



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5TH DAY OF SEPTEMBER, 2018** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5. Mayor Wheeler left at 11:22 a.m. and Commissioner Saltzman presided.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Denis Vannier, Senior Deputy City Attorney; and Ovie Griggs and John Paolazzi, Sergeants at Arms.

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

The meeting recessed at 10:03 a.m. and reconvened at 10:16 a.m.

		Disposition:
COMMUNICATIONS		
926	Request of Gary Rehnberg to address Council regarding Harrison Street Vacation (Communication)	PLACED ON FILE
927	Request of Robbie Abalos to address Council regarding lack of Civil Rights Councils and oppression of activists (Communication)	PLACED ON FILE
928	Request of David Kif Davis to address Council regarding City sponsored political terrorism (Communication)	PLACED ON FILE
929	Request of Steve Spinnett to address Council regarding paradigm shift on approach to homelessness (Communication)	PLACED ON FILE
930	Request of Tamara DeRidder to address Council regarding short-term housing enforcement (Communication)	PLACED ON FILE
TIMES CERTAIN		
931	TIME CERTAIN: 10:30 AM – Assess benefited properties for street, sidewalk and stormwater improvements in the SW Dolph Ct – Spring Garden St Local Improvement District (Hearing; Ordinance introduced by Commissioners Saltzman and Eudaly; C-10053) 15 minutes requested	PASSED TO SECOND READING SEPTEMBER 12, 2018 AT 9:30 AM
CONSENT AGENDA – NO DISCUSSION		

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Mayor Ted Wheeler

Bureau of Planning & Sustainability

***932**

Authorize Bureau of Planning and Sustainability Director to execute agreements with nonprofit organizations in accordance with Metro grant for the Expanding Opportunities for Affordable Housing in Faith Communities Project (Ordinance)
(Y-5)

189148

Office of Management and Finance

933

Extend term of franchise granted to Qwest Communications Company, LLC n/k/a CenturyLink Communications, LLC to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 171914)

**PASSED TO
SECOND READING
SEPTEMBER 12, 2018
AT 9:30 AM**

934

Extend term of OnFiber Communications, Inc. franchise to use designated City streets to provide telecommunications services (Ordinance; amend Ordinance No. 175793)

**PASSED TO
SECOND READING
SEPTEMBER 12, 2018
AT 9:30 AM**

935

Amend franchise granted to LCP Oregon Holdings, LLC to transport liquid intermediates through its pipeline system (Second Reading Agenda 913; amend Ordinance No. 188554)
(Y-5)

189149

Portland Housing Bureau

936

Terminate limited tax exemptions for properties under the Homebuyer Opportunity Limited Tax Exemption Program (Resolution)
(Y-5)

37382

***937**

Authorize an Intergovernmental Agreement between the Portland Housing Bureau and Portland State University to fund a Graduate Research Assistant to work with the Portland Housing Bureau (Ordinance)
(Y-5)

189150

Commissioner Dan Saltzman

Bureau of Transportation

938

Designate a prefix abbreviation for South Portland addresses effective May 1, 2020 (Second Reading Agenda 915; replace Code Section 17.92.020)
(Y-5)

189151

939

Extend contract with Central Parking System of Washington, Inc. through March 31, 2020 for Parking Garage Management Services (Second Reading Agenda 916; amend Contract No. 30001972)
(Y-5)

189152

REGULAR AGENDA

Bureau of Transportation

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<p>940</p>	<p>Authorize the Bureau of Transportation to permit construction of skystructures serving Assisted Living & Retirement Centers outside of the Central City District (Ordinance introduced by Commissioners Saltzman and Fritz; Second Reading Agenda 917)</p> <p>(Y-4; Eudaly absent)</p>	<p>189153</p>
<p>Mayor Ted Wheeler</p>		
<p>941</p>	<p>Appoint Bob Gagliasso to the Plumbing Code Board of Appeal for term to expire September 4, 2021 (Report) 10 minutes requested</p> <p>Motion to accept report: Moved by Saltzman and seconded by Eudaly.</p> <p>(Y-4; Fish absent)</p>	<p>CONFIRMED</p>
<p>942</p>	<p>Reappoint Zari Santner and Karen Loper Tracy and appoint Janice Mason to the Portland Parks & Recreation Bond Oversight Committee for terms to expire December 31, 2020 (Report introduced by Mayor Wheeler and Commissioner Fritz) 10 minutes requested</p> <p>Motion to accept report: Moved by Fish and seconded by Fritz.</p> <p>(Y-5)</p>	<p>CONFIRMED</p>
<p>Office of Management and Finance</p>		
<p>943</p>	<p>Accept bid of Skyward Construction, Inc. for the 1900 Building Restroom Upgrades for \$1,488,592 (Procurement Report - Bid No. 00000959)</p> <p>Motion to accept report: Moved by Saltzman and seconded by Fish.</p> <p>(Y-4; Wheeler absent)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>*944</p>	<p>Adopt a new non-represented employee classification structure and compensation plan (Ordinance) 10 minutes requested</p> <p>Motion to add new directive e to direct the City Budget Office to report annually to Council on changes in the average hourly rate for non-represented employees, by bureau: Moved by Saltzman, seconded by Fritz. (Y-5)</p> <p>Motion to add new directive f to direct the City Budget Office and the Chief Financial Officer to develop amendments to financial policy that would provide bureaus with guidelines for budgeting and reporting on merit increases at the bureau level: Moved by Saltzman and seconded by Fritz. (Y-5)</p> <p>(Y-5)</p>	<p>189157 AS AMENDED</p>
<p>*945</p>	<p>Authorize a competitive solicitation and contract with the lowest responsible bidder and provide for payment for Major Retrofits for Replacement of City Fuel Facilities project (Ordinance)</p> <p>(Y-4; Wheeler absent)</p>	<p>189158</p>
<p>946</p>	<p>Authorize \$15 million of long-term bonds for local improvement and sidewalk repair projects and financing of system development charges plus additional amounts for issue costs (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 12, 2018 AT 9:30 AM</p>

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<p>947</p>	<p>Ratify a successor collective bargaining agreement between the City and Portland Police Commanding Officers Association relating to the terms and conditions of employment of Police Lieutenants for 2018-2020 (Second Reading Agenda 921) (Y-3 Fish, Saltzman, Wheeler. N-1 Fritz. Eudaly absent.)</p>	<p>189154</p>
<p align="center">Commissioner Dan Saltzman</p>		
<p align="center">Bureau of Transportation</p>		
<p>948</p>	<p>Create a local improvement district to construct street, sidewalk, and stormwater improvements in the SE 102nd Ave and Woodstock Blvd Local Improvement District (Second Reading Agenda 922; C-10063) (Y-4; Eudaly absent)</p>	<p>189155</p>
<p align="center">Commissioner Amanda Fritz</p>		
<p align="center">Portland Parks & Recreation</p>		
<p>949</p>	<p>Amend the Park System Development Charge Code to improve and clarify implementation of the program (Ordinance; amend Code Chapter 17.13) 10 minutes requested</p>	<p align="center">REFERRED TO COMMISSIONER OF PUBLIC WORKS</p>
<p align="center">Commissioner Nick Fish</p>		
<p align="center">Bureau of Environmental Services</p>		
<p>950</p>	<p>Authorize the Bureau of Environmental Services to acquire certain permanent and temporary property rights necessary for construction of the Hillsdale Crest Rainfall Derived Infiltration and Inflow Project No. E10941, through the exercise of the City's Eminent Domain Authority (Second Reading Agenda 923) (Y-5)</p>	<p>189156</p>

At 11:32 a.m., Council recessed.

September 5-6, 2018

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5TH DAY OF SEPTEMBER, 2018** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lauren King, Deputy City Attorney; and Andy Bacon and John Paolazzi, Sergeants at Arms.

The meeting recessed at 3:00 p.m. and reconvened at 3:06 p.m.

	Disposition:
<p>951 TIME CERTAIN: 2:00 PM – Direct staff to enter into the City’s commitments for the Lents Stabilization and Job Creation Collaborative Oregon Solutions Declaration of Cooperation (Resolution introduced by Mayor Wheeler) 30 minutes requested (Y-5)</p>	<p>37383</p>
<p>952 TIME CERTAIN: 2:30 PM – Approve changes to Plan for Portland Committee on Community-Engaged Policing and establish Committee (Resolution introduced by Mayor Wheeler) 20 minutes requested Motion to (1) add “On a quarterly basis” to the sentence under Members’ Responsibility: Gather input from Portlanders regarding experiences with and perceptions of PPB’s community outreach. (2) Replace all references to the Office of Neighborhood Involvement (ONI) with the Office of Community and Civic Life (Civic Life): Moved by Fish and seconded by Fritz. (Y-5) (Y-5)</p>	<p>37384 AS AMENDED</p>
<p>*953 TIME CERTAIN: 2:50 PM – Amend Police Review Board Code to implement stipulated discipline provisions for Portland Police Bureau members in accordance with amendments to the Settlement Agreement between the United States and the City of Portland (Ordinance introduced by Mayor Wheeler; amend Code Section 3.20.140) 20 minutes requested Motion to amend 3.20.140 J.2.e. to delete “The Commissioner in Charge” and add “City Council”: Moved by Eudaly and seconded by Fritz. (Y-5) Motion to amend 3.20.140 J.1 to add categories of cases listed under PCC 3.20.140 B.1.c.: Moved by Wheeler and seconded by Fritz. (Y-5) Motion to add stipulated agreements where a final decision has been reached to 3.20.140 I.3: Moved by Fritz and seconded by Saltzman. (Y-5) (Y-5)</p>	<p>189159 AS AMENDED</p>

At 4:44 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **6TH DAY OF SEPTEMBER, 2018** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Chief Deputy City Attorney; and Jim Wood, Sergeant at Arms.

		Disposition
954	TIME CERTAIN: 2:00 PM – Consider the proposal of Tim Sotoodeh, Southwest Hills LLC and the recommendation from the Hearings Officer for removal of conditions of approval imposed by prior Comprehensive Plan Map and Zoning Map amendment ordinances for property at 2855 SW Patton Rd (Report introduced by Commissioner Eudaly; Previous Agenda Item 841; amend Ordinance Nos. 155609 and 160473; LU 18-112666 CP ZC) 1 hour requested for items 954 and 955	CONTINUED TO SEPTEMBER 20, 2018 AT 2:45 PM TIME CERTAIN
955	Amend the Comprehensive Plan Map and Zoning Map amendment to remove conditions of approval imposed by prior ordinances for property at 2855 SW Patton Rd, at the request of Tim Sotoodeh, Southwest Hills LLC (Ordinance introduced by Commissioner Eudaly; Previous Agenda 842; amend Ordinance Nos. 155609 and 160473; LU 18-112666 CP ZC)	CONTINUED TO SEPTEMBER 20, 2018 AT 2:45 PM TIME CERTAIN
956	TIME CERTAIN: 3:00 PM – Office of Equity and Human Rights 2018 Report (Report introduced by Mayor Wheeler) 1 hour requested	RESCHEDULED TO SEPTEMBER 19, 2018 AT 10:00 AM TIME CERTAIN

At 2:08 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: *** means unidentified speaker.**

September 5, 2018 9:30 am

Wheeler: Good Morning everybody. This is the morning session of the Portland City Council. This is September 5, 2018. Is it working, Karla?

Moore-Love: I'm sorry, what was that?

Wheeler: Is the monitor working?

Moore-Love: Yes.

Wheeler: Oh, it is, ours are still blue. We will have to work on that in a minute. Karla please call the roll.

Saltzman: Here. **Eudaly:** Here. **Fritz:** Here. **Fish:** Here. **Wheeler:** Here.

Wheeler: Good morning. Good to see you, Robert.

Dennis Vannier, Senior Deputy City Attorney: Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during the city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings, you may sign up in advance with the council clerk's office with communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the first readings of ordinances. Your testimony should address the matter being considered at the time. While testifying please state your name for the record, your address is not necessary. Please disclosure if you are a lobbyist and representing an organization, please identify it. The presiding officer determines the length of testimony, individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on. When your time is done a red light goes on. If you are in the audience and would like to show your support for something said, please feel free to do a thumbs up. And if you want to express that you do not support something, please feel free to do a thumb's down. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there disruptions, a warning will be given that further disruption may result in the person being rejected for the remainder of the meeting. After being rejected a person who fails to leave the meeting is subjected to ejection. Thank you for helping your Portlanders feel welcome, respectful and safe.

Wheeler: Very good. Thank you. First up will be communications.

Item 926.

Wheeler: Good morning and welcome.

Gary Rehnberg: Good morning. My name is gary rehnberg. I serve as president of the east side plating, a 72-year-old Portland surface finishing business, I am asking today the council provide continued access to our facility, via an easement promised two years ago. And my purpose is to preserve the 22 manufacturing jobs that are, at our facility within the central east side industrial sanctuary. The urgency of my communication is that the city is currently selling the property without first granting this easement. In 1963 odot acquired property adjacent to the east side planting for a freeway never constructed. The east side plating was permitted to use the property from employee parking for the following 50 years. For decades the southeast door has been accessed to deliver critical chemistry via a tanker truck regularly. In the 2013 building permit, this door was called out as the primary

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egress point for employees in the event of an emergency. In 2015 the city purchased the odot property and began street vacation proceedings for the adjacent harrison street, although the Portland planning commission did not recommend vacating the street due to the transportation use required by east side plating. In February of 2016, city council chose to vacate the street anyway. This access was recorded as a street vacation ordinance, 187591. With harrison street to be vacated, Portland bureau of transportation engineers developed a workable alternative access immediately to the south of our building that would accommodate the tanker truck. The access plan was agreed to in june of 2016. The access alley would be 15 feet wide nearest the street, and then reducing to ten feet closer to the access door for employee egress. The alley would be paved, fenced and curbed and would be provided at no cost to eastside plating. The city never completed those Improvements detailed in the Harrison st. vacation ordinance. Since august of 2016, the east side plating has requested an easement to be drafted to ensure continued access to its facility multiple times but these requests have been denied. In april of 2018, east side plating drafted an easement proposal using the same footprint as agreed to in 2016. It was as is with gravel, not paved, without curbing or a fence, for a price per square foot that approximated with the city that purchased the property for. We were again denied this request. In may of 2018 east side plating reached out to the auditor's office to help to receive help from the ombudsman. The packet you have been provided outlines that request for help. Additional meetings with the mayor's office resulted in no reasonable chemistry delivery or egress alternatives. The mayor's office is representing the street vacation ordinance that's been completed, however the details stated in the ordinance ensuring the east side plating continue to have access have not been completed. I am asking for the agreed upon easement to find in the harrison street vacation ordinance to be issued. For 72 years the business has contributed to the vitality of the central east side. 22 Portland manufacturing jobs at this location are at risk. And without access to this door, east side plating continued operation at the site is Doubtful. Thank you.

Wheeler: Thank you. Appreciate you being here. Next individual, please.

Item 927.

Wheeler: Next individual, please.

