal purposes and you lie about it on the application form, then they probably would have a reason to consider canceling you. But if they did how you phrased the question, I suspect there would be lawsuits and action by the insurance department against a company that did that kind of cancellation.

August 26, 2015

Hales: Other questions for Mr. Brine? It's been very helpful having you here, so thank you.

Brine: My pleasure. Anytime I can help.

Fish: Might take you up on that.

Brine: Absolutely.

Hales: Anything else for him? Thanks a lot. I think I want to suggest that Director Treat and Mr. Owens come up and join your colleagues here because I just want to make sure we understand -- along with Commissioner Novick's direction -- where we're going.

What we have in front of us this afternoon is a report from the task force. The only action we can take with respect to that report is either accept it or not accept it, because it's a report. But there are other steps ahead which all the testimony that we've heard in this hearing can help inform. One is Council members need to articulate the issues or questions that we think need further work. I want to put an asterisk on that and place that question to you, Commissioner Novick, and also to the team here. To what extent are we going ask the task force to soldier on a little more and do some of that work, or is all of that work going to fall on Ms. Treat and her staff and the City Attorney? You don't get to answer that question, he does -- or the task force, actually, because they are volunteers.

Fish: Can I give a preview? Just throw in a contender?

Hales: Sure.

Fish: I personally feel we are at the point we get to on planning issues where the next step is Planning and Sustainability Commission staff comes before us with a menu of options.

Hales: Right.

Fish: And we identify the areas where we want regulation and staff comes forward with option A, B, C. They pitch an option, we debate it, but we decide.

Hales: Correct. I guess I want to get to how that happens. So again, today we got a report in front of us, we need to dispose of and I don't mean that in a pejorative way -- say thank you or say never mind. And then the question is, again, there are issues that we want to address. We can ask staff to bring recommendations. Is there a reason, Commissioner Novick, in your money to ask the task force to do some of that work versus the bureau?

Novick: I think it's an issue-by-issue question. I think what I'd like to do is get the questions on the table, and we can sort through to some extent right here and now, and then take some thought as to whether we'd want to ask the task force to do the review or if we should just have staff do the review.

Hales: OK. So, here's what I suggestion. I have -- and I bet others here on the Council have -- questions and issues based on what I've heard in this hearing. Things like the renewal fee and obviously insurance and even smaller issues like more cab stands. I have an interest in having those issues considered and brought back for decision-making. So, I want to suggest that one, today we take a vote and accept or not accept the report; two, very swiftly -- I would say by tomorrow -- each of us ought to make sure we get all of our questions to your office and to PBOT to say, I need more about this, more about that, I want to see options on this. All of us have got some of that -- I bet all of us have some of that in mind. And then third, there's a schedule for what's going to happen next. As I understand it, on October 7th, that's when we're going get the status report on the 120-day pilot, right?

Leah Treat, Director, Portland Bureau of Transportation: That's correct.

Hales: And so then sometime after that is when we act on the final version of the regulations, correct?

August 26, 2015

Novick: Correct.

Hales: So it seems to me that by the end of September, we ought to have all that work done of vetting Council's questions and options that we consider when we adopt those regulations. Am I making sense here? There's a critical path.

Fish: You've won me over. The one thing I would ask -- because I think we all benefit from this -- I would ask that you give everybody on Council an opportunity today to put their issues on the record.

Hales: Sure.

Fish: -- and supplement them if necessary. I think we'd benefit from hearing from each other, and then making sure we have a comprehensive list. And then a sense from Commissioner Novick whether there are questions to be answered or to be addressed by staff or if they're going to be required by the task force to review them.

Hales: Alright. Jim, I understand there are members of the task force -- maybe all of them -- that are willing to do more work if asked to by the Commissioners?

Jim Owens: Yes, Mr. Mayor, Council members. The task force is willing to further delve in issues that you ask them to do so. I think we're balancing here report ownership factor with process fatigue.

Hales: OK, well --

Owens: So we're willing -- what the task force members have indicated is we have two meetings set up in September. We're hoping that the set of issues you forward to us for further reconsideration we could deal with in no more than two meetings.

And I would offer this about the action on the report. This is a report on taxis and TNC elements of the private for-hire transportation program. In September, we were going further work on the limited passenger transportation element. We have not finished the recommendations on that piece, so --

Fritz: What is that? What is it that you're doing?

Owens: The limousines and town cars and the shuttles.

Fritz: OK.

Owens: We intentionally held that element off so that we could devote adequate attention to taxis and TNCs.

Fritz: I would suggest we haven't actually finished the first task. So to start another before we finish the first would not be advised.

Owens: We have started that one --

Hales: But we, here.

Owens: OK. The point is we were intending to come back to you with that element of the private for-hire transportation program -- the task force would have recommendations on that element. In essence, our report is not complete anyway.

Fish: But Jim, most of my questions -- just for example -- they don't need to go to the task force. I'm ready to have staff come forth with language and commentary that we can then debate. I don't need to have it reviewed by another set of eyes, I think you've done a great job getting us to this point.

Hales: I'm kind of there, too.

Fritz: And I would not like to move forward on the limousines just yet. In fact, I think there's something to be said for bringing in the private for-hire board of review to come and look at if we designed this system to allow the TNCs, what then is the impact on the taxi companies and what do they want to do? Because several of my questions and concerns relate to keeping the taxi companies as viable businesses. And that cannot be done by the task force, I would think it had to be done by the private for-hire board.

August 26, 2015

Saltzman: I would point out that one of the task force's recommendations is to do away with the private for-hire board, and I'm inclined to support that.

Fritz: I think the private for-hire board should be asked to give comments on that.

Further, when we started this process, it was "how do we allow this alternative transportation mechanism to operate in our city?" I expressed my concern that I want there to be taxis who are viable for people like me who will never, ever get into a stranger's car and will never, ever get into a car that is not properly vetted with government-sponsored background checks. The way we seem to be headed with the task force report is that there will be no company for people like me, there will be no vehicle that I can call with my phone, my landline, and pay with cash -- necessarily -- that has had the necessary background checks done by government staff. And that's a big problem. [applause]

It's not just allowing this other system to work, it's taking away the system that works for me and probably many of the other folks who are doing those 3:00 a.m. calls and who are preferentially calling taxis because they prefer the taxis and they trust the taxis. And at 3:00 a.m. when there's no one around, you don't want to be screaming with nobody listening. You want to be in a cab with a camera and with annual background checks with daily supervisors looking to make sure that the windshield isn't broken. You don't want to be putting yourself in harm's way.

And so we need to figure out a system. It seems obvious there's a lot of support for allowing this alternative mechanism. That's fine. I just visited England. My 85-year-old mother is really good with texting on her phone, but she does not have a smartphone, she will never have a smartphone. She pays for her cabs with cash. And there has to be available as a public service as a utility, as part of something that's part of the government structure -- that still needs to be available. So, doing away with everything and just going the route of complete deregulation doesn't work for me or for a lot of other people in Portland.

It's all well and good to design a system that works for the two-thirds of Uber passengers who are visitors. I'm concerned about the people of Portland and how people in Lents get to their 3:00 a.m. pharmacy -- [applause] -- and how I get to the places I need to go to and how I feel safe because I trust our government workers to do the background checks correctly. I trust our government workers to provide the services that government's supposed to. [applause]

Hales: Folks --

Novick: Commissioner, the issue of whether the background checks are all done by the government or done by the companies with private contractors that we audit is an issue of the task force has looked at that and made a recommendation. The recommendation, of course, is not binding on us. I think that is an example of an issue for us to resolve, not to kick back to the task force.

Fritz: Yeah, and if some folks -- which they obviously are -- are comfortable having third-party background checks done and driving Uber, well and good. There are a lot of us who are not. And so I think there are some places within this report where actually we do want to have different standards for the different kinds of transportation. I would like the private for-hire board to weigh in. How can we maintain our viable taxi system in this new reality? Are we going to allow these three new companies to come in, are we going to further flood the taxi market?

August 26, 2015

Novick: Commissioner, I have to say, if there's a lot of people like you, then there will be a market for taxi companies and they will continue to exist because companies exist when there are a lot of people who need the service.

Fritz: What if they're not regulated? [inaudible] I mean, I'm don't go out a lot at 3:00 a.m. anyway --

Saltzman: You know, I haven't heard anybody today say they don't want to develop a playing field that accommodates the TNCs and the taxi companies. And that may have been a tune change from a few months ago, but that's the party line we're hearing today -- everybody deserves to be in this market. And you're talking about the private for-hire taxi board which kept the moratorium on any new permits for I don't know how many years. The private for-hire taxi board is part and parcel of the taxi cab industry. And let's face it, if we want a true, unbiased board making policy decisions as it affects TNCs and taxi cabs, it's got look different than the private for-hire board --

Hales: And that's why I think the primary conversation here --

Saltzman: Not to digress here --

Fritz: I'm suggesting --

Hales: The primary conversation here needs to be between the City Council and our staff.

Fritz: And then I would like to have --

Hales: Let me appreciate the task force, they've done their work. I'm prepared to say thank you for your report. But everybody needs to understand -- and your points, Commissioner Fritz, are a great illustration for this -- we are not implementing any recommendation as a result of thanking this committee and accepting their report.

Fritz: Correct, I --

Hales: Everybody understands that --

Fritz: But we do need to make --

Hales: This is not sleep-walking into legislation here. We are saying we got your report, we appreciate your recommendations, thank you. That's what we do by adopting or accepting this report. But it's very important -- and you just started to do that -- that we articulate the issues that we want addressed before we adopt new final regulations, and you've just done a great job of that.

Fritz: I started but I have much more.

Hales: I know you have more, and so do the rest of us. So again, I hear the request. What we ought to do is make sure each of us puts those out there today to the extent that we're ready, and understand we might wake up tomorrow morning or walk out of here tonight and say, I've got three more I've got to make sure Leah and her team know about.

My suggestion is we start now and finish tomorrow -- or at least by the end of the week -- getting our requests for options for the Council to consider back to us in a timely way. That work? There are a couple ways to do that. We can do that right now in turn or we can do that as we vote to adopt the report.

Fish: Let's do it now, Mayor.

Hale: OK, that's fine with me.

Hales: Let's start at one end and work our way along and you'll get another shot in a minute. Let's start with Commissioner Fish.

Fish: OK. Thanks to everybody for this system and this discussion. I have a number of issues. They are not exclusive because I think the report and the recommendations address a number of issues that I'm interested in. I want to just drill down on a handful that have been highlighted through the testimony and I still have concerns about.

August 26, 2015

Primarily for me, it's the insurance question. My own preference at this point is for parity, consistency across TNCs and cab companies. If there is any ambiguity at this point -- I don't think there is -- that the commercial policy has to be primary, make that as clear as possible. And then, I think there needs to be a consistent minimum of a million dollars in all three periods. Given what the gentleman told us about how the insurance industry works, I think that's an issue the sooner the Council reaches some consensus on that point, the fairer to all concerned because it sounds like there's some work to be done with the insurance industry.

The second thing for me is a more technical issue, and it's understanding what minimum standards of service means under 16.40.2.0. And frankly, this flows from an extraordinary meeting I had with some law students who have been looking at access and the code. They persuaded me that under sub C, service citywide, 24 hours a day, seven days and week does not actually set forth the service standard, it's too generic. What does service citywide mean?

I'll give you an example. Someone took out an app and showed me that the further you get from the downtown area, the more likely for Uber it's going to say "no car available." I understand that the rides in the inner city -- there are more customers in the inner city. I understand I guess the argument that they are more lucrative. But this Council will not tolerate red-lining of service delivery. If service citywide means what I think it means, then you do not frustrate the will of having citywide service by declaring to a potential customer that no cars are available simply because of your zip code. And I want to make sure that nothing that we are adopting permits red-lining -- effectively red-lining communities, and it appears to be communities where it's most likely that people are lower income, more people color, and also people with disabilities. So, that has to be addressed.

I continue to believe that it is unacceptable to allow for service agreements that are inconsistent with Oregon law or City law and say that, "well, there's a catch-all clause it says local laws apply if they are different." Most people I know don't have lawyers on retainer to sort of figure those issues out. I think it's a disservice -- I think it's bad for the consumer to put out information that may be erroneous and say, "yeah, but we notified them if it's inconsistent with local law, you get the benefit of local law." Who has the time to figure that out? I don't think it's asking a lot from a consumer point of view to say that the service agreements need to be tailored to the states in which these companies operate. It seems to me a \$50 billion company can figure that out.

I'm going defer to my colleagues on background checks because I'm not sure where I'm going fall on that although I think it's an issue about who does them and what's the standard.

And I also will defer to my colleagues on the question of permit fees. But I'm now just -- I don't really understand what we're doing. If you're a taxi company you have to pay one permit fee and there's a renewal fee. If you're a TNC, you don't. If we're going to get to a level playing field, I'd like to know what a level playing field looks like in terms of permit fees and I'd like to understand what the cost to the City of deferring on that question. Because if we're just renewing permits during this experimental period and we're losing revenue, who's supposed to make up that revenue to then fund the enforcement of the system? On both sides, I need more information.

I'll join with the Mayor in saying I'd like to know about -- and Mayor, you had mentioned you were going to raise this, and I just want to encourage us to put it on the record -- in the testimony from Mr. Wako, he says to add cab stands at various locations.

August 26, 2015

It seems to me to be a thoughtful recommendation and I'd like to know if that's possible and I would like to have that included.

And frankly, for the next phase, when staff comes back with recommendations -- again, I hope it's consistent with what we get like on our land use proceedings where they are complicated issues, the issue is framed, we have options -- more than one option in certain instances -- and then we have a debate with staff commentary. I think there's enough complexity here that if you break it out the same way the Planning and Sustainability Commission does on complex land use and zoning issues, it'll be easier for us to follow and easier for the public to follow our decision making. Thank you for your good work.

Hales: Thank you, helpful. Commissioner Saltzman, do you have things to put on the table?

Saltzman: I think most of my policy requests are going to come after we have some real data, and that is the conclusion of the trial period. Because the data really sort of defies some of the myths I guess we're being asked to rely on in a lot of testimony. For instance, last week we heard wheelchair access was not available through Uber or Lyft, and then we heard the data, and they are actually responding in less than half the time of taxi cabs. So, I really want to see the data at the end of this 120-day trial period to help form some of the policy questions I'm going to have about whether we really have a level playing field. That's really what I want to see. I think everybody wants to see, a level playing field, whether it's insurance coverage, 24/7, whether it's geographic, whether it's wheelchair access. Performance standards. That seems to be the hue and cry I'm hearing. And if we want to cut through all the fog, we're going to need the truth out there.

And as I raised last week, getting to the truth is really the crux of the matter here. One of the things I suggested last week and I will reiterate again is that we look at making sure we have a robust, well-funded compliance program. I suggested last week maybe a 50-cent per trip charge to help fund compliant efforts. Maybe that's in lieu of the permitting fees, because the permitting approach seems so different for a TNC versus a taxi cab, although it's still mystifying.

So, I think I really want to reserve judgment other than what I just said -- universal service, 24/7, and wheelchair access. I'm certainly open to looking at the insurance issues, which are vexing. Just in my own conversations with my own insurance company, it's vexing -- I barely can track it. So, I want to understand it better and I appreciate the information we received today. And certainly a million dollars in period one seems like something we should take a close look at.

And then I also did appreciate the testimony about the cab stands. I don't really understand the cab stand issue, but it sounds like something we need to look at, too. Yeah, so, I guess going to reserve judgment other than accepting the report today on where we need to go in the policy arena.

Hales: OK, let me -- I'll run through my list. Some of these are redundant but just in case I miss something, I'll mention them all.

First, there are a couple of informational issues I want to make sure -- in addition to the ones already raised -- that I want to have data on. One was raised in testimony today, and I'll go get that from the Police Bureau or ask this tomorrow coordinate with PBOT, and that is, do we have any indications yet with respect to drunk driving? Has it gotten better, has it gotten worse? It's a short time period, it's summer, so they may say we can't tell. But I'm going to at least ask the question. We've had 21 or 22 traffic-related fatalities this year. Every year, some of those involve drunk driving. I don't know where we stand with

August 26, 2015

respect to a typical year. And of course, crashes that are nonfatal involve alcohol as well. That's one -- to the extent we have useful information -- I want to ask and find out.

Another issue that hasn't come up lately but certainly came up during the early days of discussion about this issue and that is it's never been our intention in Portland to default to what's happening in the suburbs around us, on this issue or many others for that matter, but I'd like to know what's happening. We're in a metropolitan area, we're 600,000 people out of two million or 24 cities that surround us. I think I know the answer to that question, which is they're not regulating this at all. Again, that doesn't mean that we want go there, but I think it would be useful to find out what's happening out there in the cab industry and in the TNC world with respect to the rest of the metropolitan area. To the extent that there's any information, would be useful for us as a community to know.