Item 928.

David Kif Davis: I would appreciate it if you don't have your G4S security goons come up and rush me so I can at least grab my camera and my stuff. Without it being -- having these guys get into my face. I do have ptsd, and so I don't need to get your retaliatory behavior from these guys getting in my face. So I will start my three minutes. You need to start my three minutes.

Wheeler: Your 30 seconds in, continue please.

Davis: No. I am not, actually. Do you want me to come to your house, 2028 southwest jackson today so I can finish up my, get my rest of my testimony? Okay. Ted wheeler I will just do that, I will see you at your house tonight, okay. I will bring some pots and pans and some loud recordings of flash bang grenades so you can relive the august 4 incident outside of your house. In the comfort of your own living room, okay. Last week there was a cop watcher, eli richy, who is here, and he was in jail at this point. Last, last week because of a chief outlaw because she can't handle a couple of questions. So she gets a stalking order. Because she's just like a slimy, a slime bag politician like you, ted wheeler. You know. A little coward with your little fake ass beard. I mean, I liked you with your baby face, it seems like you are -- that you have gotten more evil with the more hair you grow, you know. Is that what's happening? Is your beard taking over your mind or something? I am going to go to your house, though, tonight, okay. To finish up my testimony. Since you want to cut me off. But you guys, obviously, are not in compliance with the doj settlement, and the coab was used as a weapon against the mentally ill which it is supposed to be

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there to actually help the mentally ill, and get you guys in compliance with the doj. You know, it turned into a weapon of war against the mentally ill, and you know that, right. That's why you guys had to just disband it. So you guys are never going to be in compliance with the doj settlement. The doj is pathetic anyway. Their level of compliance is not like actual civil rights or anything. So you guys can't even -- you guys can't even reach a minimum standard of compliance with civil rights.

Wheeler: Thank you.

Davis: And not warring on the mentally ill, right.

Wheeler: Thank you, your time is up mr. Davis. Thank you.

Davis: I will see you at your house tonight, okay ted wheeler.

Wheeler: Don't forget your -- whatever that is.

Davis: It is called a camera.

Fish: Karla, can I ask you a question? We don't have something on the screen, but is it broadcasting?

Moore-Love: Yeah, it's my understanding i.t. Is working on it.

Wheeler: Very good.

Fish: It is broadcasting. Just we don't have it?

Moore-Love: It is broadcasting.

Fish: The public can see it?

Wheeler: The public can see it.

Fish: Thank you.

Wheeler: Next individual.

Item 929.

Wheeler: Good morning sir. Thank you for being here.

Steve Spinnett: Good morning commission and mayor wheeler. My name is steve spinnett. I am a businessman in the city of Portland. I was also the former mayor of damascus. So I want to talk to you about pretty much give you my opinion on the homelessness. Two years ago before the homeless sweep at the spring water corridor I made friends with the homeless community. My automotive business borders about 500 feet of the corridor near southeast 92nd avenue. When I say made friends, I really did. I provided water, electricity, and even had a barbecue for them. But mostly my relationship was an ongoing thing with them. I was known among them. I was allowed into any camp. They let me in. I knew their issues. Six months of almost daily visits I spoke hope into them. I told them their true identity. Most of them -- all of the women that I talked to, but most of them began to cry when I told them who they really were. I don't believe that they are really drug addicts. I believe that they are, there is something deep inside that's far greater than that. I spoke that to them. I gave them hope. I told them -- I was able to put a long-time heroin user into a home of the family. I loved my homeless neighbors. I also had the safest business in town. One side and there was no fence, separating my property with the homeless camp, was just a few feet away, it was just right there, lots of homeless people. And \$100,000 posrches and Mercedes right on the other side. I had no problems. I found out, I found out almost all of those who were out there were drug addicts. I found this out only after I made friends with them. I saw what the young ladies went through. Having to sell themselves for the next dose. I saw the perpetrators, almost with the same MO, men from their early 20s to early 40s. Almost all with black bags and old motorhomes. And the rape that happens in them. This is the point that I want to make. 95%, or excuse me, 95 plus percent of these folks were drug users primarily heroin and meth. I only met two families who did not appear on drugs. To be on drugs. Shelters. Affordable housing, I want to hear this right because I do not want to -- I don't want to be combative. Shelters and affordable housing is like giving pain meds to somebody with an, someone with an infected foot hoping the infection goes away. We must deal with the infection. I have some

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suggestions but I have not dealt, delved down deep into how the city operates as far as homelessness. But I see certain things that have raised the concern. First one, correctly identify the problem. I say over 90% are drugs and mental illness. Work with the state of Oregon and other municipalities on the mental illness concern. Treat drug dealers as criminals. Small drug dealers, big drug dealers, they are all the same to me. Give Portland a reputation of a bad place to be if you are going to sell drugs. If possible, reappropriate money away from affordable housing and build prisons to incarcerate the dealers through due process, of course. Channel money to drug rehabilitation facilities.

Wheeler: Did you provide us written testimony?

Spinnett: I do.

Wheeler: I extended it for security reasons, you mentioned you were going to be combative and we don't want that.

Spinnett: I am not going to be Combative.

Wheeler: Okay, great. Next individual please

Item 930.

Wheeler: Folks, people are trying to make me the microphone cop today, let's not do that. Three minutes is plenty of time to be able to make a statement. Let's stay within the three minutes so we don't have to do it. Thank you.

Tamara DeRidder: Good morning, I am Tamara DeRidder, I am the chair for rose city park neighborhood association, and I am here to talk to you regarding our call for short-term housing enforcement to address Portland's housing needs. This is Neal ***.

Neal *:** I am a member of the board as well of the neighborhood association.

DeRidder: And he is 15-year mayor of Prince Edward Island

Neal *:** In Prince Edward highland Canada many years ago.

DeRidder: He is here for support and questions if you have any. Thank you for the opportunity.

Fish: I am concerned, I think we have an unlawful quorum of mayor this is this chamber.

DeRidder: I am here to talk to you regarding the issue, and one that you could act on today. Yes, we are in a housing crisis here in Portland. That part is not new news, but many of you have forgotten that the weak regulation and lack of enforcement of the airbnb type rentals has increased house scarcity as well as rental prices. Think about that for a minute. It's been four years ago now since the city council approved this ordinance. Since that time, the number of rentals has grown to 26% annually in rose city park neighborhood alone. Over 4 years prior to that, the rental properties remained virtually the same in growth rate, 0%. In general we can agree that more rental properties is a good thing, more space for a new resident in our community. However, in this case, according to Airbnb, over 50% of those are available all of the time, meaning they are short-term rentals. And in addition, 72% of those rentals are entire homes. The rampant use of whole house rentals, does not meet the code. Short-term rentals must be accessory to the household living use at the site. It is time for the city council to step up its game and to enforce short-term rentals as an accessory to the primary use or to get rid of this option. In a city where 80% of the short-term rentals continue to be unregulated, I can only say shame on you for continuing this abject failure of policy. Yes, short-term rentals can bring some needed income to families trying to deal with increasing costs to live in the city. But a homeowner providing the public short-term housing as an entire house is not acceptable. Providing short-term housing is a privilege. Not a right. If your BDS staff is unable to do this enforcement, we recommend that the city offer a finder's fee for illegal unit and turn it in. It is unfortunate reality that the city council trust the staff to provide truthful documentation in their ordinance proposal, but as a community we can ill afford supporting short-term housing at the expense of our residents and livability with increasing density such as the proposed residential infill project. There is no guarantee that the majority of these new

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units will not end up as short-term housing. In this day and age of realizing unintended consequences, that is important for us to keep an eye on who will benefit the most out of creating more units per lot in a single dwelling zone.

Wheeler: Thank you both. Commissioner Eudaly.

Eudaly: I just would like to respond to some of your comments. As the very recent commissioner in charge of BDS and perhaps one of the most vocal critics against short-term rentals on council I want to tell you I share your frustration but explained to you how challenging enforcement is when we don't have the data that we need and we are still waiting on it. It's surprisingly difficult to prove that someone is not living in a house that they can claim to be living in. There is certainly some flagrant commercial renters on these platforms, and I don't understand why they are not being shut down by the platform themselves. It's also an incredibly expensive endeavor that we don't have necessarily have resources for, so-

DeRidder: That's why a finder's fee is good.

Eudaly: Yeah. I am happy to entertain that, although it's not my bureau any more. But I just -- I want to -- I feel like I need to defend BDS staff because they don't have the information and tools that they need, and we've been -- we are still in negotiations over getting host data that was part of an agreement that we made in a lawsuit that's supposed to apply to all of the short-term rentals, but I absolutely agree that it is a rampant problem, and we have to do better in enforcing, and once we have that information on the host, it will become exponentially easier to do that.

DeRidder: But it's been four years. And the fact is that if they don't come through, we should shut it down for whole host. I have two sites that they are doing a whole house.

Eudaly: I don't disagree. I wasn't meaning to engage you.

DeRidder: I understand.

Eudaly: I just wanted to respond but I would love to talk to you further.

DeRidder: Good

Neal **:** I would love to follow-up.

Eudaly: Sure, if you are going to be around, I am stuck up here for the next few hours.

Wheeler: Thank you both. Appreciate it. Karla have any items been pulled off the consent agenda?

Moore-Love: None have been requested.

Wheeler: Please call the roll.

Saltzman: Aye. **Eudaly:** Aye. **Fritz:** Aye. **Fish:** Aye.

Wheeler: Aye. The consent agenda is adopted. So folks there is a little bit of overlap in today's session in that new bureau assignments were made on tuesday, so in a couple of cases here, we have -- you are going to hear from Commissioners who actually put the items on the agenda, and they will introduce an item. You will also hear from commissioners that are new in some cases as well. So I just want you to be aware that there is an awkward dynamic for this session and maybe the next one or two sessions as well, so our next time certain is not until 10:30 so let's go for the second readings on the regular agenda. Could we start with item 940, please? That is the second reading.

Item 940.

Wheeler: Colleagues, is there any further discussion on this item? Please call the roll.

Saltzman: Aye.

Fritz: Thank you Commissioner Saltzman for bringing this to council. This is another step in making our city an age friendly city, and I am very happy to support it. Aye.

Fish: Aye.

Wheeler: I enjoyed the conversation that we had on this the other day, and I appreciated not only commissioner Saltzman's bring it forward, but commissioner Fritz, I think you made a really good point as well about, you know, let's try and be holistic in our approach

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to this question rather than focus on individual centers, and I agree wholeheartedly and I vote aye. The ordinance is adopted. Next item, number 947.

Item 947.

Saltzman: Aye.

Fritz: I stated my opposition to this early, regarding the level of seller increase the market comparatives don't support this level of increase. I found the arguments about compression with lower positions unpersuasive. There was good testimony last time we heard this about that we have not gotten any policy improvements and return for this 4% increase. And I am very troubled by that. Thank you but that's distracting.

Wheeler: Folks again, and some of you know this because you have heard this before, you heard the rules up front, rather than interrupting the meeting, simple thumbs up or down works. Very good. Thank you.

Fritz: This is a small item in total but increasing a clothing allowance from \$390 to \$700 a year for people making over \$100,000 doesn't seem reasonable to me, no.

Fish: Aye.

Wheeler: So I support this. This, and first I want to thank labor relations and thank HR Director Serilda Summers-McGee, they worked very, very hard on this. This aligns the ppcoa with the ppa to resolve the compression challenges, and I hear what my colleague is saying, in her opinion it does not go far enough, and I think that that's a fair opinion. It aligns the ppcoa with the city regarding the preventative care initiative, that's healthcare, I think that that is a very, very important get in this contract negotiation. It's a cost effective contract, in that it shifts the wage scale as opposed to giving across the board increases, and I think over the long-term that will serve us well, it identified underutilized resources and re-purposed them to pay down the cost of the 2018-2020 contract and given that the total budget for this contract increases \$128,000, I thought that that was worthwhile. There was a very -- it was reported to me both by ppcoa and hr and labor relations that this was a very collaborative effort, that there was a good back and forth, that it was long-term both sides felt that they were heard. And it memorialized current practices that were not in the contract previously, including performance evaluations, vacation VEBA contribution, and the sick leave VEBA contribution. I vote aye. The ordinance is adopted.

Item 948.

Wheeler: Any further discussion? Please call the roll.

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

Wheeler: Good work everybody, I vote aye. Ordinance is adopted. The next item is 950.

Item 950.

Wheeler: Very good. Please call the roll

Saltzman: Aye. **Eudaly:** Aye. **Fritz:** Aye. **Fish:** Aye.

Wheeler: Aye, the ordinance is adopted. Next item, please, will be 941.

Item 941.

Wheeler: Today we are appointing Bob Gagliasso to the plumbing code board of appeals. Currently the board has two members. Victoria haines and bernie santos, and we appreciate their service. Terry whitehill with BDS is going to present the appointee, who is here with us today and we appreciate that.

Terry Whitehill, Bureau of Development Services: Mayor wheeler, thank you for letting us be here today and to bring this forward, and I am pleased to have Bob Gagliasso with me today. Bob has been in the plumbing business for over 40 years, currently a contractor, he is vice president of the cascade chapter of the international association of plumbing and mechanical officials. And a veteran of the US Air force, and if you have any questions, bob or I would be more than happy to answer.

Wheeler: Colleagues? First of all I want to say thank you very much for being willing to step forward. I know the pay is not very good. You come with deep experience. Could you

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tell us just a little bit about why you wanted to be on this board and what you think you are going to be able to accomplish or what you hope you would be able to accomplish as a member of this board?

Bob Gagliasso: Well, as an active contractor, of commercial and residential in the city, it's most of all my work is here in this area, and I am pretty versed on issues and adverse plumbing conditions and obstacles that may come about because of code or other. I am pretty passionate about my trade and trying to instill that in the trade is to have an understanding of what goes on in this world of plumbing. It could be adverse but I am involved as Terry said, with the IAPMO committee and trying to introduce new things and new ideas to that trade. And so it's imperative that somebody that is, you know, versed can give a pretty fair opinion of what can happen and what can't. I had a history of 17 years of being the plumber at the airport. The only plumber they had. And during the budget downturn and all of that, top pay goes out. That's it. You are done. And so I started up on my own, so as far as adverse conditions and being versed and known in the community, I think that I could be a pretty good addition.

Wheeler: Sounds like it. Great. Thank you, colleagues, any further questions? I will entertain a motion.

Saltzman: Move the report.

Eudaly: Second.

Wheeler: Motion from commissioner Saltzman and second from commissioner Eudaly. Please call the roll.

Saltzman: Thank you for your willingness to serve. Appreciate it. Aye.

Eudaly: Thank you for your service, aye.

Wheeler: Excuse me. This is a report. Mr. Walsh, excuse me. We will take a recess for a moment, please.

Recessed at 10:03 am

Reconvened at 10:16 am

Wheeler: Sorry for the delay, we did not get a chance yet to call the roll on item 941. Karla, please call the roll.

Moore-Love: We are on Fritz.

Fritz: The pressure's really on. I have had 15 minutes to come up with a really dynamic speech. And yeah, I am just going to say thank you very much to the volunteer who is willing to serve on the plumbing board, if you are interested in serving on a city board or commission please look online on PortlandOregon.gov. There are many, many, many boards and commissions that we need volunteers for, aye.

Wheeler: I am very, very pleased with this appointee and very happy that somebody with 40 years of experience, hands-on experience is willing to volunteer their time and their energy at the height of their career to come in and help us do things better. So this is great. And commissioner Fritz is right. For just about any skill set in this community, there is a board or a commission where we could really benefit the public at large could benefit from your experience. So we always encourage people to get in touch with us and find out what kind of appointments are available because there is a lot of them. I vote aye. The appointment is approved and the report is accepted. Item 942, please.

Item 942.

Wheeler: Colleagues, the bond oversight committee is composed of five distinguished community members. Each of them was selected by one member of the Council. In making our selections, we looked for skill sets in finance, construction, community involvement, budgeting, and parks services. Today we have the pleasure of announcing a reappointment for two of the members, and an appointment of one community member to our Portland parks and recreation 2014 parks replacement bond oversight Committee as well as the appointment of a new member. The bond oversight committee members are

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serving multi-year terms. Commissioner Fritz will speak to the charge of the oversight committee. Commissioner Fritz?

Fritz: Thank you Mayor. Implementation of the 2014 bond measure has been part of my focus for the past, since it was passed, and I am very proud of the work that we've done. I appreciate each of my colleagues for appointing a community member to this committee that provides independent oversight to make sure that we are doing what we promised that we would do to the voters when they approved the bond measure in november of 2014. \$68 million to fix some of the most urgent needs in our parks although we still need another \$300 or \$400 million to bring everything up to standards. So commissioner Saltzman and Commissioner Fish's appointee's terms expired in june, both of them have offered to serve on the bond oversight committee again. And this action will reappoint both of them. Both Zari Santner and Karen Loper Tracy have worked in parks as employees and have been involved in promoting parks throughout the city. Dion jordan, who is my appointee has decided to step down, and janice mason has been nominated as the replacement appointee. Janice mason is currently the chair of the Philippine chamber of commerce and has been involved in increasing opportunities for minority owned businesses. And welcome to our staff here. Thank you for joining us.

Robin Laughlin, Portland Parks & Recreation: Good morning. Sorry we are late getting back. I am Robin Laughlin, the bond program manager of the Portland parks and recreation. With me today is janice mason our candidate for the bond oversight committee. With your approval today, janice will be joining the bond oversight committee and helping to serve to help guide the parks bond moving forward. We appreciate the committee's keen insight and active volunteer service to the community on this important endeavor. Currently serving on the committee, are ken richardson, the current superintendent of david douglas school district, and jonah calon, the business development coordinator for hispanic metropolitan chamber and karen Loper Tracy, a former long time parkie who served in several capacities including volunteer coordinator, outreach and communication manager, and assistant director of Portland parks and recreation. Zari Santner is also on the committee currently. She is the former director of Portland parks and is a landscape architect who oversaw the 1994 parks bond. The reappointment of zari Santner and karen Loper Tracy and the appointment of janice mason to the bond oversight committee is the purpose of our agenda item today. Ms. Santner was a director of parks and recreation from 2003 until she retired from the city of Portland in 2011. Her nearly 30 years of park service were exemplified by her commitment to equity and design. The highlights of her career are varied and include such projects as the powell butte nature park, Vera katz eastbank esplanade, managing the 1994 parks bond, and the strong public policy direction to make certain that parks are considered critical infrastructure in all citywide budgetary decisions. A landscape architect by training and a native of iran, Santner brings a unique and comprehensive understanding of Portland parks to the committee. She served on the committee since its inception and we are asking the council to reappoint her for an additional year and a half term so she can see the program to the conclusion. Ms. Loper Tracy grew up in Portland and spent her career with Portland Parks and Recreation. Starting in college she held various positions including volunteer coordinator and outreach and communication manager. Her broad exposure to virtually every aspect of our programming makes her an invaluable member of the bond oversight committee. She understands the roles and responsibilities of employees and volunteers and understands how the park system can help, how upgrades to the park system help staff respond to our community's recreational needs. She also understands our budgeting protocols and how to monitor and manage funding to meet bureau-wide objectives. She retired in 2012 after four years as assistant director, and has served on many bond and levy programs during her time. Ms. Loper Tracy has also served on the committee since the inception, and we are

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also asking that she be reappointed today. And today I have the pleasure of introducing Janice Mason to you. Since 2009, she's worked as a marketing and communications leader at a Portland-based regional engineering and architecture firm. Her responsibilities include serving as a liaison for small business partnering and utilization in her company's corporate responsibility initiatives. She's worked in the industry for more than 30 years including time spent as a project manager on public and private landscape architecture projects. Through this experience she has grown a depth of understanding of the design and construction process that we hope that she can bring to our committee. Ms. Mason also is a Filipino American and has resided in the Portland metro area for 20 years. In the community she has served on the board for the Philippine and American Chamber of Commerce since 2013. The board's mission is to promote economic opportunities and good will for minorities, and serve as the liaison for government agencies. Janice has supported the board with rebranding and increasing the communications and visibility and supporting minority owned businesses. She was also recently appointed as the co-chair for the international committee for the Oregon Association of Minority Entrepreneurs, I am really excited to introduce you to her today and she would like to share a few comments with you.

Wheeler: Thank you.

Janice Mason: Thank you Mayor Wheeler and counselors Eudaly, Fish, Fritz, and Saltzman. And also thank you to the, to Robin and the other members of the Parks Replacement Bond. As a volunteer in the community, a woman of color, I am so excited to participate in this process. It's very important to me. As a young girl I have some fond memories of going to the park across the street and playing with the neighborhood kids back on Guam. So the park was practically my backyard, so now as an adult I am eager to apply my knowledge in working in the architecture engineering and construction industry to this process with the Parks Replacement Bond. Enabling transparency to the taxpayers funds is important work and I intend to do my best, to my ability and in small way help young and old alike have fond memories in neighborhood parks. Thank you very much.

Wheeler: We appreciate it. Thanks for your service.

Mason: Thank you.

Laughlin: With your approval today, we look forward to continuing to work with and receive guidance from the Bond Oversight Committee, with the support of Zari Santner, Karen Loper Tracy and Janice Mason.

Fish: Mayor I move the report.

Fritz: Second

Wheeler: We have a motion from Commissioner Fish and a second from Commissioner Fritz. Karla please call the roll.

Saltzman: I want to thank Zari Santner and Karen Loper Tracy and welcome Ms. Mason to the Oversight Committee. Aye.

Eudaly: Thank you for your service, aye.

Fish: It has been four years since we passed the Bond Measure and I am really proud of the work you have done, thank you Robin Laughlin for your leadership here. I am particularly impressed with Pioneer Courthouse Square and all the improvements there, and that's a \$10 million project, really well done, and I appreciate your diligence and leadership. Thank you Janice Mason for being willing to serve as my appointee to this important committee. It is crucial that we have independent oversight to make sure that the taxpayers and voters know that we have done what we said that we were going to do with the money and spent it wisely and hopefully that then they'll support further investments in Portland's parks and recreation system. Thanks also to Dion Jordan the retiring former chair of the committee, he's been an absolute stalwart and we appreciate all of his service to Portland parks and recreation. Aye.

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Fish: Well, the parks bond measure has been an unqualified success, and that's a testament to commissioner Fritz's leadership and so as the new commissioner in charge we pledge to continue the momentum, and to make sure that the money is spent wisely. I was adding up the, doing the math on zari Santner and karen Loper Tracy. I think together they have about 300 years of experience in this field. So we are very lucky to have them. And of course, janice mason, you honor us by accepting this appointment and serving on the oversight body. I look forward to working with you and I am honored this morning to vote aye.

Wheeler: So one of my favorite aspects of commissioner Fritz's leadership of the parks bureau has been her diligence with regard to the bond. And at virtually every opportunity both in this chamber and in our one-on-one meetings, she has repeatedly stated the importance of this bond being successful, and that we meet the absolute commitments that has been made to the voters who overwhelmingly supported this bond. And an important part of that accountability is the work that you will do and the work that you already do on this committee. And I would argue that you have been extremely successful and diligent in your oversight, and the public is better for it. The city is better for it. And I know that the public feels well served, so I appreciate commissioner Fritz, your diligent leadership over many, many years. Commissioner Fish, I know that you will continue that important tradition, and all of you who have stepped forward to serve as volunteers in our community, I won't give the same speech twice except to say that we are really lucky as a community. We are fortunate that we have people of your caliber who are willing to really engage in a personal way to help make it a better place for everybody so I vote aye. The report is accepted. We are going to move item 949 up. Colleagues, this item was noticed on the tuesday memo as being referred to commissioner Fish's office. Karla please read 944.

Moore-Love: 949?

Wheeler: I am sorry, it's 949, correct.

Item 949.

Wheeler: Commissioner Fish it's my understanding you are pulling this back to your office?

Fish: Yes, mayor.

Wheeler: Very good. Item 944 please.

Item 944.

Wheeler: Colleagues the city charter section 4-2013 requires periodic review of the classification plan of all city service positions. The classification and compensation of nonrepresented positions have not been reviewed as a whole since the year 2002. Portland is transforming into a major city. In order to be responsive to the city's business environment, recognize changes in work that have occurred over the last 16 years, and recruit, retain and motivate qualified employees, the city of Portland requires the development and implementation of an updated classification and compensation system for nonrepresented positions. The classification and composition study, compensation study of nonrepresented positions in the city has been conducted excluding positions in the offices of elected officials. The city of Portland is rapidly transforming into a major city. The proposed classification structure and the compensation plan will allow the city to both assign nonrepresented positions and compensate nonrepresented employees. With us today to discuss this in further detail is classification and Compensation manager elisabeth Nunes and chief human resources officer serilda summers-mcgee. Welcome both of you. Thank you for being here

Elisabeth Nunes, Bureau of Human Resources: Good morning everybody. As stated I am Elisabeth Nunes, the classification and compensation manager for the city. I have a story to tell. It starts in june of 2014. When you, council, approved a contract with

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[inaudible] consulting to assist the bureau of human resources to review and update the city's nonrepresented classification and compensation plans. The classification review portion of the study resulted in the recommendation to create 107 new nonrepresented classifications and replace and abolish the 418 current nonrepresented classifications. After concluding the contract with [inaudible] the class comp unit internally and BHR conducted a compensation market survey based on the new classifications. What is before you today, for consideration, are the final new classifications and compensation structures resulting from this four-year effort. There is no direct cost to create the new classification and compensation structures. No employees will receive an immediate increase to their compensation. Some employees whose current pay is above the new maximum will have their pay red circled. What this means is they are not eligible for pay increases, including cost of living increases until the pay rate is within the new pay grade for their assigned classification.

Serilda Summers-McGee, Chief Human Resources Officer, Bureau of Human

Resources: For the record, I am Serilda Summers-McGee, chief human resources officer for the city of Portland, and I have a few statements in closing. The current class comp structured that we have lends itself to perceive and sometimes real have and have nots. With this new system, which has one quarter the number of classifications, you will create parity across the bureau, across all bureaus for similar work. This allows small bureaus, newer bureaus and bureaus that share similar work to be compensated fairly and consistently. This structure creates parity based on scope of work, responsibility, autonomy and risk, and it is a unified system based on how we value and support all employees across the system and removes speculation regarding how someone's classification or body of work is different from someone else's. This will streamline this and clarify it. The new system also allows us to revisit our current class comp structure and maintain its market competitiveness and equity. We are proud to have completed this work for the city of Portland and I am grateful to the heavy lift that the team made to establish this new structure as well as the work of our workforce and our directors and managers who shepherded this process alone, and I thank you.

Wheeler: Very good. Colleagues, any questions? Commissioner Saltzman.

Saltzman: I have an amendment I wish to offer. So your presentation, that's it?

Summers-McGee: That is it.

Saltzman: Oh, okay. So Serilda maybe you could just remind me, I know, or Elisabeth. This came up in conversation that we have had, but what percentage of non-reps get the full merit increase of 4.1%?

Summers-McGee: So of the -- so not all non-rep employees are eligible for a merit increase. Anyone who is at top of scale does not get a merit increase each year, only the cola. So of those who are eligible for a merit increase, approximately 60% are receiving the 4.1% merit increase.

Saltzman: Okay. And with this new scale, there will be employees who are topped out that will be eligible?

Summers-McGee: That's correct.

Saltzman: For further merit increases. And I ask that question because that relates to my amendment. My concern is that merit increases are not really being treated as -- nothing awarded based on merit, but based on sort of peer group pressure, that's the way it is done here, and everybody expects to get 4.1% on top of the cola, so last year an average non-rep employee got 8% increase in salary. And so I want bureau directors to really take responsibility, and I want the budget office to help in that regard. And the cfo to develop some guidelines for bureau directors to be more selective. As I think what is meant by a merit increase, it's not automatic, if you are living and breathing you don't necessarily deserve a 4.1% increase, it should be based on merit. On your performance. So there

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should be a scale of merit increases from 4.1 to 2% or something like that. So my amendments are designed to ask two things. One is to ask the city budget officer to report annually to council on changes in the average hourly rate for nonrepresented employees by bureau. And I am sorry, I didn't hand out my amendment.

****: Yeah, you did.

Wheeler: We got it

Fish: I don't think I got it

Saltzman: Okay. So that's the first part of the amendment. And the second amendment is to ask the City budget office and the chief financial officer to develop amendments to financial policy that would provide bureaus with the guidelines for budgeting and reporting on merit increases at the bureau level. And I think this will help as I said, I think it will help the bureau directors be more judicious in awarding merit raises, the bureau directors and other managers within the bureaus I should say. Not all bureau directors. And otherwise I worry about the fiscal impact of the automatic 4.1% increases as they have come to be handled. And so I quote from the cbo analysis we all received this week about this item. And it says that at this point the fiscal impact is unknown. And while a new structure does not require an immediate increase to an employer's pay it does increase the bureau's exposure to higher personnel costs because employees were previously at the top of the range no longer will be unless, and so, unless council explicitly provides greater funding bureaus will have to more actively manage the awarding of merit pay increases, particularly in the short-term. So I think that these amendments are good. I hope that they turn into financial policies that will help the bureau directors and other managers bring more focus and be more selective in the award of merit increases. So I offer those amendments.

Fritz: Second

Wheeler: Commissioner Saltzman moves and commissioner Fritz seconds the amendment and we will leave it open for testimony and we will take it up as a vote afterwards. Does that complete your presentation before you disappear? Any further questions?

Fish: Have you had a chance to see the amendments?

Summers-McGee: Yes, we worked with commissioner Saltzman.

Fish: Do you support them?

Summers-McGee: We support the amendments.

Fish: Thank you.

Wheeler: Great, thank you. Public testimony, Karla, please.