Issues where I want to have options and decisions for the Council -- one is the renewal fees. What should they be? How do we level the playing field, and others here have articulated? How do we provide a stronger incentive for WAV trips? This idea of an accessibility fund -- is that viable, how it would work, what would it cost? You know, let's hear back about that.

Cameras -- are we requiring them for cabs? Should we require them for TNCs?
Drug and alcohol testing.

Of course, the overall issue of caps themselves. I know what the task force's recommendation is, but what's the bureau's recommendation?

And then yes, this smaller issue about cab stands. If we're going try to preserve -- as I think Commissioner Fritz has wonderfully articulated -- the option of using a viable, profitable cab company or the option of using a TNC here in Portland, does providing more cab stands for the cab companies help keep them in profitable business? And also, oh by the way, provide more service to the public, which is what this is all about. We're supposed to be regulating this industry because we're supposed to be maintaining a level of safe transportation service for the general public. So, those are the items on my list. I think I captured them all.

Fritz: The first issue is income to the City and financial impacts on the City services. We currently have 753 permitted taxis in the city of Portland, each of them pays the \$600 renewal fee. That's a total of just over \$450,000 that comes into now PBOT. We now have conservatively about 2000 new TNC drivers. If they were to pay the \$600 a year, we would have \$1.2 million.

One of my reasons for supporting the legalization of Airbnb was first of all, that we could have a system where homes could be checked for safety; and second of all, we knew we were going get the lodging taxes paid directly to the City. We all know we have a big challenge with transportation funding. This may be an opportunity not only to get better regulation and enforcement of our private for-hire system but also to raise some revenue. And several of the Uber and Lyft drivers last week suggested they would be willing to pay an annual fee.

The concern is that there are so many more part-time drivers, they're not going to be reaching the \$50,000 a year threshold to pay business income taxes. So, I want to know -- how much we get in business income taxes from the taxi companies and from the drivers last fiscal year? What could be the potential reduction in business income taxes? What are the fiscal challenges? Presumably, we've been funding our City staff with the permit fees that have been paid. I want to see a plan for how we're going to have an adequate number of enforcement staff and how the companies are going to pay for them.

August 26, 2015

Because the City needs to not just have other systems set up, we need to be able to at the very least be able to verify that we've got compliance with insurance, vehicle maintenance, access, background checks, and such like. So, that's a big concern that I have regarding just the money part of it. How much is it going to costing us now, as Commissioner Fish said, but how much is it going to cost us in the future and how are we going to pay for adequate staffing?

Then going through the task force's recommendations, they suggest that all companies would get their own background checks, which as I've already said is totally unacceptable to me. And I don't see that -- since many of our drivers have said it's not burdensome for them, for the taxi companies to continue having us do their background checks, I don't know why we would take that option away from them.

I do think we need to look at the permit fees for the companies which don't make any sense, in my opinion, that the initial fee in some cases is less than the renewal fee. I don't understand how that would be.

Replacing the board of review. Yes, that makes sense for the overall system, but what we really need to do in the next couple of months is to have the taxi companies get together and figure out what would make your industry continue to be viable? What does the City need to do, what do you need to do to provide that service that I and others value so much? Because we're not going to choose the alternative.

The recommendation is that permit approval and denial would be assigned to the Commissioner-in-Charge of Transportation and delegated to PBOT, not to the advisory committee and not come to Council. I think we need to discuss, that the taxi companies need to discuss how do you decide what the right number of taxi cabs is. Given that we may have 2000, 3000, 4000, however many unlimited numbers of Uber drivers, what's the right number of taxis in order to be able to preserve a viable system? That does seem to be to be something I'd like you to discuss and PBOT to come back with a recommendation on if we should continue to limit the number of taxicabs based on the planned demand.

The third recommendation is about record-keeping. It sounds very good, however, there needs to be a mechanism to verify and fund the verification of all of these reporting requirements.

I do agree with some of the testimony that said the TNC driver should have large magnets on their car that is much more clearly identifying them as a TNC, a phone number to call in large numbers. Because remember, we're the folks that have the old flip phones and other land lines that we're not going to just dial up the app on our smartphone --

Fish: Commissioner Fritz, would you yield on one point?

Fritz: Yes.

Fish: I wasn't here for the conclusion of the last hearing. Did we get a response to the question asked about who the local agent is and what the phone number is for both Lyft and Uber?

Fritz: Nope.

Saltzman: Yeah, we got it.

Ken Mcgair, Office of the City Attorney: Yeah, we looked up -- they both have local agents of service. Uber has a local office with a 503 telephone number and staffed. Lyft has an email and an 800 number for complaints.

August 26, 2015

Fish: Just want to acknowledge that it took the City Council a couple weeks to unearth that and now you're putting that in the record, but how on earth is a customer supposed to figure all that out?

Fritz: Yeah, that needs to be clearly posted.

Fish: I'm glad we've resolved it, but it now needs to be broadcast so that a customer can get that information.

Fritz: Well, more particularly, a bystander who may be aggrieved as well. Thank you, Commissioner Fish, I appreciate you clarifying that.

On page two, the next item is about the company permits. As I said, I think that needs to be discussed in much more detail.

The next item is the citywide service, which Commissioner Fish covered eloquently.

The next one is about maximum fare rates for taxi cabs, and the recommendation is to get rid of mandated fares and caps. How on earth is a consumer supposed to know which cab to get into if we don't have a regulated system? They're supposed to go down the entire line of taxis to find out who's going to give them the best deal? That doesn't make any sense to me. Again, that's something that I think the taxi drivers should be working on and helping to give us a recommendation. The surge pricing I don't think works for taxis, either.

Street hailing needs some enforcement. What's the enforcement mechanism? You can actually now hail a TNC, and they need to pull you over and say "you need to put on your app and request me and then I'll accept you and you can get into my car." That doesn't seem to be in the spirit of what we're doing and so there needs to be more education. What's the plan for education for community members that they're not supposed to be doing that, if we need to continue with that regulation?

I agree that the waiting in the taxi zone area -- the TNC vehicles.

In this section at the bottom of page two, it doesn't list cameras as requirement for taxis but on the next section in page three, it does list cameras as a requirement for taxis. I suggest that we need to continue having cameras in taxis because again, that's one of the things that makes me feel safer and is safer for the drivers. So, I agree with the first part on page three.

The background checks -- as I've already expressed, I don't trust private corporations to do the kind of verification that I do trust or City staff to do, and I appreciate the diligence of the City staff.

The driver working hours. I would be interested to know how that's going to be enforced. Are there TNCs currently being asked to tell us how many hours their drivers have the app on? I'd like to know what those hours they are.

The next one is about the driver kitties or fees, and the suggestion to do away with floors or ceilings on driver kitties or fees. That doesn't seem to protect the taxi drivers very well that. So I think that again needs to be discussed by the taxi companies and their drivers with a recommendation.

On page four, it suggests that the company has the responsibility for administering a City-approved training and testing program and require defensive driving training. Again, I don't trust the companies to do that. We've heard testimony and got emails about drivers being allowed on one of the TNCs platform while they were waiting for their background check to come back, and that's just not acceptable.

There needs to be penalties for when the wheelchair accessible vehicles are not required. I think that is one of the big positives of this experiment, this pilot, is that we have focused much more on providing the wheelchair access vehicles. And I agree that

August 26, 2015

having some kind of a per-free -- per-ride on all riders' fee to then pay triple to those providing WAV service seems like a very good wait around it.

And again, I'm still concerned about the additional cars on the street. It was interesting that we were discussing this morning about congestion and thinking about all of these cars now doing the additional rides.

The last page on five is the insurance issue. I have to tell you that it is very hard for me to listen to people asserting that \$50,000 for a person's life is an adequate amount of compensation and that \$100,000 per incident. The driver that killed my husband 48 weeks ago today had \$300,000, which is above the state minimum by a long way. However, there were four people injured or killed in the crash and so I still have not had a penny of that insurance yet. Certainly, money doesn't compensate for the life of a lost one. \$50,000 wouldn't even cover the medical bills of our friend Cary Fairchild.

So, these insurance limits -- I think that's something I've said before that we need to put on our legislative agenda to get our state limits changed. If people are driving commercially, at the very least they need to have the same as the taxi companies, which is a million per occurrence, two million in aggregate, 500,000 for the vehicle. And I would like to see if we could require that sooner rather than later. Wouldn't it be wonderful if Portland was the best and safest place in the entire country to hail an Uber because at least you'd know you'd be covered?

Then the insurance expert told us, there will be the question of does Uber and Lyft actually want to operate in our City if we require them to have adequate levels of insurance at all times? That's their choice. That's where the free market comes in, that's where responsible drivers come in, and that's the policy that I think we should do sooner rather than later.

We did have very compelling testimony last week regarding the insurance and regarding EcoCab having been told insurance was fine and then being told it was not fine. She sent additional testimony. Apparently, we're already implementing that all insurance policies must carry an AM Best rating of A-8. I have no clue what that is, but the Council hasn't directed that yet, so I don't think EcoCab should be penalized for following the previous policy when we haven't changed it yet.

Second of all, they raised the issue of having an insurance company that's accepted in the state of Oregon and that has backup insurance from the state of Oregon should the insurance company go bust. I would want more information on that and I want us to look into that. Because again, we should be supporting Oregon companies, not out-of-state or out-of-country offshore insurance companies that are not going to stand behind the company or the driver should something terrible happen. That's another piece of making sure insurance is acceptable in the state of Oregon. Thank you.

Hales: Thank you very much. Steve, what have you got?

Novick: On the issue of permit fees, that's something staff is actively working on right now. We want to come up with a system that is fair and that does cover the cost of enforcement and compliance monitoring, and we are postponing the renewal fees for the taxis until we have figured out a new system.

I have to say that we need to come up with enough money to fund a system that's unlike any we've had before. Because I have to tell you, six months ago, we did not have aggressive monitoring and compliance of enforcement of the taxi cabs' variety of requirements. We did the background checks, we did the vehicle inspections, but we did not have people out checking at all hours of the day and night to be sure there was truly citywide 24/7 service including for people who need WAVs. So that's a new thing for us

August 26, 2015

that I'm very much committed to doing. And as Commissioner Fritz said, there needs to be penalties for not meeting those standards. Last week, I saw some data that indicated that for the TNCs, they clearly were not meeting those standards and I think that we do need to start moving towards penalties. I need more data, actually, on whether the taxis are meeting those standards, and I asked staff to start more aggressively gathering that data.

So, the permit fees is an issue we're actively working on, we want to come up with a fair system. Responding to what --

Saltzman: What about the 50 cent charge?

Novick: I don't dismiss that as an option, Commissioner Saltzman. I'd like staff to see if that makes more sense.

Saltzman: OK.

Novick: I appreciate that suggestion. I agree with Commissioner Fish and Commissioner Fritz that if we are going to require a higher level of insurance for period one than is in the, quote, "national agreement," we need to serve notice of that now. I have to say that at present -- this is not a final decision, but I am inclined to say we need higher levels of insurance in period one. I note that last week, Mike Greenfield, the head of the task force though speaking solely for himself, said he doesn't see the reason for the big difference between period one and periods two and three. So, I see that at least one of the representatives of Uber is still here, we'll get in touch with Lyft and serve notice that they need to start thinking about how to go about getting a higher level of the insurance in period one.

So, those are -- oh, and one more thing. I do want Commissioner Fritz to be able to continue to call a taxi when she needs one. I am not sure that it makes sense to have one set of background check requirements for taxis and another for TNCs. Maybe that's a road we want to go down, but I want to ask -- I recognize the task force's recommendation is to have the background checks solely handled by private companies. I want to get a sense of how much of a sort of administrative burden it would be on the police and the LEDS system, etc., if we had the government do background checks for everybody. So, that's an issue I think requires further discussion.

Saltzman: I asked Chief O'Dea about that in our first consideration of this issue and I was told by him that LEDS is kicking off the City doing background checking on taxi drivers. I'll check on that.

Novick: Actually, my understanding is that LEDS is sort of -- the state police has sort of asked us to justify using LEDS to do background checks on taxi drivers, and I don't actually know if that means they're about to kick us off or if they just want us to give a reasonable explanation.

Fish: Mayor, can I -- in light of something my friend Dan said, can I clarify my request on access?

Hales: Sure.

Fish: So, Dan said we need to make our decision based on data, we need to lift the fog -- he wasn't referring to fats, oil, and grease. So, I agree, we need to make good policy on the basis of data.

The concern I have is that it's apples-to-apples data. And if the TNCs are effective excluding whole sections of our community from service, then I'm not particularly impressed with the cherry-picked numbers on service times. [applause] If we are requiring that they serve the City, which is the minimum requirements in the statute I referred to earlier, then I don't want to base a future decision on data that is based on the calls they are choosing to take and lose track of the fact that there's a lot of people who are not

August 26, 2015

getting access to the service because their app says there's no car available. If we're going to require universal service, I don't want cherry-picked data that has misleading service times, nor does Dan. There's no daylight between Dan Saltzman and me in terms of wanting to have an adequate level of service between disabled residents of our community.

If you can simply frustrate or system and then you report that you've got good response times in the inner core, that's not consistent with what I think that Council intends to regulate. If you are required to provide service to everybody, then I don't want to look at apps that indicate by the time you get to 82nd -- if that's where you're initiating your call -- there's no service available. Because then you're essentially saying there's no service for disabled residents and the other data did not impress me.

Novick: Question for staff. On the taxi companies' app, Curb, does it work the same way? You can look at the Curb app and see whether there's service available? Like, look over a geographic area?

Fritz: And I think the other piece of that, Commissioner Fish, is the scheduled rides that taxi cabs do. Those haven't been included in the on-time data.

Jody Yates, Portland Bureau of Transportation: That's correct, it was an on-demand comparison.

Fritz: Yes, I think in order to be fair we need to be looking at the scheduled rides as well and assuming that they are -- unless there's a complaint or some evidence they're not being picked up on time -- that's service too, and that's how people like me use cabs, we schedule them ahead of time.

Fish: Mayor, I move the record.

Hales: Is there a second?

Saltzman: Second.

Hales: Further discussion on accepting the report? Roll call, please.

Item 901 Roll.

Saltzman: Aye.

Novick: I want to again give my profuse thanks to the members of the task force who have put in, as Mr. Owens pointed out, more than 700 hours of their time analyzing these issues, hearing testimony from a wide variety of people, and responding to questions posed by citizens and by this Council. And we're not going to implement every one of the recommendations of this task force -- there are some even that I take issue with -- but the work of the task force has been extraordinary and the staff support has been extraordinary.

I'm honored to have had the opportunity to assemble this task force. and I'm still amazed that most of the people we initially asked to serve on the task force agreed to do so. We had and we have a group of fantastic people doing a lot of very hard work, and I can't thank them enough. Aye.

Fritz: Thank you to the task force, Jim Owens for facilitating and Leah, all your staff. This is a very challenging issue with looking and doing things very differently from how we've done it before. I also want to thank Claire Adamsick on my staff who has been on my staff for the last six months and I think has spent a majority of her time on this issue. She's done amazing work.

We are getting closer to addressing the real needs of all of our community, and I think it's clear there needs to be room for the different kinds of options. We need to make sure those different kinds of options are viable for the kinds people who are using them.

August 26, 2015

Capitalism is not a system that works particularly well for providing services, especially public services. Competition doesn't ensure adequate coverage, wages, or benefits when profit is the sole motive. And the question we are asking is, to what extent should government be involved in providing the service? I do see this as part of the public transportation system. And I trust government -- which I know a lot of people don't -- but I've been involved for the last six and a half years, and I trust government workers and I know that our staff -- first in Revenue and now in Transportation -- do great work in doing those background checks, in making sure the inspections are done, in doing the spot checks, and I don't trust out-of-state corporations.

One of the roles of government is to provide public safety and for orderly provision of service, and we need to continue to be able to do that. We also need to be able to support our businesses. I think one of the testifiers said preserving full-time jobs is not one of our roles on the City Council. I disagree -- it absolutely is. Providing gainful employment for Portlanders is definitely one of my big concerns.

We need to make sure we have the regulatory safeguards in place, that we're meeting the core standards, and I don't know that we have that yet. I do expect that when we see the trip pattern data in October, we'll get a clearer picture of the late-night service and the service to the communities in outer East. And I will be interested to get a clearer picture from staff as to how we're doing to ensure compliance. I'd like to see the reports from the inspection staff, specifically with examples of what they've seen out there in the community. And I want to see how we are going to fund to make sure at the very least we still have adequate enforcement within the city.