Moore-Love: Yes, two people signed up.

Wheeler: Very good.

Charles Bridgecrane Johnson: Good morning. I was hoping that Nico Hanni would be able to testify before me but maybe back in some post-amendment, to the amendments, I want to thank outgoing commissioner Saltzman for bringing up a point, I think that what we would really like to get to is away from the nickel and dime paranoia and talk about ways that the most meritorious city employees, I mean, it's nice to say that every city of Portland employee is a great employee, and they are not cookie cutters or homogenous, so we should reward the best of them with more than just a plaque. They should get the greatest increase in the pay. And so I hope that all the commissioners will work with your assigned bureaus to come up with the structures that recognize the outstanding and truly excellent employees, and make sure that those employees get the greatest merit pay increases. There is a big gap. If you get a 4.1% for merit pay the top performing employee can get the 4.1%. And the employee that hasn't reached that level is able to get 1, 2 or 3% annual increase on top of their COLA, so it does add a little bit of work burden for you as commissioners and for bureau chiefs but I think that that is the most important work for all

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of you to do is to help us to continually raise the bar for excellence in municipal employment, thank you.

Wheeler: Thank you. Good morning.

Lightning Super Disrupt Attack Dog: Good morning, I am lightning super disrupt attack dog. I want to put a-

Fish: When did you change the name?

Lightning: When did I? That was just recent.

Fish: Okay. I am a close observer. I have gone one week and all of a sudden, I don't recognize the name.

Lightning: I am not going to be the most popular person in this room. I would like to see a freeze put on all city employees. I want to see an analysis done from the private sector to the city employee jobs, and I want to see a balance created in line with the private sector. When we are talking fiscal responsibility, and if you watch what your good friend president trump is doing, on the federal level, he's beginning to analyze the jobs from the private sector to the federal employees, and he's trying to balance that out. When we are looking at trade agreements with china and usa and we are looking at these trade agreements we understand now is the time to begin to balance fair trade, begin to balance the process, and this is what we need to do at the city. And we have directors at the city making outrageous amounts for their salaries. And I think that it's too high. I honestly do. And I've been one of the only people that has ever sat up here and looked at the commissioners and the mayor and said, you are on the low side. Yours should go up. So we have to create a balance, and if anyone is going to do that, when we are talking fiscal responsibility, if we are talking more money going towards the homeless, and getting more people off the sidewalks, and getting more people into housing, there has to be a balance created. Somebody has to make a stand. And that's a tough stand to make. And trust me, you could very well end up having a special counsel and robert mueller overlooking you when you make those kind of moves. But it's time to make those moves. So if we are talking merit pay increases and all of this cola, I say put a freeze across the board and to begin to create a balance from the private sector to the city employees and look at that very close and balance it. Now is the time to do it. That's what they are going to do on the federal level. That's why they want trump out of office. And that's why they are going to push very aggressively to get him out of office, but it's not going to happen. He's going to get re-elected. Fiscal responsibility. Thank you.

Wheeler: Thank you, thanks both of you. Commissioner Fish.

Fish: If we could have the professional team back.

Wheeler: Come on up. Thank you.

Fish: Elizabeth, I don't know whether you know this off the top of your head, but in thinking about dan's amendments, it occurred to me that I don't know the answer to the following question, so if you could shed sine light on it. The chief financial officer position, the chief administrative officer position, head of HR, head of legal, head of procurement, who is tasked with the determining merit pay increases for those positions?

Nunes: From my understanding and I could be corrected, whoever they report to is supposed to complete a performance evaluation. And based on that performance evaluation, determine what percentage they should receive.

Fish: So could you send me an email follow-up to this proceeding just to let me know who is the person who is tasked with doing an evaluation of the head of the chief financial officer, the chief administrative officer, head of procurement, legal and head of human resources.

Summers-McGee: I can tell you right now, so the cao receives one from mayor Wheeler. The cfo, the chro receives an evaluation and a subsequent merit increase from the chief administrative officer, so tom Rhinehart. And the procurement officer receives an

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evaluation and a subsequent, if appropriate, merit increase from the cfo Jennifer Cooperman.

Fish: And the head of legal?

Summers-McGee: The head of legal receives it from mayor wheeler.

Fish: And your position?

Summers-McGee: The cao for myself and Jennifer Cooperman, we receive it from the cao.

Fish: Okay, and also could you remind us how many nonrepresented employees do we have?

Nunes: Around 1600.

Fish: Thank you.

Wheeler: Very good.

Fritz: And how many of the nonrepresented employees are changing from being salaried to hourly? Under this reorganization?

Nunes: We are still working through the final details. But it's -- I think maybe down to between 30 and 50.

Fritz: Thank you. And I very much appreciate that we have a report coming back to council in six months with the details of all of those positions. Thank you.

Wheeler: Very good, and I just wanted to reflect on something that was raised during testimony which is the comparators to the private sector. Could you talk a bit about that and how the class comp study does that?

Nunes: We can start. The city as well as other public jurisdictions, when they go to look at compensation and determine who the comparables are, historically for very good reasons we only compare to other public sector jurisdictions.

Wheeler: Why is that?

Nunes: That is because when you look at the employment agreement, which includes benefits, retirement, all the other things that come into a contract of work, if you will, they are different between the public sector and the private sector. The private sector offers a lot of perks, and special things that the city cannot do because we have tax dollars. We are governed by a lot of rules that the private sector does not have to do. What that does for employees, however, is provide a much more balanced quality of life. It also provides a level of security that does not exist in the private sector. The kinds of work that are done generally don't go across the board to the private sector. So there have been discussions about well there is some things that we should compare to the private sector, and if we were unable to find comparables within other public sector jurisdictions, we would actually then go and look to see what we could do to compare to private sector. Fortunately that hasn't happened. All the work that we do exists in other public jurisdictions. So there are competitors, and they are the people who somewhere similar employment understanding that we have. They offer similar benefits. They have a similar quality of life, so we have never had to go to the private sector.

Summers-McGee: I am not trying to encourage our workforce to go to the private sector, but the private sector pays significantly more than we do in a variety of disciplines. And so we can't compete, and it becomes a major challenge for the city when they are saying, how do we compete with an intel and a microsoft? Or a google for engineers, for legal counsel, for technical experts? And we just have a different ecosystem. We express to them but we definitely don't pay more than the private sector.

Wheeler: In summary then, it could be a difference of wage vs. what I will loosely call benefits, healthcare, retirement, security, that sort of thing.

Summers-McGee: And quality of life

Wheeler: Very good. Thank you. Appreciate that. Any further questions? Very good. We will call the roll on commissioner Saltzman's amendment. Actually, before I do that I want

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to acknowledge the work of commissioner Fritz. She had had an amendment that she discussed previously, and that has been worked into the ordinance and requires reporting the results of each position classification within six months. I want to acknowledge that work and the fact that amendment is now incorporated in the body of the ordinance. So thank you for that commissioner Fritz. Now we will take up the roll on commissioner Saltzman.

Saltzman: Aye. **Eudaly:** Aye.

Fritz: Thank you Commissioner Saltzman for these amendments. I will note that the parks already has guidelines as to how to do the merit increases and to me, it's the commissioner in charge responsibility as well as the city budget office, and human resources. I would hope that when the guidelines are developed, that they would allow for some flexibility bureau to bureau, and indeed, include, has the employee completed their work plan from the previous year. Which is what I look at in my performance measures. Aye.

Fish: Aye.

Wheeler: I strongly support this package of amendments and thank you to commissioner Saltzman for bringing it forward. The amendments are adopted. To the main motion, any further discussion? Please call the roll.

Saltzman: Well I want to thank Serilda and Elisabeth and the bureau of human resources and the consultants that worked on this study. It is a significant achievement, I think, to reduce our number of classifications so dramatically that as is done in this new ordinance we are about to adopt. And while I do, you know, have concerns about the right amount of discretion being concerned around merit increase awards, and I think that these amendments will help develop better discretion in that regard, you know, I want to say that, in general I think that our bureau directors are underpaid even though they make more than we do up here. I do think that they are relatively underpaid. The top bureau directors in the city, I think, make around, under this new scale, make \$212,000 a year. I think that's about right. Which you know, for being a police chief or something like that, you know, I know police chiefs in other cities take in a lot more money than our police chief, just to pick one top paid official. But generally that's true of most of our bureau directors. They are relatively underpaid, relative to what other public sector, bureau director positions pay in different cities. So it is what it is. I appreciate the work that's been done on this. Aye.

Eudaly: Well, sorry, losing my voice today. Thank you, Serilda and Elisabeth and HR staff and consultants, I know this was a herculean task. I think that our workers and the city as a whole is really going to benefit from everyone having greater clarity on what their job descriptions actually are. And as well as what they may be entitled to as far as pay and raises. Thanks for working with civic life on our concerns. I did feel like some of those positions had kind of fallen through the cracks, and I am glad that you saw that issue, still concerned about the budget impact to such a small bureau with a teensy budget, so we will see, we may be asking for help in the spring bump but overall I think that it's really good and important work. Aye.

Fritz: Thank you Director Summers-McGee, former director Anna and Elizabeth Nunes who have seen it from the beginning to end, and you must be really happy to have gotten to this point today. I appreciate all of your work. It has been a challenging process and one which employees have rightly been very concerned about. And so I appreciate your engagement with our employees, and your willingness to continue to talk and to help to figure out some of the kinks with 1600 employees and all of these different positions. There are probably some things that we will need to fix along the way. And you can count on me to support things as you bring them back as you find them out. I thank the bureau directors for their input, particularly interim Parks Director Kia Selley. I do support this ordinance. I do have some misgivings. I understand that what we have now basically

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evolved over many years and was in great need of updating. And the bureau directors want this because it will provide greater certainty and improve their ability to recruit for open positions. And I am concerned about the number of unresolved issues around individual city employees classification assignments. I appreciate the ongoing work on that. This project was not intended to change the scope of anybody's work in particular positions, and so if it turns out that the way that it -- the sausage making works when the handle is turned, has the effect of doing that, I know you are willing to address that as well. So we certainly appreciate the work that the employees are doing and are not intending through this to tell people to stop doing some of the things they are currently doing. If we do need to do that then we are going to need to figure out how to create additional positions to take up those work assignments and this is particularly in parks. Thank you for the, for the promise of the written report within six months, and I am concerned about how the city is going to pay for the increased costs, that will be generated in the compensation structure. We know that one of the reasons that the bureau directors want to get this passed through is because some of the positions are severely underpaid. And so it seems reasonable that those pay grades would go up fairly quickly. And so particularly where people have had many years of excellent performance and yet have been capped out, so how we, as a council are going to need to grapple with that and commissioner eudaly, I agree with your concern, about small bureaus and it doubles in the big bureaus because you have got more employees who are needing to go up and there is not a parity between the different bureaus. An engineer in parks doesn't necessarily earn the same as an engineer in one of the utilities, so we need to grapple with that. I will be supportive of some kind of set aside for the increased cost to the general fund bureaus and I do -- I will continue to be concerned about cross bureau pay equity, in particular, I am curious how the city will comply with the Oregon pay equity statutes where the wide ranges between minimum and maximum salaries within each pay grade will exacerbate the problem of achieving equal pay for equal work. And how we're going to monitor that so that we don't get further out of whack is something that we are going to have to grapple with together but a very good first step and thank you very, very much. Aye.

Fish: You know if someone was here for the first time at one of our council meetings, and they saw this on the agenda and they said ten minutes was set aside they would think that this was a fairly inconsequential matter pro-forma that we are taking up, and the truth is, this has been a very substantial piece of work. It has taken a long time and a lot of people to bring us to this moment. So, ladies, thank you for your leadership, and for the teams you worked with and for all the people that commissioner Fritz has identified. This is really a significant update to our compensation structure. And the goal from the beginning has been to help us recruit and retain the best talent. We have a problem in this city with a lot of people planning to retire in a short period of time, and I have heard from each and every HR director since i've been on the council that one of the things we don't do as well as we could is succession planning. So perhaps this will help us in both regards. I agree with commissioner Fritz that we should have a conversation about a set aside during the budget for some of the additional costs that general fund bureaus will incur. I had a five-year honeymoon from having general fund bureaus, and now I am back in the thick of it, so my views will evolve accordingly. I appreciate the amendments we have been offered and the collaborative way they were worked out with the team in front of us, so thank you for your good work, and I am very pleased to vote aye.

Wheeler: So I have the opportunity, and maybe this gets back to the public testimony to take this and show it to some folks who I guess, Serilda, are your colleagues in the private sector. I just wanted their opinion, and what was said universally was why haven't you done this sooner? Why hasn't this been done in an environment this competitive, when you need to recruit talent and you need to retain the talent that you have, and everybody

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else in the world is trying to scrape off your top talent, why haven't you not done this before. And the answer, of course, is because it's only one of many dominoes that fall in place, and commissioner Fritz put another question on the table around equity. And now that question will be front and center, and we will have to address it. Commissioner Fish raised the other question around succession planning. That is something that we also need to address, and again this moves this front and center. But more than anything else the next domino to fall is this: once we have decided that we want to be competitive in recruiting and retention of the best employees, particularly in those classifications that we know are the hardest to fill and the most competitive, both to recruit for and to keep, those employees, it raises the question of priorities. Because we have finite resources, and I agree with those who say that there are near term financial strategies that we can use to help ease the transition into this new paradigm if you will with regard to classification and compensation. But the longer term question is really this. We are going to be paying more in those classifications where it is harder to recruit and harder to retain. And quality long-term employees who are at the top of the classifications currently will find they now have head room within those classifications. And so there will be additional costs in out years and that puts more pressure on the city Council and bureau directors to really think long and hard about what our priorities are going to be in terms of service delivery. What business do we want to be in, what do we prioritize, what works, and perhaps which business we should deemphasize or potentially exit altogether. And I think that's one of the reasons why this doesn't get done more often. By addressing the first questions around recruitment and retention you are creating a whole long list of what I will describe as politically awkward issues that you are then forced to confront. I am glad that this City Council has finally moved this issue through. We have accepted it. We've worked hard. We have limited the number of issues that are still outstanding and I too appreciate the fact that HR is going to continue to work with specific employees that we can now identify that will have issues that result, I'll call them anticipated consequences that will result. I think we need to exercise some flexibility since we're talking about a relatively small number of employees. But we've really put down a high bar for ourselves, collectively, by completing this process, and I think the last time you said it was done was 2002. It probably won't happen again during my tenure, but I hope it won't be this many years before the City does it again because it leaves this long gap where we are losing quality employees and we are failing to recruit quality employees. We are seeing some of the consequences of that lag now. So thank you to the myriads of people who worked on this over this over a period of many years. I thank my current council colleagues for having -- I'm almost tempted to say fortitude but really good management sense to get this over the finish line. So thanks to all of you. I vote aye. The ordinance is adopted as amended. Thank you. Next item, please. Time certain is next. Colleagues, just so you know, I'm going to have to do a hard exit at 11:30. Time certain 931, please.

Item 931.

Wheeler: Commissioner Saltzman

Saltzman: Thank you, mayor. I'm pleased to bring this item before council in collaboration with commissioner eudaly who is the new bureau of transportation commissioner in charge. This local improvement district at southwest Dolph court and spring garden street will allow us to continue to improve our sidewalk infrastructure which helps increase equity and livability in the area. Also completion of this project does help as we were talking yesterday about the southwest corridor light-rail project begin to rectify deficiencies in advance of the anticipated high capacity transit on southwest barbur boulevard. Finally, I would like to recognize suzanne Stahl for her leadership on this project. Sadly she passed away november 14th of last year before this project was completed, but her leadership and

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voice as an advocate for this project will be remembered. With that I'll turn it over to Andrew Aebi.

Andrew Aebi, Portland Bureau of Transportation: Thank you, commissioner Saltzman. Andrew Aebi, Local Improvement District Administrator. I have a brief presentation for you. This slide has an overview map on the left of where the project is located in southwest Portland and then on the right is a detailed map of the local improvement district. So I want to just share with you three pictures. We combined construction of the park improvements with construction of the street improvement for economies of scale. This was the first of several pictures taken on the day of the grand opening. The city acquired land for the park in 1999. My colleague Travis Ruybal, here in the audience, delivered that project this year. That's been 19 years in the making. The combining of the construction of the park and the street improvements was beneficial to the property owners. The property owners along Dolph court realized a 15.8% savings on their lid. And this is the final picture from the grand opening. This park now serves 1359 southwest Portland residents who previously did not have proximate access to a park. So I really wanted to thank former commissioner pbot commissioner Novick and former park commissioner Fritz for their leadership and willingness to engage in this lid. One of the things that we were looking at three years ago when we were considering whether to do this project as commissioner Saltzman pointed out was the extent of the infrastructure deficiency in southwest Portland. There's this notion that east Portland has most of the infrastructure backlog when in fact it's in southwest Portland so we felt a real sense of urgency to do something. Just to put a picture with statistics, this is what Dolph court used to look like before we did the project. Very narrow street, steep, no safe place to walk. Then really what we were trying to do is to in conjunction with park improvements build a more hospitable place for people to walk where it would be safer, more welcoming. In addition to pedestrian improvements we're also trying to deal with stormwater issues on the street. If you look at that picture to the right, you see where people were piping water out to the street and dumping it on to their next neighbor below them. We wanted to deal with those issues on this steep street with grades up to 9.5%. This is an after-picture showing what improvements looked like. These two pictures were taken at the bottom of the hill. The owner of this property did submit an objection to final assessment and his representative will be here to speak on that and I'll be happy to answer any questions you have. So that is the project in a nutshell. We have a few people to testify. Happy to answer follow-up questions you may have.

Wheeler: Very good. Colleagues, any questions before public testimony? Very good. Public testimony, please, Karla.

Moore-Love: We have three people signed up.

Wheeler: Good morning.

Amy Geerhart: May I start?

Wheeler: Go for it.

Geerhart: I'm Amy Geerhart, an attorney with Sussman Shank. I represent S&E Properties, llc, which owns the property at 8619 – 8623 SW 30th Street that is within this lid. We're here to object to the allocation and specifically the methodology of the allocation and the number of exempt properties included. That's the whole body of the objection at this point. So under Oregon law the city is required to impose fair and equitable allocation of lid improvements and it's long established premise in Oregon law that one person's property cannot be improved at the expense of another and one owner cannot be forced to pay for improvements that benefit exempt properties, which we believe is happening in this case with my client. So with that being the standard we think that the proper allocation in this sense is total square footage in the lid as opposed to edu. Right now the allocation is based on the equivalent dwelling units in the area. So my client has a multifamily property with 22 units which is one of the higher density properties in the lid. So what that has done

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is shifted a lot of the excess cost to my client as opposed to other areas. On the front of that presentation there's a colored map. The blue area show all the exempt properties benefiting from access to the transit center, from access to the park. None of those properties are being charged anything for these assessments. Instead the allocation is based on edus. which is transferred to my client along with some other clients. What that's done is my client is being forced to pay for almost 19% of the improvement costs whereas total square footage in the lid excluding exempt properties is only 12.5% so we're paying a much bigger percentage based on this method of allocation. As an example the park is about 65% of the total square footage and it's paying for 57%. As we just heard there's 1300 users to that park that are benefiting by the excess pedestrian access and no one is being charged really but multifamily development and some city costs. So we think that that's not fair and equitable as required under Oregon law and that the appropriate methodology is total square footage. Additionally, the exempt properties are benefiting despite them not necessarily having sidewalks right in front of their house. They have sidewalks across the street now. As we saw from those pictures that gives them much better access to transit, to parks and just because the sidewalk is across the street doesn't mean they are going to access it any less. In fact, what my client has seen is people now loitering, standing, smoking, littering on his property and on the sidewalk near his property now that that's the access point. So we just ask that the methodology and allocation be reassessed. Thank you.

Wheeler: Thank you.

Laurie Sitton: Hi. I'm Laurie Sitton. Thank you, mayor, commissioners. I come today as a user representative of the disability community and advisory committee that advises Portland parks and rec that meets monthly with different bureau representatives and architects and landscape architects, and pbot, reviewing plans and of the 144 parks this one in particular I think has the amenities that include access for little toddlers and children up to elderly. The pathways are paved. There's some gravel. There's some sawdust and there are flowers and clover, and the elevation changes from Dolph court to spring garden park. 4.6 acres of spectacular vegetation. The birds, the butterflies, there's so much for children to do. They can access the transfer areas, the swings. There's the rubberized surfaces that children can just go from one element to another and just crawl and climb and slide and enjoy the music features. They can bang on the metal aspects. When we were there for the two hours, I think we must have seen and visited with a dozen different people, dogs, little children, just enjoying going from the higher level down to the bottom and back up. The pathways intersect and people are just -- it's spectacular. I would encourage anyone to go and visit. I think it's one of the gems of the Portland parks system. It doesn't have any programmed access but it is just a wonderful place to go. People were laying in the sun, having a picnic at the picnic areas. Just enjoying the swings and the spinning features. Little children playing with cars down the water. It was almost like a little moat they were running their cars through and the little kids would press the button to make the water feature go again. I have to applaud in all the years of participating in Portland parks and rec in the advisory council since '95 and even before, wonderful job with limited resources.

Fritz: Thank you very much for your service on the committee and thank you for coming today. You just made probably my week or year, never mind just my day. Thank you very much.

Sitton: Just spectacular.

Charles Bridgecrane Johnson: Good morning, commissioners, for the record, Charles bridge crane johnson. It's been probably over a year since I was here to talk about these wonderful micro socialisms, about a year since lid was something I talked about. It's interesting to have council for the multifamily unit presenting the real reason for concern is

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not, of course, multifamily landlords but the impact they have on cost burdened renters. So I don't think the total amounts here are going to justify a lot more time to wiggle and jiggle the financing, but I do think when I talk about local improvement districts as micro socialism that she has raised an interesting point about exemption. When we're talking about private property owners who own single family or multifamily dwellings, we would hope that everybody has the financial stability and the means to contribute. So blanket exemptions while a place that has tenants, and I'm totally unfamiliar with this multifamily unit, so I don't know where it fits in the spectrum of rent and the cost burden of those tenants. There are more and more tenants in Portland not at all cost burdened. They are buying extremely expensive luxury apartments that don't even take up 20% of their income while others are paying up to 50% of their income for rent. I do think that it's important when we have a local improvement district to not be overly generous with exemptions for private single family homeowners who really do have the means to contribute to something that benefits their whole neighborhood. So I hope that there will be a fairly simple solution. I don't think it's going to be anything where bottom line dollars are going to justify any kind of litigation but it's a chance for us to get to know people in this neighborhood, to know what their income situations are, wealth disparities, and stuff like that. I hope you'll take counsel's comments to heart as well as the beautiful story about the actual wonderfulness of the park. For those of you who didn't notice, Commissioner Saltzman specifically gave credit to the excellent community advocacy of a former candidate for this commission, Sue Stahl, Stahl for all, facebook.com. Community is a little bit sadder, more difficult place without sue in here encouraging us to do our best to make Portland even better. Thank you.

Wheeler: Thank you all. Was it just those three?

Moore-Love: That's all who signed up.

Wheeler: Very good. Colleagues, anything more?

Fritz: Can we have Andrew back to talk about the issue raised by legal counsel, please.

Wheeler: Very good.

Aebi: Andrew abei. Commissioner Fritz, the issues raised were summarized in exhibit f. There are detailed findings to those. I had not planned on recapping those in detail. The ordinance as written contained the directive to overrule the objection. But I want to make a couple of brief points, if I may. The way this process worked is when parks first looked at developing this park, pbob put forth a set of requirements to the parks bureau to comply with a condition of getting a building permit for the park. What we did is we estimated the lid for the cost of parks meeting their required frontage improvements and then we also estimated the marginal cost of the improvements along Dolph court down to southwest 30th avenue. What we have here is a zoned assessment methodology where parks paid the same amount they would have paid anyway and the other property owners then pay the marginal cost of doing the rest of the project. The other thing I wanted to share is the combination of cost savings and lower interest rate than what applied at lid formation is on a per equivalent dwelling unit basis if financed over 20 years it was estimated to be \$76 per month. That LID formation is now \$62 a month with the savings. Then finally what I would say is that the properties that were exempted in the lid did not receive any frontage improvements. I think we start looking at a little bit of a slippery slope if we start pulling in properties that didn't receive frontage improvements particularly if that is not done during the formation stage and we're now coming in at final assessment wanting to make a change. These are types of issues that really should be raised at the formation stage but that said I'm very comfortable with the assessment methodology and I think the fact that we had another property owner with about a 9% less assessment who did not object to the final assessment is an indication that the assessment methodology is fair.

Fritz: Thank you

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Wheeler: Any further questions? This is a first reading of a non-emergency -- commissioner Fritz.

Fritz: Thank you so much. I have to comment on this project. I was one of the community members advocating to commissioner francesconi in 1999 to purchase this property from the school district. I used to live on Dolph Court. I'm really glad I don't anymore because I probably couldn't have authorized building this project because it would have been a clear conflict of interest although my children now are all gone. Anyway, that's my history with this project. If you just, colleagues, indulge me, look at page 4. This park is called spring garden park. This is what it looks like in spring with the clover. If you look at it now it's not so spectacular in terms of the flowering because it's not spring flowers. It's going to be wonderful next spring. I very much appreciate Ms. Sitton describing all of the interesting, different things you can do on a hillside slope. Amazing engineering work. Travis Ruybal is here, he was project manager. I just have to also tell you a couple of weeks ago we opened the splash pad at fern hill, which like this project was done with system development charges or impact fees. Travis designed the splash pad art in the shape of a fiddle head fern, which, for fern hill park, is quite impressive. Not only that, but he and the contractor for that project were able to save in the region of half a million dollars under budget so are able to add other elements to that park. Travis, your work is absolutely spectacular. I know spring garden park is one of the jewels of the crown thanks to you and your team. I'm really, really excited over 1,000 people have this new park. Thanks to suzanne stahl and the advisory committee within Portland parks and recreation for their advice on accessibility issues. This isn't a Harper's playground or a fully accessible playground, but every one of the playgrounds we have done with parks development charge parks system development charges or the parks bond have many, many aspects of accessible inclusive play and i'm happy about that. Finally I do need to thank Lori Howell, chief neighborhood person who really pushed for this project, got people excited about it, and rallied the community. It wasn't always easy. I can remember a particular time of going out to this project where I was lucky to escape with my life it seemed like. But we have come through it and I think it speaks for itself. Please go visit it if you can.

Wheeler: Excellent. Very good. This is a first reading of a nonemergency ordinance. It moves to second reading. Thank you. Colleagues, I am due at the metropolitan mayors' alliance today. We're taking a vote on affordable housing so I want to make sure I'm there for it. Thank you. Commissioner Saltzman, all yours.

Saltzman: Thanks, mayor. Our next item is 943. Would you read that please?

Item 943.

Saltzman: Welcome, larry pelatt. Want to give us an overview?

Larry Pelatt, Interim Chief Procurement Officer, Office of Management & Finance: Good morning. Thank you very much. I'm larry pelatt, procurement services. You have before you the procurement report recommending contract award to skyward construction for the 1900 building rest room upgrades in the amount of \$1,488,592. The Chief Procurement Officer advertised the project on the City's electronic procurement system. Received bids. The engineer's estimate was \$1,325,792, included in the authorizing ordinance. Facilities confidence level at that time was listed as optimal. Bids were opened july 31, 2018. Two bids were received. The low bid from skyward construction was responsive to the solicitation requirements. Thus it's recommended that the bid be accepted, \$1,488,592, which is \$162,800 or 12.28% over the engineer's estimate. The basis of the project and part of the reason for the overage we're mitigating some ada deficiencies which were required by federal law. We added gender-neutral restrooms pursuant to not then but current city policy and there are additional energy efficiency upgrades. Skyward construction acting as the general contractor identified the following areas as opportunities for participation. Cleaning, hvac repair and painting. There is only

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\$46,900 or 3.2% certified firms subcontracting on the project. Apportioned as follows. All of the money is to db, disadvantaged business enterprises. Three firms performing all three areas of work, cleaning, HVAC repair and painting. Skyward construction did meet the subcontractor equity requirements for outreach and effort. The current market is such that a lot of times subcontractors are just not ready to bid. I mean they are busy. Everybody is busy in the marketplace. Skyward construction is located in Ridgefield, Washington, they are not a state of Oregon certified disadvantaged, minority, women, or emerging small business. They have a current city of Portland business tax registration and are in full compliance with all of the city's contracting requirements. If the council has any questions regarding the bidding process, I can answer those or we do have randi sellick from facilities and erica cheek from skyward construction in chambers if council wishes to call them up for questions.

Fritz: I would like to hear from Skyward Constructions about their outreach efforts regarding the disadvantaged women minority businesses.

Pelatt: Yes, ma'am. Erica? There you go.

Erica Cheek: Hello.

Fritz: Good morning. Can you tell us your name and talk about how you tried to get more --

Cheek: Erica cheek with skyward construction. Usually what I do is I go through the I think the cobid website.

Fritz: Do you have any idea --

Pelatt: It's the state certification website.

Cheek: I look for the classifications that we need to reach out to. I create a spreadsheet and I email all the trades so they have all the documents, specs and plans, then usually within a week I follow up to make sure they are bidding. This time for this job most of my calls went to voice mail, but I will leave a message, make sure they know they can call me back. We didn't get a lot of participation for this. A lot of people tell me they are very busy, they don't have time to bid on this job. That's usually what I hear.

Fritz: Have you had better success in other projects?

Cheek: Not at this time of the year, no. Everyone is very busy.

Fritz: Thank you.

Pelatt: We're finding the same thing, that so many subcontractors are overworked -- well, they are getting lots of money but they are very, very busy and we are having all of our vendors, almost all our vendors are having serious issues with retaining to get to certified subcontractors.