As I've mentioned, the insurance coverage is huge. And Commissioner Novick, I appreciate your willingness to look at asking the companies to implement the commercial levels as soon as possible because I think that is crucial and it's only a matter of time before something tragic happens. I want to make sure in that awful instance, at least that family doesn't have to worry about whether they're going to lose their house as a result of a commercial driver and having a crash.

Thank you, Mayor, for your leadership on this, and thanks to everybody who's participated in the process. It's been a meaningful community engagement process and your input has made a difference on all sides and so you should feel good about that. Aye. **Fish:** This vote is to accept a report. I have expressed my deep misgivings about the process and my deep skepticism that we can get to a level playing field, but that's not what we are voting on right now. Our vote is to accept a report and to thank the task force for the time and effort they've put into giving us the recommendations. And it is one of our great traditions of this body that when we ask a group of citizens to do a lot of hard work and produce a report, we set aside our differences and simply say thank you. If we didn't, we'd have a hell of a time getting people to serve on task forces in the future. So whether we agree or disagree with any of the recommendations in this report, that's not what we're doing right now. Right now, we are celebrating the fact that citizens in our community devote lots of time to help us make complicated decisions.

This is an excellent report and has helped shape what I think is one of the more interesting discussions we've had on the Council in a long time. Also thank you to bureau staff for all of your work. I'm not sure where this is going to end for me, but I do agree with Commissioner Fritz that all sides of this debate have stepped up and have raised the quality of debate so that whatever decision we make -- whether you agree with it or not -- it'll certainly be informed by all the time and energy we're putting into it. I'm enormously grateful for that.

August 26, 2015

And I echo Commissioner Fritz's comments, Steve, that I appreciate that a consensus is now forming around insurance. I do agree we need to send this signal early on. We don't want to come back in December and find there's a six-month lag to actually implementing it. Thanks to my colleagues and thanks to everyone participating. Aye.

Hales: Thank you, Commissioner Novick, PBOT, and again, our task force -- well said, Commissioner Fish -- for weighing in and giving us some guidance so far. More work obviously ahead to do, quite a bit of it based on what the Council has laid out here already in this discussion. And again, I want to make sure everyone understands that we can lob a few more questions and requests in if they are either suggested to us or occur to us over the next couple days so that you have your full scope of work in front of you.

You know, from the beginning of our work on these issues of the new economy, as some call it, we've tried to find a good place for Portland to land. We were confronted by the eruption of people renting out their spare bedroom through websites and ways that didn't conform to our own regulations about hotels, motels, and room taxes. And we've tried to figure out a way for that piece of the new economy to operate legally in our city.

Both words are important. We want to try to make it operate, because there is change all around us in this tech-friendly city in this tech-suffused world. So, there's change all around us. Many have suggested that we should deal with that, and we're trying. But we also have some old public responsibilities about safety that never go away, and about trying to support local businesses that should never go away, and that's the middle ground we're trying to find. I hope everyone understands that we're trying to find that.

In the now infamous meeting that Commissioner Novick and I attended, my first face-to-face meeting with anyone from Uber was where I told them we will begin discussing this topic when you stop breaking the law. They stopped breaking the law, and we started trying to work on these regulations and we'll keep trying. So, everyone I think in this room needs to understand this is a City Council of good will with excellent staff and some great citizen advisors trying to find a way into some difficult topics.

I'm always happy for Portland to be first. It seems like that happens more often than not. Bill de Blasio has been calling me about this issue rather than me calling him and saying, "how did you figure this out?" and that is kind of normal, it seems to me. Portland usually does these things first and better, and I'm OK with that, even though I would like to be informed by what's happening around us. But I think it's important to remember, other cities have tried to deep these new services entirely at bay or they have utterly surrendered, as I believe all 24 jurisdictions around us have. And neither of those is acceptable, I think -- again, in a new economic world and where we're trying to be responsible and support local businesses.

Finally, one little piece of this that keeps bubbling up but needs to be articulated is that we regulate these businesses for a set of reasons, and they have been well expressed here today. But it's always important to remember, even though I sound a little pedantic when I say it that driving an automobile is a privilege, not a right. That's why we have a license. You get licenses for privileges, you don't need a license for a right. There's no right to drive an automobile, as outrageous as that might sound in the United States of America, or at least in Texas. But it is not a right to drive an automobile, it is a privilege. And driving an automobile for pay is an even higher privilege. So, regulation is complete appropriate. And I think folks enamored of the power of the market always need to remember that in this debate or any other.

August 26, 2015

I think we will find a way forward in this. We're not there yet. We're trying. I really appreciate the fact that we have tried some things. Government doesn't do this very often, and I want to commend Commissioner Novick again in the difficult environment here trying some things, innovating, experimenting. Government does doesn't do that often, but this is one of those cases where I think it makes sense to do that. And then, get the data, get the conclusions, write the regulations, and give people some certainty about the future. I think we can do all that. I appreciate the good work so far, look forward to the next phase of the discussion. Aye. Thank you all, we're recessed until tomorrow at 2:00 p.m.

At 5:04 p.m., Council recessed.

August 27, 2015
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.

AUGUST 27, 2015 2:00 PM

Hales: Good afternoon, everybody. Welcome to the August 27th meeting of the Portland City Council. Would you please call the roll?

Fritz: Here. **Fish:** Here. **Hales:** Here.

Hales: I think we're going to be joined by one or more of our colleagues, but three of us are enough to make a quorum.

Welcome, everyone. We have a single item on the Council calendar this afternoon. I will get our Clerk to read it in a moment. I just want to welcome you here.

This is an appeal hearing, so there's a structure to it to which certain times are allocated for the staff report and for the appellant and for supporters and opponents of the appellant. If you have been here before, you know the rules. You can testify by signing up and letting us know that you want to speak on the item. We typically allow two minutes for each person who is speaking, other than the appellant themselves. If you do want to testify, you need only give us your name. You don't need to give us your address. If you're a registered lobbyist, under the City's code, you need to let us know that.

We also practice common sense decorum in the room, which is we want to make sure we hear everyone's point of view. If you agree with someone and want to indicate that, feel free to give a thumbs up or wave of the fingers or some other positive sign of encouragement that's non-verbal, and likewise to the negative. If you disagree with someone, employ a polite hand gesture but let's not have vocal demonstrations in favor or against our fellow citizens' points of view so that everybody gets heard. It's not much more complicated than that. Welcome everyone. Please would you reads the item, Sue, and we will proceed.

Item 902.

Hales: Here's the procedure as I have it. I'm going to have an introduction from Commissioner Fritz, we'll have a staff report from the Parks Bureau, the appellant then gets a 10-minute time period to make the case about the appeal, individual supporters of the appellant will then get called on to support that position, and then if there are opponents of the appeal who are individuals, again, likewise, we'll hear them one at a time at two minutes each., give the Parks Bureau a couple of minutes for closing statement and the appellant an opportunity for rebuttal, and then we decide. With that, Commissioner Fritz, any other comments before we begin?

Fritz: Thank you. I'd just like to remind everybody that we do have a town hall this evening about the City's recreational marijuana program and it's at 6 o'clock at Emanuel Hospital in North Portland. If folks are here to comment generally about management of marijuana in our city, that's the appropriate forum. This is strictly about the festival and whether the permit should be issued or not.

Hales: Thank you. With that, let's call on the Parks Bureau for a staff report, please.

Harry Auerbach, Chief Deputy City Attorney: Thank you, Mayor Hales and members of the Council. I'm Harry Auerbach from the City Attorney's Office. I will give you a quick

August 27, 2015

background as to where we are and then Shawn Rogers, who is the manager of the customer service center, will run through the decision-making and why the permit was denied.

Under our code, people who want to hold events in Portland parks are required to obtain permits, and the code sets forth a list of things for which you need to have a permit in a park. Any event that is going to involve 150 or more people at one time requires a permit, so an event like this falls within that category.

Because we recognize the nature of parks as public forums where people typically gather to express their views, you have adopted a code that entitles people to have permits for events as long as they meet the listed criteria in the code, and the code lists seven of them. I won't go through all seven of them unless you have questions about them, but one of them is that the applicant not have failed to comply with conditions of permits previously issued by Parks.

So, we have had a fairly lengthy history -- which Shawn will describe to you -- of this event in the parks over the years and have had persistent problems getting them to comply with provisions of their permit, primarily around controlling the use and distribution of controlled substances at the event.

Following the 2013 event at Kelley Point Park, the Parks Bureau determined to deny the permit for 2014. And that permit was appealed to this Council. The Council upheld the denial of the permit but requested that Parks work with Hempstalk to try to accommodate the event at Waterfront Park at the end of last season. And so they did that, and they worked to get a plan to try to address the concerns that had led to the denial of the permit, and they issued the permit for the 2014 event.

Based on the occurrences at the 2014 event, which Shawn and others will describe to you, when the applicant came in to apply for the 2015 permit, that permit was denied on the basis that the applicant had failed to comply with the conditions of the permit for 2014.

The applicant then appealed to this Council and at the same time filed in circuit court a petition for a writ of review of Shawn's decision denying the permit, and so the hearing on this appeal has been delayed pursuant to a stay issued by the circuit court while that process played out.

We obtained a decision from the circuit court upholding the denial of the permit, and so now we're back for the applicant's opportunity to make his appeal to you directly. And that's all I've got at this point, unless you have questions.

Fish: I have a question. You used the term "controlled substance" and you didn't define it. So, what were you saying?

Auerbach: Well, marijuana. The reports were that there was rampant use of marijuana, there were vendors selling marijuana, and Shawn and the police representatives and others who were there can describe to you what they observed.

Shawn Rogers, Portland Parks and Recreation: Mayor and Commissioners. Hempstalk -- we have a long history with them. They've been with us quite a while. They've been producing events in our parks for 10 years. They started in Waterfront Park back in 2005 and 2006. We moved them to Sellwood Riverfront Park in 2007. From there, we moved them to the eastbank festival plaza, then to Kelley Point Park from 2009 to 2013.

During that time, they began to expand in their numbers. Their attendance grew. At the same time, Kelley Point Park is a great distance away from very many neighbors, so it was relatively a perfect place to have an event that might be challenging.

August 27, 2015

However, in 2013, it became very challenging for some of our neighbors and raised several questions that questioned whether or not we should continue the event. Then they had their event following Council -- their appeal -- to Waterfront Park last year.

During this period, Hempstalk has shown a consistent failure to comply with the conditions of their permit, failure to prevent illegal drug use at their event, a lack of administrative capabilities to complete the permit application process without extensive Parks assistance each and every year, lack of skills and management capabilities to run an event of this size -- and it has gotten relatively big. During Hempstalk's last event at Kelley Point Park in 2013, the number and degree of issues, challenges, and violations became too numerous to accept, and for those reasons, Hempstalk's 2014 application was denied.

As you know, Hempstalk appealed the decision to City Council. Council provided Hempstalk one last opportunity or to apply and receive a permit to hold their event. With that opportunity came Council's expectation that Hempstalk would meet the conditions required of all events, contract a professional event manager to run their event, contract with an experienced security company to secure the event, and lastly, to assure that all conditions of use are met including prohibiting the consumption of illegal and controlled substances during their event.

During the 2014 event -- just last year -- the following issues and violations continued to occur: ongoing unrestricted use of illegal and controlled substances by organizers and their patrons, unwillingness by the organizers to enforce state and federal law as required in the conditions of use in that permit, organizers directing or instructing participants where to use illegal substances on park property.

The event took place just last year on the 27th and 28th of September, and is well-documented both in the following two Portland Police after-action report as well as Park Rangers' observations and documentation. I'd like to introduce for you Sergeant Heidi Brockmann with the Portland Police's event coordinator position, as well as Galina Burley, the security manager for Portland Parks and Recreation.

Heidi Brockmann, Portland Police Bureau: Good afternoon, Mayor Hales and Commissioners. As he said, I am Sergeant Heidi Brockmann with the Portland Police Bureau, and I'm taking over -- I've taken over the special events position for the Police Bureau for Sergeant Craig Dobson. He was actually significant and an important integral part of planning this event, and he is unable to attend today to give you the firsthand account of what happened the day of the event. I was part of the planning portion in working with the applicant and the organizers for this event, and so I will explain a little bit about that process as far as working with them, as Shawn mentioned, about giving them clear instructions about the expectations, specifically about lawful behaviors, event management, and substances that would or would not be allowed.

We worked extensively with them in having to develop a very specific security plan which was a lengthy process. They were frequently not able to provide specific details for their event. It was basically a cut-and-paste type of document initially, but when we got into the nuts and bolts of it, they finally did agree to and presented a safety and security plan as well as having verbal assurances that they would abide by this plan, which specifically addresses no illegal activities and substances, including cannabis use, at this event; no alcohol, illegal drugs, or paraphernalia at the event; and no usage, consumption, sales, display, or other presence of any such items at the event. And this is all in their security plan that they agreed to.

August 27, 2015

There was also discussion about clear messaging on their websites as well as at the venue itself about not using these substances. But from that website, there is one line in there about -- that illegal substances would not be used, but as far as vendors -- which we had lengthily discussions about making sure that such things as edibles, which is consumable eaten marijuana substances, would not be used or sold. There was nothing in their open source or on their website about restricting that or not being allowed. In fact, from Sergeant Dobson's report about the event, there was a patron that came up and said that they didn't know that they couldn't consume these things. They had been to these events before and they've been able to use them and to purchase these items. Other vendors claimed they were not able to -- they never knew that they couldn't sell these things, and it was not in their materials on their website as they said that they would provide for this event.

So, it was many, many violations of the safety and security plan, as well as just the event management itself, which had issues. I am now going to turn it over to Galina Burley to talk about the Parks side of it.

Galina Burley, Portland Parks and Recreation: Thank you. Myself and Rangers were out in the field for the event, and I just want to go to the slide where our report -- maybe a half hour from the night of September 27th.

So, a few things that were reported by the Ranger team included teenagers smoking a bong at the police memorial, adults passing a joint under the Hawthorne Bridge, multiple groups of teenagers passing a pipe under the Hawthorne Bridge, multiple individuals carrying bongs, pipes, and bags of marijuana, groups of teens smoking out of a bong, six groups smoking marijuana on the grass north of the Hawthorne Bridge, two individuals smoking marijuana in the bridge stairwell, two groups of teens smoking out of a bong, and a small container of crystal meth found at the police memorial.

This just a half hour that we were on our patrol. Our job is to observe and provide positive presence. If you have any questions, I was also there that night. Certainly would be more than happy to elaborate.

Hales: Questions for any of our staff?

Brockmann: I also have officers that were present at the event. I was not able to be there, but there were officers that were at the event that can testify to specifics.

Hales: OK. I guess one question I have -- just trying to look at the record, maybe you can recap this a little bit for me. So, there is this -- if you will -- bilateral discussion between the City and organizers about whether they met the conditions of the event or not. That's why we're here, that's why we're having this hearing. But what about everybody else? Were there a lot of complaints from neighboring property owners, from citizens, from people otherwise in the area? What did we hear from the community other than, again, City bureaus on one side and the event organizers on the other?

Burley: So, Shawn and I -- and he's customer service as a call-taker who takes all of our security reports. We didn't bring that information with us for this particular meeting but we would be more than happy to provide it.

Hales: I think that would be useful, maybe even from the officers who were there that day to give us some sense of that.

Brockmann: In talking with Sergeant Dobson from that event is people were not able to pretty much walk through the park. The organizers had agreed to taking care of not only the area or securing the area inside the fenced area, but they had agreed to all of that park land geography adjacent to the areas that they had asked for in the permit. They were not kept clear of all of these items, as described by Ms. Burley.

August 27, 2015

Hales: I'm not sure if I understood you. So, they were responsible for the area inside the permitted area -- I assume it was fenced. I didn't actually see the event, but I assume it was fenced. So they're responsible for the event. The event was inside the fence. Were there also conditions about managing conditions outside of the fence?

Brockmann: Correct. Just in the park itself along the walkways and so forth. The security was supposed to take patrols through there and make sure that the area was also not being used, having illegal substances used out there. That was part of the contract with the security team. And that the messaging also from the stage itself would be clear in that the use of the substance was not supposed to be used inside the event nor was it to be used outside of the event. But that was not the case. They basically said don't use it in the event, but if you use it outside, that's not on us, which was not what we agreed to in our negotiations.

Rogers: When we issue a permit for an event fenced with controlled entry -- specifically that was part of the security plan so that we could check to make sure that illegal substances did not get into the event -- but the fact that there is a fence does not set delineation between where the event actually impacts. Obviously, when you were lining up outside of the event, you have to have your participants somewhere, and they're outside of that fence. The event really is the entire area that stages to come into the event as well as around.

Fritz: And is that normal, like for the Blues Festival, does the same kind of --

Rogers: Certainly.