Fritz: That's obviously some business opportunities for more firms to enter the market. That takes a lot of capital and a lot of know how and building those businesses. Thank you for your efforts and thank you for being here. I appreciate that.

Saltzman: More questions? Accept the motion to move the report

Fish: Second.

Saltzman: Moved and seconded. Please call the roll.

Moore-Love: I'm sorry, who moved the report?

Fish: Dan moved it.

Moore-Love: Thank you.

Eudaly: Aye. **Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye.

Saltzman: Thank you.

Pelatt: Thank you all very much.

Saltzman: Next item is 945.

Item 945.

Saltzman: I'll introduce the omf facilities construction project manager sharon Raymor.

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Sharon Raymore, Office of Management & Finance: Sharon Raymore with OMF Facilities, i'm the project manager that's overseeing the design and construction of this project on behalf of city fleet. This project that's before you is to upgrade four of the existing city fuel stations, one at the columbia wastewater treatment plant, one at interstate water bureau, the other two at jefferson garage and the kelly penumbra building in east Portland. This project is replacing out of date and well past their life cycle infrastructure components related to the fuel delivery, so we're replacing fuel tanks, pumps, pipes, and actually increasing capacity of fuel storage at these sites as well. It's a long time coming. I know that we're pleased to have it at this point where we're ready to bid.

Saltzman: Thank you. Any questions? Is there any testimony?

Moore-Love: No one signed up.

Saltzman: Anyone wish to testify on this item? Okay. Is this an emergency or --

Moore-Love: Yes. It is.

Saltzman: Please call the roll.

Eudaly: Aye.

Fritz: Thank you for your work and for coming to explain it. Aye.

Fish: Aye.

Saltzman: Thank you. Aye. Okay, the item was adopted. Our last item is 946.

Item 946.

Saltzman: I'll turn this over to our debt manager eric johansen.

Eric Johansen, Debt Manager, Office of Management & Finance: Thank you, commissioner Saltzman. First of all if I could take a moment I wanted to introduce matt Gierach to you, the city's new debt manager. As you may know I'm stepping down at the end of october. Matt is filling in, has been around for a month now and will have a couple more months of shifting what I know into his brain. Matt comes to us from DA Davidson investment banking firm, very well versed in the bond world. He will do a great job as the City's new debt manager.

Saltzman: Welcome.

Johansen: So the ordinance this morning is a nonemergency ordinance that authorizes issuance of up to \$15 million in limited tax improvement bonds to finance assessment contracts for local improvement districts, sidewalk repairs and system development charges. Under Oregon law the city's authorized to construct publicly owned and operated local improvements that specially benefit properties to assess those properties for the cost of the local improvements and to issue limited tax bonds to finance the cost of the improvements. The city is also authorized to offer financing to property owners and developers for sidewalk repairs and system development charges and to issue bonds to finance those charges. The bonds that will be issued are expected to be repaid from these assessment contracts although the bonds are secured by the city's full faith and credit the structure of the assessment program is such we don't expect the general fund will be called upon to support the debt service on these bonds. We are asking for \$15 million. Looks like the actual amount now will be closer to \$11, so it will be a little smaller issue than we originally thought. We expect to sell these bonds in a competitive sale late in October and closing the first of November. Happy to take any questions.

Saltzman: Questions? Okay. Thank you very much. Welcome.

Gierach: Thank you.

Saltzman: Any testimony on this?

Moore-Love: No one signed up.

Saltzman: Anyone wish to testify? Seeing none, this is a first reading so it will move to second reading next week. With that we are adjourned until 2:00 p.m.

At 11:32 am Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: *** means unidentified speaker.**

September 5, 2018 2:00 pm

Wheeler: This is the afternoon session of the Portland city council for September 5, 2018. Karla, please call the roll.

Saltzman: Here. **Eudaly:** Here. **Fritz:** Here. **Fish:** Here. **Wheeler:** Here.

Wheeler: Legal counsel, do you want to give us our intro statement, please.

Lauren King, Deputy City Attorney: Yes, sir. Welcome to the Portland city council. City council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during the City Council meeting so that everyone can feel welcome, comfortable, respected and safe. To participate you may sign up in advance with the clerk's office for Communications to speak briefly about any subject. You may also sign up for public testimony on resolutions or the first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying please state your name for the record. Your address is not necessary. Please disclose if you're a lobbyist. If you're representing an organization please identify it. Presiding officer determines length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, the yellow light goes on. When your time is done a red light goes on. If you are in the audience and would like to show support for something said please feel free to do thumbs up. If you would like to express that you do not support something, please feel free to do a thumbs down. Disruptive conduct such as shouting or interrupting testimony or Council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

Wheeler: Alright, first up is resolution 591.

Item 591.

Wheeler: Colleagues, this resolution is focused on the Johnson Creek flood plain in the Lents and Powellhurst-Gilbert neighborhoods, an area facing interconnected challenges relating to flooding, environmental health, economic development and housing. In 2016 the Lents Collaborative was designated and tasked with exploring strategic and cost-effective ways of keeping the flood-prone areas of Lents and Powellhurst-Gilbert neighborhoods affordable and diverse, support job growth and business investment, mitigate flooding and restore natural flood plain functions along Johnson Creek. Over the last two years the city team comprised of staff from ten different bureaus and city agencies and Oregon Solutions have engaged multiple state and federal agencies, researchers from educational institutions, stakeholders from community organizations and hundreds of business owners and residents in a process to identify solutions to advance the community's goals. The result of this process is a declaration of cooperation outlining priorities for action and specific commitments of each of the project partners. Going forward, the city will continue to work closely together to develop timelines and milestones to ensure that we're delivering on these commitments. My office convened participating bureaus for an initial implementation meeting the week before last and will be holding another in the next couple of weeks. In addition to addressing issues related to flooding, the city's commitment in the

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declaration also include measures to help create jobs, preserve affordable housing options for residents, and enhance and improve community access to natural areas such as the foster flood plain and beggar's tick marsh. This project successfully highlights how Portland can take a coordinated approach towards creation of more resilient, thriving communities and exemplifies what we can accomplish when we work together as a community, as a city, and as a state. At this point I would like to pass this over to commissioner Fish. Commissioner Fish.

Fish: I'm a little surprised that you did that, mayor, but thank you.

Wheeler: I'm just going through my talking points. Good morning, nick. How are you today?

Wheeler: May I say the beard is coming in very nicely. I disagreed with some of your critics this morning.

Wheeler: They were a little harsh, weren't they?

Fish: Ted, why don't I kick it back to you.

Wheeler: We have staff to talk us through this. Greetings. Hello.

******:** Hello.

Wheeler: I guess we're not as coordinated today as we should be. Afternoon session. We'll make it, though, good afternoon.

Jeff Reardon, State Representative for District 48: Good afternoon.

Wheeler: Thanks for being here.

Reardon: Mayor wheeler I'm jeff reardon, state representative for district 48. Serving people of southeast Portland and happy valley. I really appreciate your having us in today for this important meeting. I'm here today as co-convenor alongside fellow convenor Michelle Rudd to recognize the work of the Lents stabilization and job creation collaborative and to thank the city for their continued commitment and investment in the Powellhurst-Gilbert and Lents communities. I believe the first time we testified was august 2016. Our collaborative had just been declared an Oregon solution project by governor Kate brown. And we were here asking you to put your faith in us and support us in our mission to keep the neighborhoods affordable and diverse, support job growth and business investment and to enhance johnson creek flood plain and wetlands. I'm very proud to say two years later we are on track to reaching our goals and have accomplished much already. A little over three years ago when this project was in beginning stages of development I looked at the large list of collaborators and interested parties and thought how on earth is this going to stay on point with a group this large? We know how challenging it is to work through a large bureaucracy. You do it every day. From the beginning I saw complete, dedicated commitment of everyone involved. I truly wish members of the public could experience what I did and see how dedicated and talented the people are that worked on this project and I think they are a reflection of folks that work for our cities and other agencies across this great state. With leadership of the Oregon solutions project team the steering committee and city leads this collaborative has produced a clear vision for the future of neighborhoods and has already begun to make substantive improvements. Not only do I consider the collaborative a success on reaching our goals but also demonstrated a government can work together. I hope that each of you will build on the accomplishments of this collaborative as we tackle critical work that is still to come in Lents and Powellhurst-Gilbert. The way that collaborative has navigated within different cities and state agencies, different jurisdictions and different opinions and ideas has been impressive. It can be done. I would like to let the group share with you in detail our accomplishments and commitments. They are the backbone of this collaborative and I would like to recognize all their dedication and hundreds of hours to the ongoing process of helping the most vulnerable residents stay in their home, maintain family wealth, minimize flood risk and prevent community instability that comes with economic

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displacement. Mayor Wheeler, members of the council, thank you again for your investment and support in believing in my community.

Wheeler: Thank you. It goes without saying, representative, that you have been a primary mover of this entire process over a period of many years. In fact I want to just point out it was you who personally brought this to my attention for the first time a long time ago. So I want to thank you for your diligent leadership at the state level and more importantly from our perspective as city commissioners thank you for your attention to your constituents' needs.

Reardon: Thank you for your remarks. It's a wonderful partnership.

Wheeler: Thank you. Good afternoon.

Michelle Rudd, Planning and Sustainability Commission: Good afternoon. I'm Michelle Rudd, a member of your planning and sustainability commission. I think that's how I came to be involved in this. I initially volunteered to be part of it because I saw it as an opportunity to really put some meat behind what we said we were doing in the Portland plan in terms of supporting healthy, connected communities, promote having a healthy economy, supporting our youth and doing it through an equity lens. It's lived up to those expectations. It's been very encouraging to see the bureaus working together and people not being wed to certain outcomes. Being very data driven, looking at what do we need to know to best shepherd the city's resources in terms of talent and money and charting a course forward. I am hopeful that the city will maintain that type of investment and keep this moving forward. We often create plans and there's a worry the plan will just sit on the shelf. This is a case where work has been done. We have plans for moving forward and we need the city's support to keep going. To highlight some of the real results we have seen here, part of the concern here was that with FEMA trying to get cost recovery with flood insurance people had their flood insurance rates screaming up at significant rates, so we have the Lents neighborhood which has the most diverse part of the city, also has a lot of naturally occurring affordable housing. The City saw an opportunity and the collaborative saw an opportunity to help people before they are on the track toward homelessness. Keep people in their homes proactively. Working with the housing bureau there's an ability to put some very targeted resources in that community and help people right size their insurance premiums because they were actually paying more than they should. We know with the Portland plan we also talked a lot about being more efficient with how we use our industrial land and getting greater density of employment on the lands. I think we have a much better understanding of industrial land resources in that area now. Going to be in a good position to leverage that when opportunities arrive. Also from the planning perspective we have viewed east Portland as park deficient. To the extent we're able to continue to do these flood restoration projects. When they are not serving us [audio not understandable] flood water they also provide a green benefit to those communities. So when I'm not serving on the Planning Commission, I'm a land use lawyer and so in that capacity I've sometimes had frustration with government where you feel like everybody is in a different silo and people aren't talking to each other and that really hasn't been the experience here. It's a great model for how things should work going forward. The last thing I'll say is I was mentioning to Jeff before we came up that this was a situation where we knocked on the door and people said the government was here to help and it actually was. There was really concrete benefit to people living within the flood plain and I hope we'll continue to do that.

Wheeler: Thank you. Good afternoon.

Nick Christensen: I'm Nick Christensen, I'm a ten-year resident of the Lents flood plain. The back of the napkin calculation, I've paid somewhere around \$15,000 in those ten years in flood insurance premiums. There's a lot of work that you've heard from already you'll hear more from your staff and there are reports on your desk. I don't want to talk too

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much about the successful short term efforts that been identified by the Oregon solutions project. I want to talk more about the future and the people who are living in the flood plain right now. It's very easy first of all to ask why didn't you know this was going to happen? Why didn't you know you bought a house in the flood plain? There are a lot of folks in my neighborhood who bought their homes at a time when there was a mistake by fema and that area was out of the flood plain. The mistake was corrected and when people have gone to refinance or their mortgage lenders have noticed they are required to pick up flood insurance premiums that top \$3,000 a year. Those numbers are going up 18% a year because of decisions by the tea party congress to match the fema flood insurance program with actuarial rates. In my case I found out the day before closing, surprise, your house is in the floodplain and the cost was about \$1500 a year and given that it was january 2009 and the world was collapsing and there was stability dangled in front of me, that seemed like a cost that we could eat. Then it went up 18% a year after that. I started talking with bes about how we could work as a community and a city to address this situation. We have a situation where the city encouraged development, many, many decades ago, more than a century ago in an area that was believed to be safe but turned out to have some risk. The City and the County and Gresham and other places allowed development in other areas of the johnson creek and the watershed, increasing runoff and flood risk and here we are today. First off, I want to commend your staff on finding really innovative short term solutions. They really drilled in and came up with creative out of the box ideas to cut the premium risk and to make homes more flood resilient. Given the uncertainties of climate change, however, it's essential we not stop there. I want to in particular call out jacob sherman, [inaudible] Alison Wicks, Andrea Mathiason for going above and beyond in their dedication and creative thinking on this project. Moving forward, through this process we learned the current flood map may not be accurate. I'm one of those homeowners who may be paying premiums unnecessarily. Others may have increased risk. They may not know it. So it's essential that we have accurate flood plain maps. It's important the city work on resources to support homeowners who may find themselves unexpectedly in the flood plain to help ease the burden of potential insurance requirements. This process has helped illustrate how previous mitigation and restoration work on Johnson Creek had been effective. If you look at the east lents flood plain it's been dramatic. If you have been there during a flood event and don't see foster road flooding the work that bes did out there has really helped cut the ten-year flood risk. That doesn't solve our problem but it helps make things better and less traumatic. The city has a long track record of successful mitigation and registration projects. The City \$16 million in crystal springs and westmoreland, removing 33 acres from the flood plain in that area. That's the kind of commitment we in east Portland would like to see. I would like to see council talk about beggar's tick moving forward. It's an unfortunate name for a really important natural area. It's owned by metro, which in full disclosure is my employer, although I am not representing them today. But its management is contracted to Portland parks and access is limited even though it's 5 blocks from my house, it's more than a mile walk to enjoy that area. It would be great to see parks, bes and metro work with the community on a Beggar's Tick master plan looking at access, environment quality and public safety in the area. You can't talk about beggar's tick without talking about what's around it. The junkyards to the south that flood, releasing auto chemicals into the creek. The industrial lots on the west side that are on cul-de-sacs. These are all important things that need to be part of future discussion. And finally we need to remember the climate change continues to cause dramatic weather events and build resiliency into whatever happens going forward. We can't have this discussion without talking about gentrification. One reason this project was under way was because displacement was happening in our community. People were selling their homes because they couldn't afford the insurance premiums, developers were scraping them and building

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\$450,000 homes that were above the flood plain. We all know change is going to occur whether we act or not. So it's best to manage that change in a way that's consistent with our values. I want to reiterate that it's important for the city council to lead on this. I don't think right now we can expect lents to come together as a community and try to find a solution. Right now my neighbors can't agree on what color the sky is. So unfortunately we really need some help from city hall on organizational capacity to try to move bigger solutions forward because of the amount of distrust that's come up in the last few years, especially in the wake of some citywide crises. Despite that, Lents is on the rise. You all know it. You've seen our town center with the new buildings, the new businesses, the affordable housing and no copper penny. With the exception of crime, Lents is a better place to live than a decade ago. The city's commitment to the community is working. The city's commitment to my community is working. Now it's time to focus on the next stage, improving the environment and ensuring home security and access to nature. Thank you.