Fritz: Same rules.

Rogers: Yes.

Hales: So we typically require permittees to provide security services beyond the permitted area?

Rogers: Yes, because you are on park property. Where you put your fence does not define the fact that your event -- individuals that are coming to your event, your vendors, they are entering park property.

Hales: Right. Well they didn't have a permit for the entirety of Waterfront Park --

Rogers: No, they had it for section E, which is the bowl area. Correct.

Hales: Were we explicit in the permit about how far beyond the boundaries of the event we expected them to maintain order?

Rogers: We only defined the area that they are reserving, which was the bowl area, which is the entirety from the Hawthorne Bridge to the hotel, Naito Parkway to the river.

Hales: OK. Alright. We may need to talk with you more about that after the hearing -- later in the hearing.

Rogers: Sure.

Hales: Other questions for staff at this point? We may have questions later on, but we should move on to the appeal unless you have anything else you need to present now.

Rogers: Nope.

Hales: We'll move on to the appeal and get you back up later. Thank you. So, now let's hear from the appellant, please. Come on up.

Paul Stanford: I would first like to say that I'm amazed at some of the statements made by the City Council here today.

Hales: Hang on -- let her get you set up and then start your presentation. And you need to give us your name in each case of your panel.

Ann Witte: I'm Ann Witte, I'm Paul Stanford's attorney.

Hales: And have a seat, we're not that formal.

August 27, 2015

Witte: We did not receive any guidance on the format of this event until 1:30 this afternoon. There was an apology with it, but nevertheless, we have kind of a format. We'd like to ask two speakers to speak first, and then since I didn't go to this event and you didn't, we have a 13-minute video of clips of things out of that Hempstalk 2014 that we think show why this is an extremely valuable event for the city and which also demonstrates that we complied in every possible way as we promised with the restrictions that were put upon us. You saw the beginning of it there.

You have here every single vendor who had a contract was required to sign the promise that they would not have any sales, that nothing would be sold, that nothing illegal would take place, and that they would be excluded from the park if they didn't follow that. It's written on every one of their contracts, so everybody was told that. Those signs were there for everybody that entered the park to see. There were many of them all over, everywhere. They were that big. That's what they were for.

Hales: Can we bring those signs in? Go ahead and put on your presentation. Bring the signs in later on so we can see what was done. And again, we don't have to be that formal about it. I'm not sure that we will have time for a 13-minute video. It's most important to hear from you how you believe the event went and why you believe these criteria were met.

Witte: That's what we will show you in the video, but also it's important, I think, for you to know that this is not some hippie gathering to have a smoke-out.

Hales: No prejudice here, we're just trying to get -- we know there's two sides to the story.

Witte: Can I ask Paul to speak? He has been a sponsor of the event for many years, and then Le Berger. Lee is here. Go first.

Paul Stanford: We have a series of attorneys that want to address the City Council about how we did comply with this requirement. We did not allow smoking. There was not smoking at this event. We stopped it. We did everything in our power to do that. We had every single vendor sign a contract that there would be no marijuana sales, no marijuana vending, no marijuana smoking at the event. And we made that announcement from the stage every 15 minutes. Several of the people who made those announcements are going to be here to verify that, and we have many videos. The 13-minute video is just part of that. I'll show you the vendor contracts that we had signed by every vendor.

Leland Berger: My name is Leland Berger, I live on the stretch of NE 11th that's both in the Irvington and Sabin neighborhood, and I look forward to seeing you, Commissioner Fritz, at Emanuel Hospital.

I spoke at this event, I've spoken at previous events both here and in Seattle at the Seattle Hempfest over the years. I've been practicing for 32 years and I've been focusing my practice on cannabis-related issues for about the last 20. I spoke at this event and I spoke about what I always speak about -- the importance of registering to vote, I spoke about the importance of being actively involved in the political process, I spoke about how marijuana was not going to legalize itself and that it was incumbent on everyone to do that. And I told them when I spoke -- and everyone I heard speak -- said there was no use allowed and that was the condition placed on the event by the City. And that's what I saw.

I didn't know there was a prohibition against edibles. That seems -- I mean, by consumption? If you're actively use and you're a consumer, then what are you supposed to do? I'm a little confused by that.

But I did want to set the scene for you if I could, Mayor Hales. It was in the bowl, and you know, there's that path that goes down from Front Avenue -- Natio Parkway I guess now --down to the Hawthorne Bridge. So, there were two fenced areas. And there

August 27, 2015

were two narrow gates where admission was allowed and that caused a lot of clogging and a lot of inability to control what would be happening because the City required that kind of fencing.

And I guess just the last thing I wanted to say is, you know, I don't know that you're going to be able to reach a definitive resolution about what happened or didn't happen, but I can tell you that I saw Mr. Stanford during the event. I know that he was trying his hardest to comply with all of the conditions. I know that people complied with it.

But I have to disagree with you, Commissioner Fritz, that the status of the law now doesn't affect whether a permit should be issued or not. Last November, the people of the state of Oregon decided that the public use of marijuana would be a Class B violation. As best I can tell, the City's police department views enforcement of that law as a low priority and not a public safety matter. Even if it were true, these allegations. I'm not sure that the City wants to not license this event and I'll tell you why.

Vivian McPeak is here. He's with the Seattle Hempfest. I've been blessed to be asked as a speaker there over the last decade. And I asked him what the financial impact was for the City of Seattle. Because every time I go up -- you know, a \$250 hotel room, I eat out at restaurants. He said for 2014, in Seattle, the financial impact was over \$7 million. It's something to think about, I think in terms of whether to continue the denial of the permit for this event.

I guess the last thing I really want to tell you, I hope you received Ms. McCullough's letter from the ACLU. This really is more than anything else -- both here and Seattle, later next month in Boston at their freedom rally and elsewhere around the country -- an opportunity for cannabis advocates to gather and advocate peaceably as is allowed under the Constitution both of the United States under the first amendment, and article one, section eight of the Oregon Constitution.

And I have to tell you that within the cannabis community, it feels like -- even just the nature of the allegation in this, that the permittee has not or the licensee hasn't followed through with what he said that he would do -- that this is a personal thing concerning Mr. Stanford. And I don't know whether that is what the City's intent is or those who are enforcing this believe, but I do want the Council to know that that's the impression that is left in the cannabis community and that's an awful, awful thing.

And for these reasons, I urge the Council to reverse the decision and allow the permit for this year. Thank you very much.

Hales: Thank you.

Stanford: While Paul Lony is coming up, I'd like to say that we had people searching at the gate and 75% of the people coming to the gate turned back, maybe as many as 90%. We were held to standards never before given for a permit application. We've looked at the other permits for the Blues Festival. Ours is much more extensive. And the accusation that we don't have the managerial experience to handle this is false. You know, I run a \$4 million a year business helping tens of thousands of Oregonians with physician services, and at one point, the City said you have to hire a professional organizer for \$12,000, you have to have 40 security people there full-time for \$25 an hour each. And we met all of the requirements but we felt -- you know, we had no control over the event at that point. We were merely sponsors. They wouldn't talk to us, they would just talk to the event organizer. And they listed six event organizers we could hire, and once we talked to them, they told them not to work for us. "I talked to the City, I'm not going to work for you." They listed a half-dozen security companies. They were interested in the project. Once they talked to the City, they said, "no, we're not going to work for you because of what the City

August 27, 2015

says.” That walkway through the middle of the park? No other event in that bowl has to fence in a walkway and restrict access from one side of the park to the other. We were held to standards never before held in this city. Go ahead, Paul.

Paul Lony: Good afternoon, Commissioners. My name is Paul Lony, I’m an attorney here in the state of Oregon. I live in South Tabor neighborhood. I recognize the Mayor from back in the days as a Southeast Uplift volunteer.

I’m here to ask you to issue a permit for this year. Overturn the Park Bureau’s decision. I will reiterate what Mr. Berger just said. Every year, I go up on a stage and we talk about advocating, talk about change, this is our opportunity to change, we have to be the voice. I’ve been a sponsor of this for four years now. And running a business with my professional license at risk, I’m not going to be a sponsor of an event where there’s open and notorious law-breaking, as the Parks Bureau wants you to believe. As a lawyer, it’s kind of -- their examples are pretty sad. It’s extremely vague, lots of hearsay. And I found this part kinds of laughable -- I would fire the police officer -- they said one day an undercover officer bought something and next day they went back and he was still there again. Why didn’t they arrest the person? Why didn’t they give him a ban or exclusion from the park, like they do everybody else? Again, they seemed to be looking for ways to paint this with a bad paint brush to say that this was not a good event. And as I think I heard the Mayor talking about -- asking the right questions.

Nobody else out there in the public in the city of Oregon -- very few people complained about this, if anybody. If you think the Parks Bureau had a long list of complaints, they would have brought it here today. They didn’t. The only people who are opposed to this event ongoing are the Parks Bureau and some members of the Portland Police Bureau. Those are the only ones. It’s time for them to realize that it is 2015, the voters voted last year, and we have legal marijuana in the state of Oregon and we should be able to come together and celebrate just like at the brew festival. That’s a huge event every year. There’s wine festivals, there’s barbecue festivals, neighborhood festivals. All of these events happen. The police don’t go to those events and sit there and scrutinize and look for minute little failings.

As Mr. Stanford just talked about with the fence, you could see it was a six-foot sidewalk -- it was very obnoxious the way they did it. You went from one area -- even though you’re walking directly across and they saw you -- they still wanted to check your bag. I mean, nowhere else would they do that. And when they can see you coming from one area where you were checked in, walking across the sidewalk, checking your bag again, they were doing that to make people feel uncomfortable, to turn down the attendance, to make the vendors unhappy at the Hempstalk. They did everything in their power to make this a bad event. But they didn’t succeed.

People were very happy there. It was a family-friendly event. Parents always feel comfortable bringing their children. They don’t feel comfortable going to the brewers fest with their children many times, but they tell me they feel comfortable coming to this, there’s nobody going to be obnoxious. Again, everybody I heard spoke from the stage -- including myself -- we all talked about we have to follow the law. The old saying, “follow the law but change the law.” That’s what this was all about. And again, the Parks Bureau seemed to bring up events that took place outside of the permitted area.

How far is that little area that they want the organizers to go? If I am getting on my bicycle in South Tabor and go to the event, am I all of the sudden part of the event because I’m getting on my bicycle at my house? That’s kind of what the Parks Bureau is thinking here. This is just not, you know, 2015 to them. And again, you know, I think it is

August 27, 2015

possible, it is out there. I will reiterate again what Mr. Berger said -- this does seem to be a personal vendetta against Mr. Stanford by the Parks Bureau and certain members of the police force.

There's been events since July 1st here in the city of Portland with open and notorious smoking. Nobody said anything, and there's been no move to stop it or tell the organizers not to do it again. It's ongoing. And for some reason, this event -- which is a very popular event that brings people from all over the state of Oregon and Washington to it -- is being held to a different standard and that is not acceptable.

Hales: Let's ask -- you have used your main block of time, but I want to ask some questions that might help illuminate some things. I don't think we want to see a 13-minute video -- it might be useful to see a couple of minutes of that. The first question -- the total attendance both days?

Stanford: This year, the people who came into the event -- I think we never had more than 5000 people there at a maximum. Usually, it was more around 1000 to 2000. I would say between 75% and 95% of the people who came to the gate did not come in because of the level of security and the statements. And during the walkway, if someone was given a free lighter by one of the vendors or they purchased a pipe, when they were made to go outside of the event and back through security, security took the pipes or lighters that they had purchased or been given for free by vendors. So, they weren't allowed to carry a drink from one side of the event to the other side of the event.

No other event has to fence in that sidewalk, and they closed down the sidewalk halfway through the first day and said that no longer could they go from one side of the event to the other. They had to go outside of the event and back through the main gate again to go from one side of the event to the other.

Hales: Other questions?

Stanford: Can I give you these letters from our vendors?

Hales: Certainly. Just give them to Sue and she'll distribute them to us. Let's get other questions on the table.

Stanford: During the course of the weekend, like I said, 75% to 90% of the people turned away, and we had at most about 10,000.

Saltzman: I probably should have asked this at the beginning, but is Hempstalk a music festival?

Stanford: Yes.

Hales: Yeah, I'm at a disadvantage there too because I was out of town that weekend. I didn't see the event. I would have gone by if I was here.

Lony: It's music and activism. Every speaker said, "register to vote," especially with the election coming up last year, and educating people on other candidates. We had candidates for office come up on stage and speaking.

Stanford: We had Libertarian Party nominee and the Green Party nominee speak at our event in the past, Jill Stein and Gary Johnson, the nominees for those respective parties, have spoken at our event, along with vice presidential nominees.

Hales: Another dumb question since I wasn't there -- did you have a permit for serving beer or wine?

Stanford: No, we did not serve beer or wine.

Hales: OK. I just wasn't sure.

Stanford: Once through the years we had one permit. We didn't like it and we are not going to do it again.

August 27, 2015

Hales: OK. Other question? And I want to give you a chance to show us a couple minutes of the video rather than all 13. It could be good at least for me, since I didn't get a chance to see it --

Stanford: We'll give you an opportunity to see some of what was said from the stage. Should I go ahead with that?

Hales: Please.

Stanford: I want to say finally, again, that I am dismayed at the presentation from the City and it's just not true.

[video playing]

*****: This is a drug-free, family-friendly event. Remember, we are doing a non-smoking family-friendly event, so --

*****: Oh, by the way, this is a drug-free, smoke-free, family-friendly event. I remind you to not smoke marijuana on the Hempstalk grounds. Don't smoke marijuana on the grounds at all! Alright, thank you.

*****: Thank you. Remind you this is no smoking, no drugs, family-friendly --

*****: This is a smoke-free, drug-free, family-friendly environment --

*****: This event right here is a smoke free event, it's a family-friendly event. We appreciate that and we appreciate all of you guys respecting those rules.

*****: This is smoke-free, drug-free --

[speaking simultaneously]

Hales: Could you jump ahead and show us a portion of the video that gives us a few of the event?

[video playing]

*****: -- that marijuana is harmful because it is not. I look forward to the day that we can openly use cannabis in this park, just like we do in Seattle. [cheers]

[speaking simultaneously]

Hales: If you can, part of it that shows the crowd --

[video playing]

*****: In Ann Arbor, we used to have free concerts on Sunday -- used to pay off the police to not come on to the site. They had to stay in the parking lot --

*****: Today, this is a new low for me when the Hempstalk organization has to pay these guys to come in there and hassle us. I don't get it. I think once you legalize it, you get that over with. All due respect to these guys, I know they serve an important role as security guards in our society, but hey, I feel secure out here. I feel really unsafe with kind of environment.

[speaking simultaneously]

Hales: OK. That's good. That gives us a vignette, thank you.

[end of video]

Hales: Other questions or follow-up?

Saltzman: Mr. Stanford, given your excerpt on the film there, where you said unlike Seattle, we can't smoke here in the park -- so, if we were to grant you the festival permit -- I mean, it's going to be more impossible than ever to make sure that people don't smoke, isn't it, given legalization?

Stanford: I don't think so. I think we can just as easily ask people not to smoke at the event. You know, tobacco has been legal for a long time and we say there's no smoking. I didn't see smoking in the park. I did not smell smoke in the park. So, I'm just amazed that the City can come in here with a straight face and say what they said -- the people from the Parks department and the police.

August 27, 2015

Saltzman: So Seattle does allow smoking in the parks?

Stanford: They do. And in fact, the City of Seattle -- and the director of the Seattle Hempfest is here today and he will speak to this -- they waived the no smoking in the park rule during the Seattle Hempfest.

Fritz: Why were so many of the speakers reminding people not to smoke if people were not smoking?

Stanford: Because that is what we were told to do -- we would make announcements periodically -- and so we did. We wanted to make certain that we followed our rules and make certain that people didn't smoke in the park.

Fritz: Thank you.

Hales: Other questions? We may have more questions for you later when you come back up for rebuttal, but let's give individual folks a chance to speak.

Stanford: Thank you.

Hales: Thank you very much. Individual supporters of the appellant -- Sue, why don't you start down the list. If we have you mislabeled as a supporter of the appeal and you oppose it, just wait and we'll make sure we'll call you then.

Fritz: How many do we have signed up?

Parsons: We have about 30.

Hales: OK. Two minutes each. Commissioner Fritz, I will let you run this part of the agenda, please.

Fritz: Thank you.

Hales: Come on up.

Luke Zimmerman: Hello, my name is Luke Zimmerman. I'm an attorney. I've practicing in the area of cannabis law for the last two years. Last year was my first year attending Hempstalk, and I've been attending cannabis events from San Bernardino up to Seattle, and I'll say this was the most smoke-free event that I ever attended.

I was very impressed with how regulated and how controlled the event was. I think for the statements of saying that there was drug use surrounding the event outside in the park -- for having walked downtown on any weekend night, I've seen open drug use in the city of Portland that I don't think this was unique to this event, if that's what you are trying to target it as. I think that is a very unfair label. I found it to be a family-friendly event.

I think this is a unique opportunity for Portland to embrace the change in laws that have occurred for the state and I think this event, especially for this year, is really important for showing how Portland is embracing and accepting the paradigm shift that is going on in the state right now that I hope the City will issue this permit. Thank you.

Vivian McPeak: My name is Vivian McPeak, I'm the Executive Director of Seattle Hempfest. I live in Seattle, Washington.

This is the 25th year of the Seattle Hempfest in Washington state. We get an excess of 100,000 people every day to our three-day annual special event. It is true that we worked with the city the last couple of years to develop some 21-and-over areas which were out of public view. People's IDs were checked, we had fire-retardant stuff on the fence that you couldn't see through, anticipating that in the future of large public events in states that have legalized recreational marijuana that -- just like there are beer gardens at many events that adults go to consume alcohol out of the hands of children -- that there would eventually be events with places set aside for adults to consume marijuana legally out of public view.

It just really feels to me -- I have been to Hempstalk many times, I have exceeded the event many times -- it feels like issue-based discrimination to some degree. I couldn't

August 27, 2015

imagine a football game being denied a permit because somebody might be in the parking lot drinking beer. It seems like the same kind of justification. If organizers are clearing using their free speech, time up on the stage, using the public land to get their political message out -- it seems to me you would need more the anticipated misconduct of a small percentage of the attendees to deny them that free speech. It seems like an overreach to me.

Seattle Hempfest did work with a professor at the University of Washington last year for the 2014 event. The economic impact study for the Hempfest all in all in the King County area generated \$7.1 million of economic impact in the area and was responsible for about 154 jobs in the area. So, there's a lot of potential -- especially with the change in political landscape -- a lot of potential for the large public events to give back to the community, while certainly putting a laser focus on community values, which is very important. We certainly don't want children exposed to cannabis smoke, secondhand smoke -- cigarette smoke, either. I think there's every reason to believe that Hempstalk can achieve that.

Hales: Question if I can before we move on. I haven't attended the Seattle Hempfest, either. Where is that event held? Is it in a park?

McPeak: Yeah, it's a great question. It's 1.5 miles long Seattle waterfront under the space needle on three City parks conjoined on City park property.

Hales: Thank you.

Ngouo Bealum: Good afternoon. My name is Ngouo, I live in southern California, but I'm up here in Portland all of the time six to 10 times a year as a performer and as host of the Hempstalk for the last nine or 10 years. I gotta say, I do a lot of events -- I've been to Hempfest, I've been to Hempstalk, I've been to Boise, to Madison, I've been a lot of places. The Portland Hempstalk is the one that goes out of their way to make sure that all of the rules are followed. I was surprised when I showed up and they're like, "you can't bring marijuana to a Hempstalk," it's like you can't bring beer to October Hempfest. I didn't really get it, but that's part of the permit and people go out of the way to do that and reminded us to make sure that everybody new -- new people coming in, you gotta let them know the rules. Everybody's coming in. I think it would be great if you guys could see fit to approve this permit and we can continue to come up and all of our friends can come up and we can spend money and eat your delicious food and have your nice micro brews and coffees. Thank you.

Hales: Thank you. Good afternoon.

Michael Bachara: Thank you, Council. My name is Michael Bachara.

Our Hempstalk 2015 application for the 11th annual event was denied on November 5th, 2014. I am asking for your decision to stand with us in our appeal. In solidarity with the ACLU of Oregon and in honor of the late great activist Jack Herer and Larry LK Kirk after whom the Hempstalk memorial stages are named, I'm asking for our freedom of speech rights to be honored and that the City issue the permit to peacefully assemble for the annual Portland Hempstalk festival.

Hempstalk worked diligently with the sustainable program at PSU to ensure a clean atmosphere. We had on map and on site over 70 garbage locations complete with recycling throughout the entire park. We left the entire park cleaner than we found it. We even cleaned hypodermic needles. Our festival takes safety seriously and worked hard to comply with everything that had been addressed. Again, Tac-One handled the crowd management. Per the contract, they did what they were hired to do. The Portland Police

August 27, 2015

were aware of the protocol in place to report any illegal activities. They did not do so to us. They were to be working with the security company. We were demoted.

As for safety, we hired [indistinguishable], an event medical services, the same team used for Blues fest. They were on site the entire event. They can verify and summarize there was not an abundance of issues and the event was in fact a success.

In 2015, during the Buddy Guy and Gregg Allman Blues fest performance, hundreds of people were observed smoking publicly. Some security members would ask people to stop. However, most did nothing. This was not protocol. My question is, how many photos would need to be submitted to have Blues fest, Musicfest, or beer fest shut down for the use of cannabis?

Fritz: Thank you for your testimony.

Michael LaRiviere: My name is Michael LaRiviere, and I'm an activist for the rights for Hempstalk as well as use of marijuana for recreational use, and I believe we should have Hempstalk this year because following the lead, learning from Seattle -- from the Hempfest in Seattle this month -- we can learn a lot from the Hempfest, according to Seattle. So, I believe we should have Hempstalk this year. I believe within city limits -- and another question is, or, sorry, my other advocate is it's safer than alcohol. Marijuana is absolutely safer than alcohol. I am a daily user, and I believe -- yeah, OK -- I'll pass it on.

Fritz: Thank you.

Steve Wessing: Mr. Mayor, Commissioners, my name is Steve Wessing, I'm an OMMP patient. I have been a volunteer stage manager for Hempstalk since the inception in 2005. I provided you with a copy of my statement. If it goes a little long, you can read it later.

Let me begin by saying that I was once proud to live in Portland. I believed that the police and the City departments were honorable and working in the interest of the citizens. In recent years, I've lost that pride.

In past years, the City was helpful and worked in good faith to set reasonable limits and to assist us in providing a safe and enjoyable venue for our free speech event. When the current administration took office, that changed dramatically.

This is Portland. 72% of our neighbors approved legalization of cannabis. Yet as the public and the law have become more tolerant of cannabis, our police and Parks department policies have become less tolerant. This is no longer the city I used to love. You pretend to embrace equality, yet you treat us unequally. You allow commercial alcohol events by the dozens, where alcohol use is encouraged and celebrated, but you obstruct a free speech event with a 10-year history of successful growth and massive local support because you disagree with our message. It is my opinion that these actions are a violation of our rights under the United States constitution.

In 2014, we complied with your unreasonable restrictions in an attempt to convince you of our sincere intent to provide a safe event, even to the point of allowing you to influence the content of our speech. Our efforts toward cooperation were meant with continued confrontational behavior by Portland police who interfered repeatedly with our stage operations, and false accusations that we ignored your illegal restrictions of our speech and allowed public consumption of cannabis.

By these actions, you have abridged the rights of dozens of dedicated volunteers who have acted in good faith to navigate your impossible restrictions. Hundreds of performers and speakers--

Fritz: Thank you very much. We do have the rest of your testimony in writing. Thank you.

Hales: Just a question, though, if I might. This is an interesting hearing already in that we're hearing disparate views of the same event. We will continue and we will learn more.

August 27, 2015

I'm sorry that I wasn't in town. I would have liked to have seen this myself because it is always better to have your own eyes on a situation like this. In the future, I'll do that.

But tell me more about the Police Bureau. You talked about them interfering with stage operations. As the Police Commissioner, I'd like to hear about that.

Wessing: Yes. We had an agreement that the stage crew and volunteers -- who were wearing visible passes -- would be able to use the entrance adjacent to the stage to bring the bands in, to bring equipment in, to get speakers to and from the stage. We were told halfway through the event that we were no longer allowed to do that, that we had to send all of our equipment and people all of the way around through the main front entrance, that they would no longer be able to enter through the stage even if they were wearing our identification. And they sprung this on us halfway through the second day of the event. That to me is -- there's no purpose to it. There wasn't a large crowd to be controlled. There was no reason to do it except to be obstructionist and try and disrupt our event.

Hales: OK. Thank you.

Wessing: Thank you.

Victoria Hargwood: Mayor Hales is gone.

Saltzman: He'll be back.

Hargwood: He'll be back? I wanted to speak to him. Anyway, committee members, my name is Victoria Hargwood, and I volunteered for over 10 years for Hempstalk, and I'm here to -- I was there last year too, I saw both days everything that went on. I'm here due to support of Hempstalk.

The City sets rules and regulations that must be met to obtain a permit. I'm here to testify that Paul Stanford has always done the best to comply with those requests. Therefore, I feel the City of Portland is being unfair to Hempstalk. That's all I have to say for now. Thank you for listening.

Judy Cornett: Lady, gentleman, I'm Judy Cornett, I live in Forest Grove. I'm one of the people in this room that looks a whole lot more like you, and I have a background much more like yours as a business woman. I did not come to cannabis easily late in life, but out of medical necessity. Last year, I worked part-time as a volunteer at Hempstalk.

The efforts that were made to comply with the outrageous rules that were set for this event were paramount. Everybody chipped in, nobody smoking, nobody using. Everybody talking about it, everywhere. I worked the northeast gate for the park entrance, for the main park entrance at the beginning of the event when people were trying to pour in when they normally would have when we had security taking everything away from people. Cigarette lighters? You are not allowed to have a cigarette lighter? This is illegal.

You know, I am not -- I'm not the person that puts on the event and I'm not an attorney. And so, I feel a little bit freer to say things that they might not -- not that I'm speaking for anyone. But as a business woman, as an entrepreneur for a number of years, I had a lot of occasion to learn something about business law and to have to look at the variety of people, variety of my employees in a different way. This is an informational event. This is about learning. This is also about freedom of speech. And what I saw, what I experienced was a gargantuan effort that prevented from what I saw any smoking or drug use. I did not see any. What I was a party to was -- I don't know, hundreds of people turning away from the event number one because it got held up so long at security trying to get into it, and number two, being so offended and in some cases having medical patients having their prescription drugs taken away from them.

Fritz: Thank you for your testimony.

August 27, 2015

John Cornett: Good afternoon honorable Commissioners. My name is John William Cornett and I'm a street-level activist and advocate. Did you know guys that cannabis heals cancer? [cheers] [applause]

Hales: Folks.

Fritz: That's cutting in to his time.

Cornett: Sorry, I think it is important for people to know. The reason I'm an activist -- I'm an USAF veteran, Vietnam-era veteran, I spent eight years in the United States air force honorably, and I know how to obey rules, I know how to follow policies and procedures, I know how to be a good citizen, and I know how to be an advocate to help people. I care about people. Every person in here is a real human being. We care about people. That's why we're putting so much of ourselves into this to let people know that there's healing here. This is not about getting high. Some people are stuck on stupid and they think it is about getting high. It's not about getting high, it's about getting well. We are trying to share that information with people so that they know that they don't have to go kill themselves with chemo and radiation. They can use cannabis -- 60 grams in 90 days heals most serious cancers. That's my message. I'm a musician, too. I like to tell people that. If you're going to take that opportunity away from me, that's going to hurt. I think somebody up above here that is going to think about that too, and he might want to ask you a question about what kind of heart you have that you would say that people, real human beings can't carry a message of healing to our fellow humans, please, just because some idiot down the road -- Hawthorne Bridge? Really, come on now. Why did they even say that? Waste my time. This is a beautiful place. People speaking and saying really positive things about what we need to survive and coexist. This is not right, it's not fair. I beg you please to consider approving this for us. We need it, please. Humanity needs it. Thank you very much. Oregon needs it.

Fritz: Thank you.

Justin James Bridges: My name is Justin James Bridges. I'm a professional musician and performer at Hempstalk, also an activist. I've also involved in the organizing and planning of the event. I was one of the personal musicians that was on stage telling people that they were not allowed to smoke at the event. I've walked around in this town on other days and seen that park full of people smoking. I've seen police in that park with people smoking. And they do nothing. If it's really a public safety issue, they would be doing things. When you have brew fest, you have fights that break out. There's been muggings. It's a violent -- violence comes from that event, violence from the alcohol events. Y'all do nothing to stop that. Y'all have no problems allowing those events to go on.

It's really disgusting to sit here and hear some of the things that they're saying. So, you're saying that we have a permitted area, and now we're in charge of securing outside of that area as well? No other event has to do that. You are not going to shut down Blues fest or brew fest for people smoking outside of their event.

There was nobody smoking in our event. You wanna talk about failures? Look about the failure of this police department. You were supposed to be securing the property. We were paying to have you all help secure the property and watch the property overnight, and yet they left their post. And what happened? A bunch of our vendors got robbed. It's absolutely disgusting to hear you all talk about public safety issues when your police force is so laughable. Honestly, you have someone trying to put Nazi memorabilia - - as a police force? I'm sorry.

August 27, 2015

Fritz: Thank you for your testimony. You need to stick to the topic. I think your time is up. Thank you very much.

Bridges: It's absolutely laughable.

Nicki Gates: Hello, Mayor Hales and the Council. This is my second year doing this with you folks. I'm Nicki, and I'm a hospitality manager for Hempstalk. I have been since 2009 - they created the position for me. They couldn't figure out what I was, so I guess that's what I was so that's what they named me. I am also a patient here in this state for numerous reasons, and I'll keep those private to myself, thank you. I was born and raised here in Oregon by a mother and a step-father who was a judge. They raised me to be very respectful to mean what I say, say what I mean, and do what I mean, and do what I say.

So, as those things growing up here in Portland, I was very disheartened by showing up there after 27 days in the hospital because of diverticulitis and major surgeries to get me out for the last day of Hempstalk so that I could speak and at least be part of it. When I got there, I had to release my Gatorade six different times and get new ones. And for a person who just comes out of the hospital, that can be detrimental to you when you are being pushed around in a wheelchair all day long. You can't have dehydration. And so taking those from me with my badges that I've worn since 2009, it's not a very respectful thing to do to somebody in my state on that day. I thought that that was very inappropriate and I talked about it on stage.

I'm a mother and a grandmother, like I said last year. I take my children with me, I take my grandchildren with me. I do not take them to this event to smoke. I take them to this event so that they can be educated by freedom of speech. It's their right as humans in this world to be educated by other things and a wide array of things. We give our children goals and standards. I give my children high goals. They try to meet them the best they can. But I never give them standards like the ones that this City has given Mr. Stanford and all of us to meet. There's no possible way we can do that. And I thank you all so very, very much for your time.

Fritz: Thank you.

Eric Lewallan: How are you all doing today? My name is Eric Lewallan. I was a Hempstalk patron for four, five years and within the past two years, I started to volunteer my services and helping out and I am the volunteer coordinator for Hempstalk.

We coordinate about 200 staffing members to run gates, water distribution and everything for all of our staffing members that we have. There were no complications with any smoking on the facility grounds. We had everybody looking out with radios for if there were anybody caught, we would all be there to remove them from the grounds without any complications. Now, to say that we are reliable to take on the grounds around what we took on, that's like if somebody got drunk at brew fest and they go to another town and do something stupid, brew fest is responsible for that. We handled our rights inside the grounds where we were at. No complications. Any smoking -- if even cigarettes were lit -- we would see the smoke, not necessarily a pack of wolves, we would go to the cigarette smokers and say, "this can't be happening either" because of the thought "what if there's marijuana?" Well, there's smoking period. That came up many times. I would like to say that I hope you guys change the process and allow us to do Hempstalk this year. Thank you.

Fritz: Thank you.

Don Skakie: Thank you, Mayor and Commissioners. My name is Don Skakie, I'm a cannabis reform activist. I would like you to think about freedom, free speech, personal responsibility, and the ability of any individual to control the actions of another and how far

August 27, 2015

that responsibility goes. In fact, that is why we have law enforcement and police department -- is to enforce the laws that we all pass as a society to live under.

At this event, I had a signature gathering for a petition in Washington state. We get quite a few people from the Vancouver area, southwestern Washington come down to this event. On previous years, we've done substantially higher numbers of signatures than at this event last year. The booth space was at the north end by the gate, adjacent to the gate, and I could not believe what I was seeing. It was -- they were taking people's lighters away, sealed bottles of water -- you couldn't bring anything into the park. And as has been previously said, this intense focus on each person and what they were possessing caused quite a back-up and was quite discouraging to other people.

I'm disappointed to hear that the law enforcement that was in place that day seemed to relegate their responsibilities either to the event staff. We heard about, "well, we saw this go on." Was any warning given? Did they go -- the Parks department, I believe, said they were there for positive presence. Did they engage these people and say, "hey, glad you're having a good time at the event, but this isn't allowed. Would you please not do that?" Did they have serious offenses there? And as you said, Mayor, did they have complaints from the citizens, neighboring businesses, passers-by? What were the complaints, specifically?