Wheeler: Vey good. Thank you. Any questions?

Fritz: I just have a comment. Thank you for your work. It's a great project. Mr. Christensen, fun fact about Beggar's Tick, we have a contract with metro for parks to manage it but metro doesn't give us any money to do so. In addition to your comments about doing a master plan, which would be a good thing, there needs to be some agreement about helping pay for services for all of the properties at metro. I know you're not at work now but just keep that in mind. Thank you.

Fish: If I could add to that, you know this, Nick, you work at metro, but for the benefit of the broader audience metro is thinking about another levy or bond effort in 2019 for natural areas, so that may be an issue that we can take up then. I appreciate that, Nick, you took a moment to talk about lents on the rise. Because while I was listening to the testimony of all three distinguished guests today I was making a list of all of the things that have changed in the last ten years in lents and they are really staggering. It's not just a more complete and healthy neighborhood, it's a destination for some of the great things in our community that are only going to get better. That is a direct result of the kind of advocacy represented here and in the audience so I congratulate you.

Wheeler: Thank you. Great. We'll take public testimony. Karla, how many folks are signed up?

Rudd: I believe staff is going to present.

Wheeler: I'm sorry, I obviously didn't get the current run of show. Thank you.

Rudd: We're sort of flying by the seat of our pants.

Wheeler: That works. We'll get through it. Thank you.

Mike Jordan, Director, Bureau of Environmental Services: Good afternoon. Mr. Mayor, members of the council, i'm mike jordan, director of the bureau of environmental services. Pleased to represent the city's involvement on the let's collaborative. With me today is Shannon Callahan from the Portland Housing Bureau, and kira straussman from prosper Portland. They will have some comments after mine. My comments will be a little bit abbreviated. There was a power point but we're having technical difficulties so I plan to wing it a bit if that's alright with you.

Wheeler: It works for me.

Jordan: Great. This project started before I was with the city, and will go on a lot longer as you're beginning to hear. It has been a breakthrough project regarding our ability to collaborate both within the city, among bureaus, and interjurisdictionally with other levels of government and other local governments. So some of the things that came out of this project as you've heard, it is certainly at its core a project to deal with flooding and flood plain restoration, however, the approach by this collaborative has been a more holistic approach for the whole neighborhood. We are looking at not only investments of capital to be able to mitigate for flooding but programmatic investments to be able to work with

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homeowners to deal with what you heard is their major problem. Flooding, while annoying in this neighborhood, is not catastrophic. We found through our modeling that the heaviest floods would be no more than three feet and in most of the area only a few inches. So flooding, while disturbing in the area, as Mr. Christiansen noted, has gotten better with some of our work. What is really a challenge for many of the residents is the cost of flood insurance program. Shannon is going to talk a little bit about her program and -- you also have my power point. I think i'm on a roll. If it's all right with you, Mr. Mayor, we'll just continue forward. I think we can abbreviate this a bit. Again, the really high points about this program we are going to be making -- continue to make investments in flood mitigation through bes's work in collaboration with parks and with metro and with other bureaus. We will not make as many large capital investments as we were planning on making because while they may mitigate some flooding in a minor way, they won't mitigate against very large flooding. You heard Mr. Christiansen also mention climate change. We are in the process of trying to understand what the impacts of climate change will be over the long term in this area, and that will go a lot to the mapping of the flood plain as we move forward also. That's where bes will be. We will continue to be committed to this area and make improvements. They also will not only be helpful to homeowners but you'll also hear from prosper that businesses will be benefited in this area. They are already significant employers of family wage jobs in the area and our job, I think, is to help them mitigate against minor flooding, continue to do that, and perhaps help with some of the infrastructure investments that they will need to grow their businesses in the future. With that, I think I will turn it over to shannon and kira to talk about their involvement.

Wheeler: Thank you, mike.

Shannon Callahan, Director, Portland Housing Bureau: Thank you, mayor, commissioners. Shannon callahan from the Portland housing bureau. It was the bureau's privilege to actively participate in the Oregon solutions project. We were able to engage hundreds of community members, build effective partnerships and ultimately reduce housing costs for low and moderate income households in the flood plain. During the early stages of our community outreach work we heard specific concerns from the community regarding rising cost of flood insurance. The housing bureau and habit and green lands pioneered flood insurance savings program to help stabilize homeowners. The program offered free and low cost elevation certificates, home assessments and insurance counseling to help community members save money. The program was a success. It provided more than 30% of the active flood insurance policyholders in the flood plain assistance and saved low and moderate income homeowners an average of \$650 a year on their flood insurance program. In our work on the project with also learned a lot about the lack of knowledge and information that insurance agents had about flood insurance and the intricacies of the national flood insurance program. Working with representative reardon we were able to advocate for a new state rules to better protect flood insurance policyholders resulting in Oregon becoming just the fifth state in the nation to require continuing education regarding flood insurance for insurance providers. I would really like to thank the entire collaborative team that we partnered with, the co-sponsors and acknowledge the hard work and dedication of the housing bureau's project lead, Mr. Jacob sherman. Thank you very much.

Kira Straussman, Prosper Portland: Good afternoon. I'm kira strassmann with prosper Portland. Thank you, mayor, commissioners, for inviting us here to present. I want to thank the bureau partners and Oregon solutions. We at prosper are dedicated to continue to work collaboratively to see lents continue to thrive. Both prosper Portland's strategic plan and the lents 5-year action plan are clear about our commitment to supporting existing businesses in their wage job growth in the lents industrial area. The east foster industrial area is home to nearly 100 businesses. Close to 12,000 workers with an annual payroll of

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\$45 million a year. The mix of construction and manufacturing businesses includes auto oriented firms, food manufacturing and distribution, our studies as part of this project concluded that industrial and employment lands have low vacancy rates and are well utilized with middle wage jobs for East Portland. Those are jobs that pay \$42,000 a year or more but require less than a bachelor's degree to attain. Middle wage job growth is especially important in low income neighborhoods for communities of color, for east Portland. Prosper Portland will continue to support property owners and businesses in this area so they can invest in their properties and grow. Continue to provide good paying jobs for the community and when they can build in a way that doesn't impact the flood plain or Johnson Creek. Prosper Portland supports the work of our bureau partners and will continue to work collaboratively as the declaration of cooperation moves forward. I want to thank my colleague Alison Wicks who did the bulk of the work for us at Prosper and Lents community members who helped us to understand the challenges of working and living in the flood plain.

Jordan: Mr. Mayor, if I may close, all of the content work that the bureaus have been involved in that other public partners have been involved in and that other nonprofits have been involved in in this collaborative, the substantive work is all important and much of it will go on. I think the most important thing about this is that we have proved to ourselves and to each other that we can work together over a long period of time and persist in a neighborhood that has some challenges. Our commitment I think as bureaus going forward is to continue that collaboration. Continue to persist in engaging with the community on solutions that can work. I think that's the biggest learning in this for us and it's inspiring and I want to thank [Marie Walkwits?] and Lisa Huntington for their work. I'm a late comer to this process and they have done yeoman's work over a number of years. This doesn't happen without great leadership, someone who will persist and keep us at the table and keep us working. I thank Representative Reardon and Michelle Rudd for their leadership throughout this process.

Wheeler: Thank you. How many folks do we have signed up?

Moore-Love: We have four people.

Wheeler: Very good. Name for the record. We do not need your address unless you want to give it to us. Let us know if you're a lobbyist. The mikes move around, six to eight inches is about right. Welcome.

Noelwah Netusil: Thank you. Mayor, members of the city council, thank you for the opportunity to testify. My name is Noelwah Netusil and I'm a Stanley H. Cohn Professor of Economics at Reed College. I have also participated on the Lents collaborative project team. For the past 20 years my research has estimated the effect of environmental amenities and land use practices on the sale price of properties in the Portland area. My current research explores the effect of the FEMA 100 year flood plain on property sale prices in the Johnson Creek watershed. I estimate that from 1988 to 2014, properties in the 100 year flood plain sold on average for \$21.5% less than outside the flood plain. What caused this discount? My findings point to the cost of flood insurance. This highlights the importance of reducing flood insurance rates which the mayor and city council have supported by funding the flood insurance savings program. This program decreased the average cost of flood insurance for participants by \$650 which translates to a net present value of savings for property owners of \$13,000 over the life of a 30-year mortgage. As stated by one program participant, "the flood insurance savings program has enabled me to keep my house." This innovative program has received national attention because it enacts a key principle to reform flood insurance using a property specific risk based assessment to determine a property's flood insurance rate. Publicity about this program attracted the attention of the two leading flood insurance economists in the United States at Wharton's Risk and Decision Center at the University of Pennsylvania. A research team comprised of myself,

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two researchers from wharton and jacob sherman at the Portland housing bureau have developed a survey that will investigate flood literacy, perceptions of flood risk and willingness to pay for flood insurance in the Lents and Powellhurst-Gilbert neighborhoods. The survey is ongoing but preliminary results show the majority of homeowners in the 100 year flood plain learned about their properties' flood risks and insurance costs at closing or after moving into their new home. Transparency in real estate transactions is essential. I urge the council to consider mechanisms that will allow buyers and sellers to have full and complete information much earlier in the process. I commend the agency staff I worked with as part of the lents team for their outstanding work and leadership, their evidence based approach to developing public policy is the approach we need to ensure that public funds are being used in a way that has maximum possible benefit. Thank you.

Wheeler: Thank you Professor. Commissioner Fish

Fish: Could I ask you a question, professor? We so rarely have a representative of the dismal science of economics, I'm going to take full advantage of it. We heard from someone previously that transparency would be wonderful but we still have some questions about mapping integrity. Who is in, who is out.

Netusil: Right.

Fish: How do we resolve those questions?

Netusil: There was some very good work done by gary wolfe as part of this process, and that was presented to members of the lents collaborative project team that showed using the most advanced hydrological models what the 100 year inundation levels would be. Having much greater transparency, a lot of our survey respondents talked about getting access to information about the flood plain through Portlandmaps.com, which was great, through fema, through outreach from the city. But having that information, are you in a flood plain, yes or no, but even more continuous information because it's not this, you step a foot outside of the 100 year flood plain and all of the sudden the risk goes to zero. It's a continuous measure of flood risk.

Fish: Not long ago this council mandated you get an energy score on your house. You might imagine that faced some resistance in the industry. But it's now the law of the city. It seems to me when you look at the declaration of cooperation and you consider projected forward the things we can tangibly do where the city can add value we can put this on our legislative agenda to make sure there's pressure in Washington to have reasonable and fair insurance. The idea that those rates are galloping at 18% annual increases is not sustainable for any family. That's a problem. We certainly have within our authority to deal with these transparency issues, making sure there's full disclosure. But one of the things that I will be interested in because I now have both bes and parks, and we're looking at partnerships between the two bureaus and from what I have learned about this cluster of issues I think there's a couple of candidates here where we can bring parks and bes to the table collaboratively. How we get the mapping right. It shouldn't depend on whether on monday, tuesday, wednesday you get a different read at closing. We should be able to have real clarity about whether you're in or out and what's the real consequence of that and who bears the risk and the liability if it's wrong. Thank you for being here.

Netusil: Thank you.

Wheeler: I also had a follow-up question. Thank you for your testimony. You mentioned that there is a disclosure problem. People mentioned at their hearing they are in a flood plain at the closing or perhaps even worse after the closing. Are there any prohibitions at the state level that would preclude us from taking a look at that at the local level that you're aware of?

Netusil: I don't know the answer to that.

Wheeler: Okay, thank you. Good afternoon.

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Daniel Newberry, Johnson Creek Watershed Council: Thank you. My name is Daniel Newberry, executive director of Johnson Creek Watershed Council. I have been a stakeholder in the Oregon Solutions project for two years. Thank you, Mayor Wheeler, city council members, for this opportunity to voice my support for the Lents Collaborative. Environmental justice is a concern of the Johnson Creek Watershed Council and it's a term that's been given a lot of lip service in the past couple years but I think this project is a good example of how you can take the principles of environmental justice and put them into action. We have heard from several speakers so far about the benefits of the -- to low-income housing owners of the flood insurance work that's been done through this project. You've heard that for many Lents residents that's been going up 15-20% every year, in some cases in excess of \$2,000. I think this program may actually be helping some Portlanders stay in their homes, which is very, very positive. Another important piece of work that the Lents Collaborative has been working on is flood plain restoration to reduce flooding for homeowners and businesses. This work really goes back 20 years for the city of Portland to the willing sellers program and subsequent creation of Foster Flood Plain. I think it's interesting to point out that in December 2015 when we had the last big flood that the peak flow in Johnson Creek was actually higher than it was in the big 1996 flood. I think that's really important to point out because I think a lot of it is really a result of the flood plain restoration work both Foster Flood Plain and some other places upstream that's actually worked to reduce flooding for a lot of residents. I think it's worthwhile work that the city's Bureau of Environmental Services has been doing. It's science-based work. It's continued through the Lents Collaborative here, and I just want to thank you all for making available the staff time for the three bureaus that have been involved here. Housing Bureau, Bureau of Environmental Services, Prosper Portland, and I hope this work can continue, especially with the support and blessing including financial support from city council so I wanted to say thank you.

Wheeler: Thank you. Good afternoon.