So, I would ask that you do give yourself the opportunity to attend Hempfest this year, Mayor, and see for yourself. I would ask whatever rules are put in place for this event, it should be a blanket policy for every event, whether it's a veg fest or beer fest or anything else.

Fritz: Thank you very much. Appreciate your testimony.

Skakie: Thank you.

Jessie Sponberg: My name's Jessie Sponberg. This feels kind of weird today, because usually I show up mad at you guys. But today, I show up full of hope.

We're in a brave new world right now where we are setting the groundwork for legislation and policy that will affect people for years after you guys are gone. This is an opportunity to really craft sensible legislation that other municipalities can adopt. You guys -- not you guys particularly, but the Parks department -- you guys are smart enough to see when somebody's testimony is as sincere and polite as these people's here, and you can see when some testimony is really flimsy and transparent and when people are shaking when they're talking about the evil weed, right? You guys know that these people are so sincere. I love you guys so much, and I'm sorry that you are all patients and that you rely on this medicine that needs to be advertised.

You're a nurse, you know cancer is horrible. What I want from you guys is not to make it hard. Not to make it so that the smallest offenses like sneaking candy into a theater will get something shut down. I want you guys to take ownership with us. Don't work against us. You should be running this, Mayor. You should be running this, Commissioner Fish. Why are we working like against the Parks department? We have wonderful, wonderful Park Rangers. Those guys do such a great job. And our only offense is smoking some pot? That's like shutting down a theater because somebody snuck in their own soda pop.

Please, I ask you guys. Take a leadership role. It's an election year. You know, the marijuana community is a big constituency. We see in other states like Washington and Colorado how much money is made. You don't want to turn away from that money. That's just simply bad business. Thank you guys so much for your time.

Fritz: Thank you.

August 27, 2015

Skakie: We are reasonable, rationale, and mainstream.

Courtney Moran: Hi, Mayor Hales and Commissioners. I'm Courtney Moran and I am a cannabis attorney. I have a Master of Laws in environmental natural resources law with an emphasis on industrial hemp law from Lewis and Clark, and I speak at cannabis conferences throughout the country, and Hempstalk is truly a unique community event. Not only does this event bring people from all over Oregon together and from the Pacific Northwest together, but it is not an event that focuses only on marijuana, but it focuses on the cannabis genus and industrial hemp as well.

I was one of the first speakers at the event last year, and I spoke about industrial hemp history and the current status of the laws and how they're changing throughout the country and on the federal level. I think it's very important for all of us to have a safe place and for the public to have a safe place to come to learn about cannabis.

I can honestly tell you that I did not see anyone smoking cannabis at the event last year. There was very strict security, as has already been mentioned. I got my bag checked twice when I went through each level of the gates when I was there. And I saw everyone that actually did come into the festival being very cooperative with security and it was a peaceful event. One booth even had a scavenger hunt encouraging the community to come together and meet one another.

This event is an excellent union between marijuana and industrial hemp. There were booths that had industrial hemp products for sale, including clothing and shoes and different bags -- purses and that kind of stuff. I urge you to approve the permit for this year's Hempstalk. This is a very important, peaceful, educational family event that we need to continue to have here in Portland. Thank you.

Sean Vassar: Hi, my name is Sean, I run a nonprofit called Pangea. I'm a number of EPAP, which I believe some of the Commissioners are also involved in. I have a real simple message. It's about community, and I believe this brings many different communities together and gives them an opportunity to cross-pollinate. And also the economy. I believe it's a strong move for the Portland economy and our summers benefit largely from big events, and this event is growing and will only add to it.

Mary Haddock: Hi, Commissioners. My name is Mary Haddock. I am a cannabis business owner. I am also the coordinator for the state of Oregon parents for pot chapter. I am a mother and also part of the core staff last year. As someone who ran from one ends of the park to the other end of the park, I would have saved possibly a thousand times over the event period last year. I was checked numerous times without even having a bag. It was the very first time that I had ever been to Hempstalk, so I couldn't compare it to anything else except for the stories that I have heard. It was confusing for the staff. It was extremely -- we weren't treated at all with any kind of care of our feelings, of anything. We were talked down to. We were talked at instead of with. Nobody was working with us.

As part of the medical team, it was extremely confusing for me. I would get called from one end of the park to the other end of the park and there would be nothing there and then I would be told by security that it was a mistake, that there was an error, that they didn't mean to call me. I can tell you that it was extremely hard for anybody who was core staff last year, anybody who was trying to make that and comply with everything that was put in front of us -- it was extremely hard for us to even appear to do our job and appear to work with the security that was there. And that's all that I have to say.

Hales: Thank you.

Clay Pierce: Good afternoon. I can only echo the sentiments of all of the other people here that have come and said how --

August 27, 2015

Hales: Just give us your name first.

Pierce: I'm sorry, my name is Clay Pierce, I'm an activist for cannabis and hemp regulation and reintroduction into our society so that we can all profit from this.

I have been at every Hempstalk event since the first one we had in 2005, and this last year was absolutely the most trying and difficult one I have ever been to. I was only there for about 20 minutes. I was checked twice. On the way in I was checked twice, and I was checked at the halfway point between the two and I was -- I felt like I was in Germany at Checkpoint Charlie. It was insane. We were already inside the event and we're still being checked for contraband or whatever -- like Paul said, for cigarette lighters, pipes we had bought at other parts of the venue. It was ludicrous. It made no sense at all for people to go there because they were having items taken from them as they bought them. So, why would they go there? It was completely prejudicial of securities person to treat us that way. It was crazy. I could not stand it, I had to leave. I appreciate the time to talk. I'm too upset to even form my words properly here. It was a very trying event to try to enjoy it.

Fritz: Thank you for your testimony.

Erin Purchase: Hi, my name is Erin Purchase. Thank you for having me here today. I am an internationally-known cannabis activist. I have spoken at several festivals throughout the United States and also Canada. I visited Toronto last year and was invited to speak there.

I love the Hempstalk because it's in my home state. I do a lot of work outside of even our country, but this is cool 'cause this is where I'm from. I'm speaking on behalf of myself and my 10-year-old daughter. This will be her third year speaking at Hempstalk. When she was seven years old, she was diagnosed with acute lymphoblastic leukemia here in Portland. Cannabis oil was able to allow her to go through two and a half years of chemo without a single Tylenol and minimal extra treatments from the doctors. Her oncologists at Legacy Emanuel refer to her as the star patient and they send kids to Paul Stanford's clinic to get their cards.

My daughter loves to speak at Hempstalk. When I told her I was here this afternoon to speak on behalf of begging City to allow it to come, she was confused and why. Why again is she being discriminated against based on the medicine that she uses? She's a child. She's who you are worried about it being out of the hands of. I educate parents on cannabis oil, taking medicine in capsules. I help them get their children on the legal Oregon Medical Marijuana Program. This is what I talk about at this festival. I got my lighter taken out of my purse from security. That's the only festival I've ever had that happen to. I didn't see many people smoking. I didn't even see many people there last year compared to every other year, and that's detrimental to the city of Portland because I used to travel here from eastern Oregon to visit the festival and spend my money here in your city, and I want other people to spend their money here too. Thank you for having me here today.

Fritz: Thank you.

Astarte Rainbow: Hi, my name's Astarte Rainbow and I'm here to speak on two things. Number one, next year I'm hoping to bring my great granddaughter to the festival, so you know, I'm no spring chicken. But I came off of opioids personally with Paul's help to get me through the loops to do it legally. I don't have to use them anymore. My health is improving dramatically, and also I'm a big hemp fan. I don't know if any of you have got any, but those hemp clothes last forever.

I would like to see this continue because people need to understand marijuana, cannabis -- whatever you want to call it -- is not an evil. It's going to be legal in another

August 27, 2015

month and a half. Hemp is such an important industry. Oregon has always been green. We can use hemp to replace so many wood products and things like that and to save lives. Hemp is of course a high-protein seed. It's wonderful. I don't understand why you're doing this.

I went to Waterfront Blues Festival. There were people right outside the fence shooting up drugs. There were people outside that fence getting drunk. You never talked about shutting them down. Why? This is prejudicial. I can only -- and I've never been to Hempfest. I'm going to go this year. I'm taking my great grandkid, god is willing and you let us have this. It seems that you are picking on him and he has done more good for medical patients in this state than any other individual human being. You guys need to be real. It's going to be legal. What are you going to do?

Hales: Thank you. Thanks very much.

Fritz: And if there's anybody else who wants to testify who didn't sign up, you are welcome to come and join.

Bruch Knight: I'm Bruce Alexander Knight. I live in Southeast Portland. Mr. Mayor, Commissioners, there is a reason why so many people call our city "Potland," Oregon. Along with quite a few other people, I moved here in part because of Oregon's more liberal marijuana laws. This was in the 1970s after six years in the U.S. Army. I've been here pretty much ever since and intend to stay here the rest of my life.

As I understand what this hearing is about, the park department has denied a permit for the next Hempstalk because they say that Mr. Stanford and his staff did not comply with their conditions and that would include "rampant use of marijuana" in quotes, and quote, "failure to prevent illegal drug use." I will tell you something -- the Pope could talk in Waterfront Park and there would be people in the crowd smoking reefers. You are never going to prevent all of it.

I went to Hempstalk this year for the first time and I was frankly surprised. I saw no one smoking anything -- well, except when I left the park to go up on the overpass to have a cigarette, and there were some other tobacco smokers up there, along with several Portland police who apparently had nothing better to do than to stare down at the crowd. I don't know what they were enforcing, they didn't do anything. Maybe they were taking pictures.

It seems to me these conditions are impossible to meet and it's unfair to hold anyone accountable to impossible conditions. Get real, folks. Give them the permit. Overturn the park department's ruling. Thanks.

Hales: Thank you.

Denell Mulloy: Hi, my name's Denell Mulloy, better known in the community as pixie pan. I'm a patient activist and a mom, and a member of Parents for Pot, Portland chapter. I take my son every single year. He will be four in November. This year, I only took him on the second day for the -- I think he was there an hour so that I could perform in my show and move on. It was too -- we use the word in the community "sketchy," -- it was too weird. All the checkpoints that he had to go through for a three-year-old is quite overwhelming, and I'm in and out of all of the gates behind stage -- I am everywhere all day long. With my son, it would have been crazy in and out. They checked the 12-year-old's lunch that he got from craft services. A 12-year-old's lunch for illegal drugs. He's 12. His parents were right there and they came from craft services, so he shouldn't have been checked again a second time through the gate the second time to get back to where his family was.

August 27, 2015

I hope this year that you do grant us the permit and that it is a lot more family-friendly on the part of the Portland Police and the security measures that were put out there this year. Thank you.

Hales: Thank you.

Scott Hall: Hi, my name is Scott Hall. I'm a very dedicated volunteer at both Hempstalk and Hempfest in Seattle. I just want to come and ask you please, grant us this. As dedicated volunteer, I promise to do my part to follow the rules and the regulations that it's going to take. I know that all of our volunteer staff is right with me. We need this. A lot of the volunteers that have come and help -- they don't have anything else going in their lives. They get this one week at Hempfest -- or three or four days here -- it changes them sometimes. The city needs it, it helps everybody involved. Thank you.

Mitchell Goldman: Hi, Mayor, members of the committee. My name's Mitchell Goldman. I just have a quick thing to say. You are talking about Waterfront Park and what goes on there.

If you go to Waterfront Park any day of the week, you're going to see everything that you're accusing us of. A couple of months ago, friend of mine and his girlfriend were in the park and sat down on a bench and were approached by drug dealers told them that that was their bench and they need to move, and repeatedly got attached by skateboards. His girlfriend got knocked out cold by a skateboard -- got hit in the back of the head by it. He was out there defending against four, five guys attacking them because that was their drug dealing bench. Where are your police taking care of that? I'd like to know that. I mean, that's an everyday occurrence. That is not something that a weekend thing like Hempstalk creates, that's an ongoing problem that you people need to address. And you can't blame us for that. That's an existing problem that existed way before Hempstalk and will probably exist way after Hempstalk. Thank you.

Stacy Marie George: Good afternoon, ladies and gentlemen. I have never done one of these, so bear with me. I'm on active chemotherapy also, and two grams of full whole-plant cannabis oil -- however anybody wants to pronounce it -- but I'm here today because of that.

Fritz: Name for the record, please.

George: I'm sorry -- Stacy Marie George. I moved here in February of this year from Melbourne, Florida -- 3700 miles for your wonderful medical program. I am alive today because of your cannabis medical program. I am a direct result. I have a nine-year-old daughter that lives in my home full-time. I make my own medication every morning to keep me alive with the chemo. My daughter is not affected by it. I bring her to cannabis-inspired events around. She is not blown smoke in her face. She is not partaking of cannabis. I want her to be able to go to an event like Hempstalk because everything I believe in is represented at that event.

The education alone for hemp, industrial use -- medical alone. I not only juice cannabis, I eat a clean, pure organic diet as much as possible. I represent what I believe in: medical modern, and homeopathic. I believe the two can work together. Unfortunately, I could not rapidly cure my cancer with cannabis. I had to go on chemotherapy as well. But I am one of the prominent examples of the patients in this community who will get out and who will speak about the realistic implications of what we're asking: a family-friendly event that can be realistically monitored to allow people to come together for what they believe in and pass on the education to people who do not have it. I believe that's what everybody is here for today -- at least I am.

August 27, 2015

I thank you so much, every single one of you that I have not had the pleasure of meeting, all of the work you have done in the great state of Oregon. Thank you for allowing me a place to come and live with my children. Thank you so much.

Fritz: Thank you. We're glad you're here. [applause]

Hales: Come on up. And then we will call to see if anyone is here that wants to speak on the opposite side.

Jennifer Valley: My name is Jennifer Valley, I live in Happy Valley. I think what we want here really is just equal protection under the law. We want to peaceably assemble and exercise our right to free speech without unwarranted searches of our persons and papers and belongings.

I went to the Hempstalk last year as a member of a third-generation military family that's left their blood in the mud for our constitution for the last three generations. I was deeply offended at having my bag searched over and over. The level of security that we were -- it looked like Nazi Germany! It was out of control. And I cannot believe that this is where we are. Now that marijuana is legal, we're going to go back and be so far from, you know, what we practiced before marijuana became legal.

Let me tell you, marijuana was legal for 40 years and you didn't stop me from smoking any place I wanted to, any time I wanted to. And it's time for a change. We have had enough of this war on drugs, which has done nothing but destroyed our country, turned us into the number one incarceration nation in the country. It's a devastating racial inequality. 70% of the people arrested for marijuana in Oregon are young black men or young men of color, and the other 30% are poor white men. It's used as a tool of oppression, and it's time to remove that tool of oppression and allow us citizens of this country to have the same civil rights as every other citizen of this country without having someone yell "marijuana" and suddenly none of the rules apply. That's all I have to say. Thank you.

Fritz: Thank you very much.

Hales: Thank you. Let's move to -- is there anyone here who wants to speak in opposition to the appeal -- individual speakers? Alright. It now comes to the point where we need to bring the Parks Bureau back up for closing statements and further Council questions. I'd also like to call the Police Bureau back up in a minute, but let's hear from the Parks Bureau first.

Rogers: So, I wanted to specifically address two things. Specifically regarding the question of the perimeter and the event area -- I believe you've been handed maps of the actual event area that is in the permit. Within the security plan, which is officially a part of their permit -- and on page eight of the security plan at the bottom, we describe in detail the event perimeter and what must the event do to manage it. Would you like me to read that?

Hales: No, I see it. Page eight. So, is this boilerplate language that typically appears in event permits?

Rogers: This is very similar, yes. [laughter]

Hales: How similar?

Rogers: If I were to say it was boilerplate -- we have had similar, but this is not out of the norm of any event that we have. The only reason why I'm not saying it is not boilerplate because I have not spent any time staring at multiple others before this event.

Hales: OK. I'm sorry, continue. I interrupted you.

Rogers: So, this specifically details how we want you to address where your event impacts within park property. It clearly defines roaming. It defines where the security

August 27, 2015

guards for your event -- which you hire, which you contract with to maintain your event. It's clearly not within a restrictive fence. It is clearly the entirety of the parks space which is defined in that map quite clearly.

The other issue that I wanted to point to was that there were multiple individual sightings, visual observations of activity not only outside -- which we have defined -- but also within the event. And those are by the actual officers that were on site, and we have them here with us today and we have their documentation and their observations. I'd like to turn this over to them.

Hales: That would be helpful.

*****: Good afternoon. I'll have Officer [indistinguishable] testify, she was to be across the street also about her observations at the event.

Hales: OK. And do we have documentation? What I have in the record is from the 2013 event. For whatever reason, what appeared in my packet for this hearing is the police record from the 2013 event.

Rogers: There are two. There's one at the very beginning as well. We kept the entire history of both years so that you could have some continuity of the observations and the continuance and the consistency of the issues that we had both in 2013 as well as in '14.

Hales: OK. Why don't you detail a little more for us the number and types of incidents or problems you encountered? There's typically about 5000 people there at the peak of the event. How many incidents were you dealing with at the peak of attendance?

*****: Mayor and City Council members. I apologize, I have grand jury here in about 20 minutes, so I'm going to try to make this quick.

Hales: We won't need you for 20 minutes.

*****: I apologize. I was assigned to work plainclothes during the hemp festival. While walking into the interior -- and I also work downtown, patrol officer -- while driving by I would often have to roll my windows up during the hemp festival because it smelled of marijuana, and I don't want to smell that in my car.

Assigned as plainclothes, before I even walked into the interior, I could smell burning marijuana right away. And several times walking throughout for about an hour and a half, I could also pass by booths and smell a very strong smell of marijuana, not just your typical burning marijuana, but as if it were sitting there for some time. I smell that on a daily basis in parks and around downtown, too.

Also, I was able to approach a group of people selling baked goods, a loaf of bread and cookies, and I was able to buy a loaf of bread and was offered cookies. For buying a loaf of bread -- it was about \$5 in my report -- and it specifically stated that it had marijuana in the baked goods. I also watched a drug deal go down at one of the vendors. The vendor -- one of the vendors of two vendors -- was handing a baggy of marijuana to another person who was giving him cash. I approached that vendor and asked if I could also buy some marijuana, and he specifically said, "well, technically, we're not supposed to do that." And I said, "well, I have some cash." And he exchanged cash and gave me a baggy of marijuana for the cash.

*****: Did you arrest him --

Hales: OK, folk, folks. Any further information about the scale of the problem?

David McCormick, Portland Police Bureau: Yes, good afternoon, Mr. Mayor and Councilmembers. My name is David McCormick, police officer with the City of Portland, been so for about 18 years. Been around the block once or twice.

I was assigned to Hempstalk as a uniform patrol officer with my partner officer, Mike Bledsoe, and our job essentially was to just maintain a presence within the event. As

August 27, 2015

we were patrolling on foot inside the perimeter of the event, I began -- we began to notice the constant whiff or odor or passing odor of marijuana. I contacted Sergeant Dobson, the person who couldn't be here today, and informed him of that. He said, "let's begin to document those on a more formal basis." So, I actually took the event map and I began to note -- we did -- any time we smelled the strong odor -- not a passing, or a whiff -- but a strong odor of burning marijuana. And so, over a period of about three hours, I documented 16 individual events, unique events within the perimeter and I documented those on the map I have before me here. And those were, as I said, again, strong odors.

We track it, we try to see if we could follow up. Of those 16 events, one particular individual was found lighting a marijuana cigarette, under a ball cap, isolated by himself. Easier to find than most because of crowd was moderately dense. We asked him what's up and he surrendered the cigarette and we asked him to leave the event.

Hales: Thank you. Back to my earlier question. Do we have any record of either 911 calls or non-emergency number calls from citizens or adjacent property owners during the event?

Brockmann: I did make a call to the Bureau of Emergency Communications to research that information. That usually takes a little bit more time. She is researching it now, she'll email me that --

Hales: Do you remember any calls coming in from dispatch based on 911 calls?

McCormick: As for myself, I was focused on the event, so I wasn't listening to dispatch with regular 911 calls.

Hales: Do you remember --

*****: I worked patrol during that time period and we did receive calls. They were not 911 calls, most were non-emergency calls. I don't remember how many, that was too long ago. I apologize.

Fish: Mayor, I have a few questions, if I could. And I apologize if you've already put this in the record. I want to focus you on the most recent event. Were there any arrests during the event?

*****: I did not make an arrest. I was plainclothes. We don't make arrests.

Fish: Folks in the back -- please. If you were testifying and hissing and making noise, the Mayor would stop the proceeding and ask that you be treated with respect. So please, let these folks do their job. It does not help us make an informed decision to have all the background commentary. Please, let's be respectful to everybody who has a voice in this. I'm asking generally, were there any arrests during the last Hempstalk?

McCormick: I made no arrests --

Fish: Not specifically -- so, it's more helpful for me to know, did the police bureau document any arrests during the festival?

Hales: Folks, folks, please. Alright, you can get back to us. You don't know of any offhand, obviously.

Fish: While we're checking that fact, were there any calls for medical service during the festival? Someone that had a medical emergency, excessive use of drugs, something to do with the weather, heat, or anything else? Were there any medical calls for service that we're aware of?

*****: Not that I'm aware of.

McCormick: I don't know either.

Fish: Were there any citations for impaired driving in the immediate vicinity of the festival?

August 27, 2015

Brockmann: Again, that would have to be something that I would have to research through the traffic division and bureau to find that out. I don't have specific information regarding that.

Fish: Well, the reason I'm asking these questions is that I'm looking at the code. And to me, there's two parts of the code that we're going to get some instruction from counsel on and we have to make a judgment on, I think. This is my first hearing of this kind so we're all learning as we go along.

Hales: This is our second, actually. We did this last year. [laughter]

Fish: I said it's my first. I wasn't here for that one. I'm trying to figure out where the goal posts are and what the rules are and what evidence we're supposed to weigh.

So, the conditions that are listed in the materials that we have is that one of them is "proposed activity does not pose an unreasonable risk to public health or safety." That's a very specific standard. It doesn't say does not pose a risk to public health or safety, it says an "unreasonable risk" to health and safety. In fairness, I want to ask you: what did you document at the event that you believe could constitute an unreasonable risk to public health or safety that we should consider as part of this appeal?

Brockmann: Well, I believe based on what we have discussed earlier about the amount of marijuana just simply being consumed as walking through the park itself. If you're there as a consumer to be exercising or enjoying the park that that could be -- have an effect on you as well. As well as like I said, the documentation that we don't have as far as what happens after the event -- leaving the event, driving, and so forth -- the effect on your ability to drive.

Fish: And in fairness, I think one of the things I'm learning about marijuana and distracted driving, is we -- technology hasn't really caught up. We don't have great tools to measure that the same way we do for alcohol. I have a zero tolerance for impaired driving, but apparently with marijuana, we don't have the same tools to evaluate it.

Brockmann: It's not the same type of tool, you're correct. There isn't a machine that you can blow into, but there is a separate process.

Fish: The other question I was going to ask you is, in light of what you have observed and the recommendation you're making, is there anything that you would recommend -- if the Council's inclination was to grant the appeal and allow this to go forward, are there any additional conditions which you think we should consider which would address any of the concerns that you have about the behavior that you documented?

Brockmann: Other than what was stated before about it just being very difficult to be able to maintain the conditions of the safety and security plan that they had agreed to before as far as non-consumption or distribution or sales of at the event. It's not preventing anything about the message itself, it's just the concerns about all of the other stuff that surrounds it.

Fish: I may have some more questions. It looks like Dan wants to jump in on something here.

Saltzman: Well, I was -- I mean, you just said that you didn't really have any evidence at your fingertips about any off-site impaired driving or impaired behavior. I guess I felt the proponents bring up a good point about the Blues festival or Musicfest Northwest, where you could make the same conclusion that people are leaving those events impaired. So, why -- I guess I feel like there is somewhat of a double standard -- maybe it's not a double standard -- [applause]

Hales: Folks -- please -- whether you agree or disagree -- please.

Saltzman: I don't think it's a double standard, but somewhere along the line, the proponents of this event and the City folks have gotten off on the wrong foot, and it seems

August 27, 2015

like it is time to sort of -- especially in light of the action of the voters in November -- to start off on the right foot on this event and reduce some of the animosity that seems to exist between this event and Parks and law enforcement and security and Parks Rangers. I guess that's what I am looking for -- how do we sort of move on? I feel there is somewhat of a double-standard being held here to the types of conditions we're imposing on this event versus the types of conditions we impose on the Blues festival or Musicfest Northwest -- not just conditions, I guess, it's the enforcement of the conditions.

Brockmann: The one comment that I have about that was brought up earlier is that I have worked with these other vendors -- Rose Festival, brewers fest and so forth and Blues Festival -- and something that is different in regards to those events is specifically about alcohol. There are alcohol monitors there specifically for that -- to be verifying and checking for that. Security does address those issues when they come up immediately, and they bring it to our attention. When we notice something also that is taking a wrong turn as part of the conditions of their permit, we bring it to their attention and they address it immediately, which was not seen at this event.

Rogers: The challenge that I think we have -- Parks -- is that we, as managers of the public trust, the property that is our parks system -- we have very strict guidelines that we are instructed to follow. Unfortunately, one of those in this case is that we follow and we make sure all of our events follow state and federal, City law. In the permit, that's the main thing which we point out is that that's the guide, that's the standard that we apply to every event. Not just this event, every event. We may push harder on this event because we have 10 years of experience of trying very hard, working very hard. We have met with this group more than any -- I think I can safely say this -- more than any other event attempting to solve the issues that reoccur. And the main issue is that you are not legally allowed to smoke and consume marijuana in a public facility, a public park.

Fish: And I have to say, since this is my first hearing on this, I appreciate that we give you the direction to enforce the law, so I'm not here to quibble about that. I guess what I'm trying to figure out is, what's the threshold above which there's enough violation of the conditions that I feel comfortable sustaining the decision that you made?

Let me give you an analogy. We know that in some events in Tom McCall Waterfront Park in the past, there's been significant gang violence. One we we've addressed that is by putting more uniformed officers and a lot more security people. But there's still a chance there will be some gang-related activity. It's just -- it's inevitable. We've never had a conversation about cancelling the event or denying a permit because an illegal activity occurs during the event. That would certainly -- if there was gang violence -- and the question would be, was it encouraged or condoned by the applicant or was it something that happened during the event?

The two questions that I'm struggling with is, what's a critical mass of activity that constitutes an unreasonable risk to public health and safety? Because that's what is in the code. And the second is, do we have sufficient evidence that this behavior that has been documented by our officers was encouraged and promoted by the organizers, or is there just -- do we have to accept the fact that these kinds of events, certain kinds of things are going to happen which we can't regulate? I know, for example, I've been to events where we discourage people from having alcohol. We don't check every picnic basket and we don't check every flask and people sometimes sneak in a cigarette or a drink, and it's not technically allowed. So, that's what I'm struggling with.

August 27, 2015

I understand that you have a difficult job and I appreciate that your job is to enforce the rules and appreciate that the police's job to document what they believe are violations of the law. I think we have a different sort of test to apply here.

Saltzman: I would like to ask -- given the fact the law has changed, would you expect, you know, given days after the event in late September of this year, people can walk into any liquor store and as long as they're 21, purchase marijuana legally? Do you think there would be any need for anybody to sell to you under the table, over the table, to sell edibles to you, things that are now within days would be available legally? Do you think you'd see the same sort of illegal behavior that you witnessed?

Fritz: Actually that's not what's going to happen, but eventually that will be the case that -- I think the difference is the use of the substance is in the park.

Saltzman: No, I understand. But there was mention of a sale -- you executed a sale, somebody bought an edible. I'm just saying, would there be any motivation by anybody to need to go to Hempstalk to get their supplies when they can get it legally within days?

Hales: Right, lots of other locations.

Saltzman: Yeah.

Hales: OK. Well, that's speculation. We'll let him off the hook but I appreciate the point. Other questions for our staff resources here? Anything else you want to add before we bring the appellant up for rebuttal?

Rogers: Nope.

Hales: OK. Stand by in case we have any other questions for you. Let's give the appellant a chance to come up and take five minutes for any rebuttal or closing points you would like to make before the Council discusses this. Come on up, please.

Stanford: Thank you, sir. I think it's clear that there was an active attempt on our part to curtail the use of cannabis in this park. And we did everything in our power, as Mr. Lewallan said, to identify marijuana smoking and to stop it. And I was at one time on Sunday afternoon -- the second day of the event -- told there was a vendor who was selling marijuana at his booth. I had no evidence of that but I was told that, and based on that report, I immediately said, "eject that person from the park" and the security people went immediately to do that.

But I also want to point out we weren't in charge here. We were forced to hire a \$12,000 manager of this. And Shawn Rogers says he's not talking to us anymore. We don't know why. He said we can't talk to him anymore, we have to hire this guy for \$12,000 -- we are all volunteers, by the way, who are paying to play -- and that he was in charge and he was the one that the security people were responsible to, the hired security people. We were not. We were cut out of that loop. It was very clear that we could not manage this event. We were told that we couldn't, and so we had to hire these other people to do that.

Even given that, our volunteers went out of the way to make certain that every person there knew they were not allowed to smoke marijuana or anything else. And the vendors, as you can see, the police said that we did nothing. The Parks department, Mr. Rogers -- not the friendly one with the sweater that taught my kids -- but Mr. Rogers said that there was nothing that we did to inform people not to smoke in the park. You can see these signs right here in front of you. They said we didn't tell vendors not to sell marijuana. We gave you a pack of over 100 papers -- every single vendor signed an agreement that they would not sell or smoke marijuana in or around the park. We did patrol along the sidewalks outside.

August 27, 2015

We were held to a standard that had never been held before. Mr. Rogers said that he did not look over other permits. Well, we did. And no other permit that's ever safety planned standard operating procedures that's ever been submitted to this City that was more stringent or more detailed than the one we submitted. Also, events within that bowl had never before been required to fence off that fence area and stop people from going from one section of the park to the other section of the park. So, we have two separate areas within our event that were completely separate and required separate security clearances and searches each time that people pass from one part of the park to the other.

You know, we didn't really want to go into the bowl anyway. It's not good for sick people to be in that bowl. It hurts my knees. I'm a disabled U.S. veteran based on knee injuries, and we would rather be in the flat area of the park a little bit farther down. That's our preference. And where there aren't sidewalks between there. But we made every effort to comply. We did comply. I'm still dismayed at the statements that we did not comply, and I'd be happy to answer any of your questions.

Fish: I have a couple of questions, sir. Appreciate your testimony. I'm just looking through the record we have. Did you or the event organizers encourage or allow people to use controlled substances.

Stanford: No, sir. We discouraged and stopped people.

Fish: There is a police report that documents -- according to the report -- rampant drug use, including use by minors. As an organizer of the event, what is your position about that allegation?

Hales: Actually, Nick, be careful, because there is a 2013 report in here that I read that had that in it, and I'm not sure if I saw a 2014 report --

Fish: You're right, I'm referring to the 2013. But I wanna get -- as an organizer, I want to understand his philosophy and commitment to the event.

Hales: Fair enough.

Stanford: Certainly. We attempted to stop all smoking -- whether tobacco, cannabis, or anything else within the park -- and that's what our volunteers did. We approached people, we announced it from the stage numerous times. You know, people come in and they leave -- you don't always have people there, so we made statements four times an hour.

Fish: OK. And if there are people that still aren't the message and are putting you at risk of losing your permit, what is a reasonable step that we should be taking to address that?

Stanford: We ejected them from the park. We asked them to leave.

Fish: Do you draw a distinction between smoking cannabis or consuming an edible?

Stanford: We don't allow the sale of edibles. Edibles aren't produced in a secure environment, we have no idea the cleanliness. So, we discouraged the sale of edibles even more strongly than we do the sale of cannabis because of the health risks concerning the production of food products.

Hales: Other questions?

Fritz: In this police report on page four, it says in the second paragraph, "I also told them the announcements from the stage were encouraging people not to smoke marijuana inside the fences of the event, but to go just outside the fence."

Stanford: That's not true. We never said to go outside the fence. In fact, one of our volunteers told me that the security people that we had no control over had directed them to go outside the fence to smoke marijuana. So, this volunteer of ours was told that he

August 27, 2015

should go outside by the security people that we hired but could not supervise -- that he should go outside the fence to smoke marijuana. But he didn't do that.

Fritz: So the police officer is lying in the report?

Stanford: Yes. And I think there are a lot of untruths spoken here today by the City representatives. I think all of our volunteers here are well aware of that.

Fritz: Further down on the page, it says officers assigned to the detail kicked out 14 separate groups of individuals in the back between Salmon and Morrison Bridge for smoking marijuana. Those are all just happened to be there?

Stanford: You know, I did not see that and I can't speak to the veracity of that. But if we had seen it, we would have ejected them, and we did not see it. You know, we will follow any rules you give us. We're good citizens. Our intent is to put on a peaceful public protest to teach people about hemp for fuel. I really believe that's the reason the whole marijuana myth was created was because when we can grow hemp without regard to its THC level and we can grow it with regard to its most productive seed and fiber productive capacities -- and high THC produces 20 times more seed and more than twice as much fiber as low THC hemp does. When we can grow hemp without regard to its THC content, we will replace petroleum and change the economic and environmental paradigm that our whole world lives under. And that's our goal here, is to replace petroleum.

Fritz: I appreciate that. What we're talking about is whether or not you complied with the permit. And last year when we had this discussion, after that, the Parks Bureau tried very hard and we appreciate that you have also tried very hard to comply with the permit. And it's documented in several places that the permit was not complied with. So, that's the question before us today -- whether or not you have the capability to comply with the permit.

I understand that it's very difficult to get people to, for instance, stop smoking in the park. We have a blanket prohibition of smoking anything in parks now. We also have a state law that says no marijuana consumption in public is allowed. So if we were to grant this permit, how would you envision those two rules being enforced at your next event?

Stanford: We do exactly what we did last year, which was make frequent announcements with signs like this, we'd have our vendors guarantee -- as we did in writing -- that they would not sell marijuana. If we found them in violation we would evict them, as I did the one time it was brought to my attention. We looked for smoking. If we saw it, we approached them and told them to stop. If they wouldn't, we told them to leave. We'd do that again if so mandated.

Fritz: So we would expect them to have sales of edibles and --

Stanford: No, we would not allow that.

Fritz: Well you did this year --

******:** No --

Fritz: So the officer testifying here was lying?

Stanford: She said she was -- I don't think that's true. If they did, they should have arrested that person -- [applause] I would have been 100% in favor of arresting the person --

Fritz: I will take that into consideration because we are setting up the marijuana rules that you are advocating for us to arrest people for marijuana offenses.

Stanford: If they are violating our right to have this event and endangering our attempt to educate people about hemp and cannabis, then we would ask the police to enforce the law that's being violated, certainly.

August 27, 2015

Hales: Other questions for Mr. Stanford. Let's move to discussion. Thank you very much. Commissioner Fish?

Fish: As I said, this is the first time I've participated I believe in a hearing on this issue. One of the concerns I have, Mayor, generally about this is just -- and something I'd like to take up with the Council at a future date -- is whether this is the appropriate body to hear these appeals and whether there's a different process for hearing these appeals because I have some concerns about the whole proceeding. But let's go to this specific issue in front of us.

I have the highest respect and regard for the City professionals who are involved in this process and who have been before us today. And I've had -- as the former Commissioner-in-Charge of the Parks Bureau -- I have worked with the permitting people. They are hardworking, they get usually very good grades from the community, and I have no reason to doubt the veracity of any police officer coming forward with documentation and testifying to what he or she observed.

The concern I have in this proceeding, Mayor is, number one, I don't think the record before us is where it should be. You pointed out that it has stale information from a prior year, but I think a number of the questions that we asked of the folks before us -- they're not unreasonable questions to get information about. I'm concerned that the record before us is frankly a little spotty and a little thin, and in some instances not clear to me. So that's a concern. We are bound by the record. Again, I don't think we asked unreasonable questions about activities and documentation.

I think the context for me in evaluating this starts with the fact that at an event like this, we're talking about a gathering where the primary purpose is protected under the First Amendment. And in order to make sure that we never apply our rules in a way that infringes on First Amendment rights, I think we have to be rigorous in terms of the application of our rules. I take very seriously our duty to go through the test and make sure that we're clear that there is a factual basis to support the action taken by the bureau.

I am also -- along with Dan -- frankly a little concerned that there might be some inconsistencies in how we enforce these rules. And I'm not saying that's intentional, it may also be just catching up with new realities, the new legal climate. There's been a significant change in the law. So for me, personally, it comes down to a question of is there an unreasonable risk -- has there been documented before us an unreasonable risk to public health and safety? And I can't honestly say this record convinces me we're at that point.

And then the second question we have to ask is, have they failed to comply with the conditions? Now, in addressing a failure to comply with the conditions, I think it's important to evaluate whether someone took reasonable efforts and precautions and there were still violations of the conditions, or whether someone actively participated in undermining the reasonable conditions that were set. I am conflicted on that point because we've had compelling testimony on both sides. I don't have a history with Mr. Stanford or the other folks involved here. I take people at their word when they testify. I think people are in good faith setting forth what they observed or what they believe happened.

So, at some point today we're going to have to make a decision. And I will tell you, again, while I have the utmost respect for the team that brought this matter before us, I am not persuaded that we have met the very specific conditions to deny this appeal. What I'm more inclined to do as one Commissioner -- and I'm only one vote -- what I'm more inclined to do is to grant the appeal but have an agreement that -- have a discussion

August 27, 2015

about putting in place additional protocols to document any violations that occur -- and I would like to have those documented in a way that's more rigorous than the record before us -- with the clear understanding from organizers that we're sort of on a last chance agreement. We want you to be successful. The goal is for you and any other applicant to have a safe and peaceful event and to be successful in your event. But we have to have an understanding if this is allowed to go forward, we want to see some progress towards complying with the rules that we've established. And I believe the rules that we have established are in fact the law of the land and we're duty-bound to enforce them, particularly if there are minors at the event.

Hales: Let me expand a little bit and maybe confirm a couple of things that you've said. You've raised the question of who should hear this appeal, and I think we've talked about that because we don't do too many appeals of park permits, thank god. [laughter] We don't, we get to hear contested case appeals. Some of you haven't been through this process, but we went through this fairly choreographed process of appellant statements and rebuttal and all that, and that's because that's how the City Council does contested case hearings, and we do them all the time for land use cases and used to do them all the time for liquor licenses -- another blessing that we don't do those anymore.

But there's a difference here, and I think we should hear these appeals. The reason we should is in this case it's not the same kind of burden of proof as you have in a land use case. In a land use case, you have to prove you've met the City's regulations. Obviously, we have permit conditions and those matter and we want to make sure they are complied with. But there are also big picture principles at work here in our decision and I think frankly we need to make sure our Parks Bureau is clear about those big-picture principles.

One of them is that the parks system in Portland I believe should always have big shoulders. It should always try to accommodate lots of different kinds of recreational choices and community gatherings. Mike Abbaté and I talk about this all the time -- it is the public space. We hold all kinds of events and activities, some of which I like and some of which I'm really happy to participate in, others I don't care about very much or don't even like. I don't particularly like carnival rides, but we have a bunch of them in Waterfront Park during Rose Festival. A bunch of people apparently love carnival rides, and they come and enjoy those. But it's a big principle for us that the park system through have big shoulders -- everything from bocce ball to soccer -- you know, all those recreational things. And the same thing with community events. In fact, when I was Parks Commissioner, we spent a bunch of money with the help of the Rose Festival association to put a foot-deep sand base under Waterfront Park so we could beat it up again and again to have the turf be able to recover quickly once it was receded and re-watered. And again, that's a principle we've tried to carry on.

Well, that means there really should be a bias towards approval to the most reasonable extent possible. That if it's a legitimate community activity and it can work, we should try to make it work rather than take that more strict regulatory approach. Let me say it a little differently. We also have a value of community over strict compliance in lots of things that we do, when you think about it. I was Transportation Commissioner and got into some trouble because I went on a ride-along with a group called Critical Mass, who were trying to make a case that it should be legal to ride a bike on the street. It wasn't quite as legal then as it is now. And so, we valued community over strict compliance in that case, and didn't arrest people because they were participating in Critical Mass. Maybe a more familiar example in recent days -- it's actually not legal to ride your bike

August 27, 2015

down the street naked. But we allow about 10,000 people to do it every year in the World Naked Bike Ride and the Police Bureau facilities that even though it's technically not legal to do that.

Now, that doesn't mean -- again, don't misunderstand me, I'm not saying we should take a laissez faire approach to permit conditions, including now allowing smoking, not allowing smoking marijuana in parks where neither is allowed. But again, I think given the poor record that we have here documenting the scale of noncompliance by people attending this event and the fact that we don't have any specific evidence that the organizers aided and abetted that noncompliance -- it happened as it happens at other big community events -- I don't think we have a good reason to deny this.

Fish: Charlie, if I could just comment --

Fritz: Could I just --

Fish: -- on the one point.

Fritz: Apparently not.

Hales: Hang on, hang on --

Fish: If I could comment on one point. When I expressed earlier to you and during this hearing a question about whether this should come to us, it's in part because it wasn't entirely clear what is coming to us. As you said, we have very proscriptive land use proceedings where the materials before us say, here is the legal standard, this is what it means, here's the evidence in the record, and it's very rigorous. I have found it much harder in this proceeding to understand what's before us, what's the standard, how that standard's been interpreted, what some of these words mean, and then what's the evidence -- what's the firm evidence in the record to support it? So I'm happy to hear these things, I think this is a fascinating hearing. I think setting some clear expectations on what we want to come to Council could be helpful for all the parties.

Hales: Commissioner Fritz?

Fritz: I think it would be helpful to get the information that the Mayor asked for and you asked for, Commissioner Fish. You asked for the 9-1-1 records and the calls for non-emergency. You asked for the incident reports from around the park. It would seem prudent before we get the go-ahead to an event which is being requested to happen in three weeks that we find out what happened last year and get that determination.

I would further point out that the Council has not yet had a discussion of how we're going to manage use of marijuana in our city once it becomes legal. We have a big question about whether the police are going to enforce anything ever anywhere. Last year, we had the -- maybe we're gonna decide we haven't, we're not going to -- but to have an event like this in three weeks without having that discussion seems a little imprudent to me.

Last year, the documentation is that four police were there on overtime. If it's a larger event this year, there may be more public expectation that indeed this is a play to come and use and buy. I think that gives significant challenges in terms of both park oversight and police oversight. I don't know if the organizers have already contracted with their \$12,000 security manager this year. It seems like that would be challenging to bring an event like this together in that amount of time.

Fish: Commissioner Fritz, I appreciate what you just said. And I guess -- again, it goes back to the question I have about this proceeding and our role. The questions that may remain open are answers to were there arrests, was there documented impaired driving, were there drug overdoses? These kinds of things. If the issue before us in this hearing is whether there's an unreasonable risk to public safety, I believe it's incumbent on the

August 27, 2015

bureau to present that evidence today. Those are not -- but those are central to us understanding whether there's an unreasonable risk. If the bureau needs a few days to assemble that and we still have an opportunity to rule on this yea or nay at a time when the organizers still have a go/no-go, I'm happy to receive that information. But I don't think that information was irrelevant to this proceeding.

Fritz: The question is whether or not the permit was complied with. Last year, the discussion was whether or not Hempstalk could provide a festival at which there would be no marijuana use. It's very clear that didn't happen. And Parks staff did hear from the stage the admonition to not smoke within the festival and to go outside.

Hales: Commissioner Saltzman, any other comments you'd like to make before we see if we want to take a motion on this?

Saltzman: I'm ready to make a motion to grant the appeal.

Hales: OK. Is there a second?

Fish: I'll second it.

Hales: Further discussion? Then we'll take a roll-call vote on the motion to accept the appeal -- I'm sorry, to grant the appeal and therefore overturn the Parks Bureau's denial of the permit.

Roll to grant appeal.

Saltzman: Well, in granting the appeal, I fully expect that the conditions that applied to the 2014 permit would be in effect for the 2015 event, that security and all that would be in place. I do think that with respect to any impetus to buy marijuana at this event is soon to be history. There is no incentive or reason for people to buy illegally when they can buy it legally in a few days after the event. I do think smoking is smoking. And you can go to the Blues Festival, you can go to Musicfest, you can go to beer fest, whatever -- you'll find smoking going on there. I think these sponsor -- I think everybody's active in good will. I accept what the Parks feel and the police have to say. I believe these people, too, though. They did take all efforts to try to eliminate smoking of marijuana. It's just not going to happen. And to set up a high bar and penalize only this event for it not happening is an inconsistent -- as I said earlier, sort of a double standard to me. While you could probably say maybe the conditions of the 2014 event may have been violated, I think it's time to sort of let bygones be bygones, try to bring some goodwill between Parks and Hempstalk, and let's make this event work and work as well as it can for the public. That's why I say, let's give it another shot. [applause]

Hales: Everybody, please. Go ahead.

Fritz: This is really making public policy on the fly. It is clear to me that the permit was not -- the permit conditions were not complied with. That was the one chance to see if it could be done without the use of marijuana at the festival. That didn't happen. And I am really sorry for my Parks staff who are now going to put together an event at the same weekend as dragonboat racing and at the same time we have rampant problems throughout our park system, the North park blocks, Colonel Summers park, in East Portland parks where people are killing each other or certainly doing very dangerous behaviors that to then be asked to dedicate resources to this event -- we'll have interesting discussions over the next three weeks, Mayor, as to what the police are going to do to take care of the illegal behavior because obviously, our Parks staff -- we don't have the capacity nor the authority to do that. No.

Fish: Well, I appreciate this hearing and I appreciate the effort we're all putting into trying to find the right path forward. This is a very close call for me because I think there is evidence of the kind of conduct at this event which is inconsistent with the permit. And

August 27, 2015

particularly if there are minors -- we've heard from a number of people that there are young people at this event -- I think we'd have to bend over backwards to provide for the public health and safety. That said, I don't believe on the record before us I have a basis to sustain the action of the bureau. I'm going to vote to overturn the appeal -- excuse me, to grant the appeal, so I'm going to vote to grant the appeal. I'm going to support the motion to grant the appeal.

But here's my plea to the organizers. This is not the first public hearing we've had on this, there's a lot of attention now on this event, and a number of organizers in the community have come forward and said, "we are committed to running the event consistent with the City's rules and laws." And if the Council decides to extend the privilege to you to hold this event, we expect you to honor the commitment that you have made in this hearing. And if following this event there is substantial evidence that is documented that the organizers for whatever reason have been unable to comply with the permit, it's going to be I think highly unlikely that this Council acts favorably next time there's an appeal before us.

I urge you to go the extra mile to earn the trust that you have said that we can trust and to make sure this event is consistent with the rules that we've established and the expectations of the public in Portland. And I hope you take that very seriously, because you're asking the Council in this instance to take a little bit of a leap of faith. You have made some very clear representations about your commitment to honoring the rules that the Parks Bureau has established. And I will grant this appeal with the clear understanding that we've established here today that you will do your utmost to comply with the conditions established by the City. Aye.

Hales: Thank you all and thanks, Parks Bureau, for all the good work that you do in the community. Commissioner Fritz, under you the bureau is doing great things. I'm going to support this decision because, again, the park system ought to have big shoulders, it ought to accommodate lots of different activities and then hold people to reasonable standards for how those events are managed. And I think it's very important that our standards be consistent from one kind of event to another for what we expect for public safety and the convenience of public who may not be attending the event and other common sense criteria like that. And it sounds to me -- and again, I didn't get a chance to go by this event myself last year. This year, I will because it always helps to see it yourself. Sounds like this event was imperfect. It sounds like there were some people smoking marijuana there even though the organizers were obviously consistently telling people not to do that. It sounds like there may have been some sales of marijuana or marijuana products at this event and that's not OK, and the organizers endeavored not to have that happen. That is imperfect, some of it happened.

I'm the Police Commissioner, I have not heard from the Police Bureau there was a significant public safety risk posed by this event. I've heard no reports of 9-1-1 calls, no reports of medical emergencies of somebody overconsuming edibles for example, which is a concern the Police Bureau is very worried about because people could do that and drive a motor vehicle and hurt somebody, and I'm afraid that's going to become commonplace. But I'm not hearing that. I'm not seeing adjacent property owners in the room saying, "for god's sake, don't let this event come back because it was a terrible burden for the neighborhood." They are not here. I have to assume from their absence that this was not a big problem for the neighboring property owners because, believe me, people show up when they have a complaint around here. [laughter]

August 27, 2015

Tonight's Last Thursday -- it will be imperfect. There will be laws broken at Last Thursday. And we will have the Police Bureau there and they will exercise good judgment and discretion. There are laws we all need to make sure are strictly enforced, like you shouldn't have a gun and you shouldn't shoot at your fellow citizen -- and that happened at a Last Thursday. And yet, Last Thursday continues because it's a valid public event and a much-loved community gathering. So we have to exercise good judgment and a sense of scale and how big the problem is when we say yes and no to public activities, whether it's Last Thursday or this one.

So again, I know this was an imperfect hemp fest last year. It will probably still be imperfect this year, but we are going to hold you to a high standard. We are going to ask you to work in cooperation with the Parks Bureau and the Police Bureau -- and I'll make sure of that as the Police Commissioner -- and we'll ask them to work in cooperation with you so that this thing is a success. We wish you well, we're holding you to high standards and I'll come by myself and get a first-hand look. [cheers and applause] Thank you very much, and we're adjourned.

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