Carolee Harrison: Good afternoon. I'm Carolee Harrison. I have lived in Lents for ten years. I'm on the classified staff at Portland State University and I'm also a graduate student in urban history there and my master's thesis research has to do with floods, flood control and suburban development in the neighborhood. I'm here to tell you about my experience with the flood insurance savings program as a resident. I don't believe it's an exaggeration to say my participation in this program has enabled me to keep my home. I recently heard a realtor refer to Lents as Portland's last affordable neighborhood. I believe that was true for me when I bought my house on my own in 2008. I quickly discovered that my situation was potentially unaffordable. I didn't know until closing my loan that flood insurance was mandatory for my location. Or that the cost of insurance I was required to buy would rise at a rate that would outpace my income and my ability to save money. In 2008 my annual premium for flood insurance was just over \$900 a year. By 2014 it had risen to \$1400 and was projected to rise at a steeper rate in the future. So as my payments climbed, I lost the ability to save towards maintenance of my home and my daily budget, my everyday budget was significantly tightened. This insurance, by the way, was against a flood that has only 1% chance of occurring in any year so the danger of losing my home because I could not afford to insure it was much more real to me than the risk of losing it to a 100-year flood. On the elevation survey that the flood insurance savings program provided to me which is a cost I couldn't have absorbed showed that my house or the insurable part of my property was on higher ground than the 100 year flood plain. Representatives from FEMA quickly communicated with me about that information on my behalf and with the help of an insurance agent who specialized in flood policy I'm now released from the obligation of paying flood insurance. Without the support, I and many of my neighbors would still be paying an arbitrary and expensive policy which is based on an outdated federal map rather

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than having our insurance needs determined by the actual lay of the land. My research as a student has revealed many ways in which the federal and local governments have worked with property owners on the problem of Johnson Creek flooding for the last 100 years. Flooding has never stood alone as an issue on the Lents flood plain but going household by household is only part of the solution. But if I'm an example this individualized program has changed my fortune as a homeowner and as an actor in the neighborhood's economy and its environment. I'm very grateful for the support I have received and I hope that the city and the state government will continue to invest in programs like this that help all residents and businesses in Lents thrive with Johnson Creek as our neighborhood grows. Thanks for hearing my testimony today.

Wheeler: Thank you. Great testimony, all three of you. We appreciate it. There was one more person?

Moore-Love: Yes.

Judy Low: Good afternoon, Mayor Wheeler and city council members. Thank you for having me here today. Today, I think, is a celebration about the Lents stabilization and job creation collaborative. I do want to mention in 1996 I was here. I think you were also, when we were talking about the Lents urban renewal as a potential -- as a potential. Now it has come to be. Now Lents I think is on the move. However, in the Lents neighborhood is comprised of nonwhite and African American citizen applicants primarily. But today it's a celebration and I want to focus on the festivities and confine my remarks to that topic. I'm going to read this to you. It should take less than a minute. Give me your tired, your poor, huddled masses yearning to breathe free. The wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door. I share initials with the author of that quote which happens to be on the Statue of Liberty. That could describe Lents except we don't see ourselves as being the wretched refuse of a teeming shore. We're proud of our flood plain and our neighborhood. I have had the privilege of being a volunteer member of the Lents stabilization and job creation collaborative. I'd like to stretch that out a little bit, it's the Lents stabilization and job creation collaborative. Those words are significant when strung together because together it represents what I'm here asking you to help me celebrate. I admire and respect expertise around the table and the dedication demonstrated by Michael Mills and Deb Myhoff and their team for doing the heavy lifting. I would like to express gratitude to Governor Kate Brown for establishing this as an Oregon solution, which I believe she signed it on July 16, so we are very close to that anniversary. Two co-conveners Jeff Reardon and Michelle Rudd for devoting their time and energy to keeping us on track and to the cities bureaus who have earned their pay at the drawing board seeking solutions, restoring flood plains, natural habitat and their persistent efforts to Lents with budget-breaking flood insurance costs. The Lents stabilization and job creation collaborative is an example of what can be accomplished when focused effort is devoted to an issue. I'm looking forward to focusing on the job creation segment of this project. Disaster preparedness for something difficult to imagine is not a priority. Preparing for the yearly rise in Johnson Creek and resulting tangible ramifications is something Lents is concerned with every rainy day. It's no easy task to protect us from ourselves in anticipation of a natural disaster. Mother Nature wasn't at the table so we don't know when she will deliver the 100 year flood. A Cascadia subduction event could wipe out these efforts. At least now, some of our Lentsers' homes are stabilized in the flood plain so we have done the best we can with what we have had to work with. It's not over yet. There's still the job creation portion of this project to tackle. I'm looking forward to working with the Lents stabilization and job creation collaborative as much as possible. I'm just one Lents resident doing my part. I thank you for doing yours.

Wheeler: Thank you. All right, with that, colleagues, if you don't have any further questions we'll call the roll.

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Saltzman: Well, this is a very exciting Oregon Solutions project and sounds like it's producing good, tangible results in terms of removing people from the flood plain who didn't belong there in the first place or reducing flood insurance premiums as well as community building. Lot to like about this. Aye.

Eudaly: Thanks for the presentation and everyone who came to testify today. This is a great program. I'm happy to vote aye.

Fritz: Thank you in particular for the citizens of lents and by that I mean everyone who lives in the former city of lents and who now are proud to be there. This has been a long time, 100 years or more. My involvement was started about 20 years ago with ivy francis of the bureau of environmental services developing the brookside project, which was one of the first combination let's make a park at the same time as we're making a flood storage facility. It has really blazed the way. When I first moved to Portland 32 years ago flooding in lents was several times a winter it seemed like, never mind just once a winter. Now it hits the headlines again and that's a good thing that if it floods in lents it's unusual.

Remarkable changes over the course of time I think commissioner sam adams then mayor sam adams put in a tremendous amount of effort into buying homes in the flood plain and also doing these flood storage projects. They have created good jobs over the years, which has been another thing. This is an example of people say city government can't have the bureaus work together. Well, we can. We can do quite a lot if the truth be known. Not only have the bureaus worked together well but other jurisdictions and the community has as well. Thank you for celebrating with us. Thank you to my colleagues who have been leading this project over the last several years. Aye.

Fish: Well, I have had the in my tenures on this council been involved in a number of these Oregon solutions projects. Two that come to mind are the thousand gardens and gateway green. What was a little different about the declarations of cooperation that came out of those processes is they were a little more prescriptive. I would say that this document is more aspirational. So what I want to encourage the leadership and I want to thank jeff Reardon and michelle Rudd and everybody who put so much time into this, is to think in terms of the next steps and what are the concrete things. I don't have to say this to jeff, because he's not shy about coming forward to council. But we have areas of influence, and it may be as you come back and do the 6 and 12 month checkup which is required under the terms of the declaration it may be you have on your wish list our legislative agendas perhaps some research into how far we can push the limits of disclosure in real estate transactions, there may be some other things around mapping and making sure that people have some confidence about where they are or are not when they purchase property, but I would encourage you to go from the more general case that this is framed in terms of to the specific initiatives that you want and in that regard, commissioner Saltzman reminded me a few minutes ago that the last time that we had both parks and bes together was when dan had both. Just like the last time we had the utility under a single commissioner that was under dan Saltzman. I seem to trail him in terms of these leadership opportunities. It's not lost on me as I listen to the testimony and review the documents that bes and parks are going to be along with housing bureau and metro and others really critical drivers of the next chapter of the success of lents. So what I would encourage my friends that are here today to do is start thinking about what are some partnerships between parks and bes that can drive some of the things that you want to see as the next chapter. Obvious one is what commissioner Fritz alluded to, the beggar's tick master plan. You have now two of the three key partners unified. Metro needs to be brought to the table, but where does that rank, in terms of a priority? How we deploy parks rangers in terms of managing our natural areas and our parks in that area is an important question. One that impacts both assets of bes and assets of parks. I could go on and on under commissioner Fritz's leadership big investments have been made at leach botanical

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garden. Zenger Farm has some aspirations about expanding its footprint. There's a lot of cool stuff going on in that greater area. The one thing I'm not sure about is whether it's the most diverse community in our city. I think I would have to take a look at the most recent data on the new Columbia and on Cully, but it's got to be top five. There's been so many changes in the neighborhood, but it is an important place. So my commitment as the freshly minted commissioner in charge of both parks and trees is to work with you to identify some priorities. I think we do our best work when we move from the aspirational to the concrete. We pick a couple of projects to work with and we say let's spend the next couple of years getting it right. I look forward to doing that. Finally I'll just say a number of people said Lents is on the rise. I felt that uniquely when I joined with the mayor and many of you at the dedication of the house of love and kindness. I wish that we could cut the ribbon on the house of love and kindness in every neighborhood of the city. This of course was the Asian Health and Family Center. Dr. Zito's long time dream. Beautiful building but I love the name. If we ever in our history needed more houses of love and kindness it is today. Thanks to everyone who brought this to this stage. I'm a big fan of Oregon Solutions and the work they do. Thanks to the governor for prioritizing this and putting the A-team on it. Let's get to work. Aye.

Wheeler: So I am very pleased to be perhaps the Johnny-come-lately to this process and again I want to thank Michelle and I want to thank Representative Reardon. I want to thank all of you who participated in the tour when I had a chance to take a look at the neighborhood, look at some of the assets, evaluate the flood plain and I have to say I left feeling highly energized about not only where the community is today but where it is headed. Let's not forget the opportunities around job growth and job creation in Lents. I think there are many, many tremendous opportunities there as well. First of all, I want to just react to some of the things we heard today because I think they are very important. Number one it's very clear that the folks that we represent are not getting full information when they are purchasing real estate in Lents. I don't want to dissuade anyone from living in Lents because I think it's a terrific family neighborhood, but there should be full disclosure because there are consequences, real financial consequences to living in a flood plain. Given the amount of time that this council spends talking about keeping people in their houses, this is not an inconsequential cost as we heard from one of the folks who was testifying today. Number 2, we heard there are people who are actually paying for flood insurance who should not be. As Commissioner Fish rightly points out that is in part due to the fact that the data is not quality data. While we could all quibble about what are the core responsibilities, what are the core obligations of government, I hope we could all agree that at a minimum we should be providing accurate information. I'm pleased that the city has taken a leadership role in trying to provide that accurate information. I obviously want to thank not only Jeff and Michelle, I want to thank everybody who was on the collaborative. I want to thank our city staff at Prosper Portland, the planning and sustainability bureau, housing bureau, bureau of environmental services. I want to second what everybody said. When I got here I was told the city of Portland is siloed. Nobody talks to anybody. Nobody is accountable for anything. There are probably areas of policy where we could do better. In fact I will say factually there are areas of policy where we could do better, but this is an area where the collaboration has been strong, the leadership of the bureaus is aligned and shares the passion of the community members who brought this forward. I want to thank the Oregon Solutions staff and I want to thank the governor for recognizing this as an important project in our community. I want to thank the staff at the regional solutions and the state and federal agencies both provided technical assistance along the way. Most importantly I just want to thank the hundreds of community members who are engaged and involved in this process. Not only those on the collaborative but those who provided their insights that helped inform this process along the way. It has

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been said many times so i'll underscore it one more time, this is our entry card to begin the process, to begin the real work of providing those solutions, those tangible solutions. The presence of state representative reardon as leader of this project in this council chambers I hope demonstrates a commitment at the local and state level to work together with our regional partners, with community organizations to continue to push this work forward. I look forward to seeing what we can do in the next ten years. I think it will be fantastic. I appreciate you all being here. I vote aye. The resolution is adopted. Thank you, everybody. Two-minute break. We're in recess for two minutes.

Wheeler: We are back in session. Karla can you please read item 592.

Item 592.

Wheeler: Commissioner Fish. Just kidding. We're here today not only to approve changes to the PCCEP plan but to formally establish the Portland committee on community engaged policing by resolution. In the coming week i'll make my final selection for members of the Portland committee on community engaged policing also known as the PCCEP. I have to say i'm energized by the future of PCCEP. This has been a long road. Some would probably argue not inaccurately maybe a little bit too long, but the work has culminated in these amendments and the thoughtfulness and creativity and work of the PCCEP facilitators reassure me that this was the level of community engagement initially contemplated by the settlement agreement. I want to take a moment to single out and thank the albina ministerial alliance for police reform and justice otherwise known as AMAC. They have been a necessarily critical voice in the development of this committee and they have worked with my office and the PCCEP facilitators to arrive at a place of understanding and collaboration. Their role in the settlement agreement is important and should not be understated. We need the AMAC's voice in this process. I'm appreciative of the time they have spent considering the PCCEP plan and offering their input. I'm confident that every single applicant I interviewed has the experience and the perspective to take on this challenging and meaningful work. The changes to the PCCEP plan we're talking about today are largely based on the recommendations of our excellent facilitators. I see brandon lee here from the training for transformation. Thank you for being here, brandon, for your hard work on this. I would also like to acknowledge Hun Taing of Training 4 Transformation and brad taylor, the brad taylor group, who until fortunately could not be here today. Together they are the three PCCEP facilitators. Our facilitators proposed changes based on best practices and their experience in doing this kind of work. The proposed changes give us a chance to maximize community engagement as well as to make changes that will make it easier for PCCEP members to fully participate in the process. This is not business as usual. We have a chance to make a truly effective and transformational committee. In order for this to happen, I want to make sure we're creating a smart framework for this committee based on the recommendation of experts. The PCCEP began this work in may. They took a trauma-informed approach to outreach and prioritized outreach to people with mental health conditions, people with a disability, youth, the houseless community, the LGBTQ community, immigrants and refugees and the black, native and latinx communities. We received over 100 applications for the PCCEP board. I completed the interviews last week with 17 adults and six high school age youth and i'm happy to share that I have a very difficult decision to make. All of them, all of them were exceptional candidates. I'll be announcing my appointees and alternates within the next two weeks. Until then i'm thrilled to move the work of the PCCEP forward by supporting these amendments. Nicole grant, my senior advisor, is here with the PCCEP program manager to explain what these amendments will accomplish and to answer any questions my colleagues may have about these amendments and the committee's work or facilitators or the work itself. With that i'll turn it over to nicole. Thanks for being here.

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Nicole Grant, Office of the Mayor: Mayor, Commissioners, good afternoon. I'll introduce myself for the record, I'm Nicole Grant, senior policy advisor for Mayor Wheeler. I'm here today with Mandi Hood, project manager for the Portland committee on community engaged policing, affectionately known as the PCCEP. As the Mayor said, this has been a long road. In August 2017 Council approved amendments to the settlement agreement notably the framework for the newly conceived PCCEP. In April of this year the City presented those amendments to Judge Simon at a status conference and fairness hearing. With the exception of the PCCEP plan, all amendments received approval from Judge Simon. The PCCEP plan was conditionally approved by Judge Simon pending update to be given next month. We're here today to offer changes to the PCCEP plan at the recommendation of our outstanding PCCEP facilitators Training for Transformation and the Brad Taylor group and to establish the PCCEP formally for the Portland community. I'm also happy to record the DOJ has formally approved the changes to the PCCEP plan. Before delving into those changes before you today, I have asked Mandi Hood to set the stage for those changes and the resolution that you're approving. Mandi has been instrumental in her work as the PCCEP project manager. She brings with her institutional knowledge from her work with the community oversight and advisory board, the COAB, and keen understanding of issues affecting those with mental health conditions. In this work she's been a partner, a critical voice, and an advocate. She has shepherded this process from selection of the facilitator by the facilitator evaluation committee to where we are today. Before passing the microphone to her I would like to formally thank her in this setting and on the record for the commitment and sheer heart she has brought to this process. Thank you. You didn't know I was going to say all that.

Mandi Hood: I didn't. Thank you so much, Nicole. That means a lot to me. Good afternoon, Commissioners, my name is Mandi Hood, project manager for the Portland committee on community engaged policing. In April of this year an evaluation committee selected Training for Transformation and the Brad Taylor group to serve as the PCCEP facilitators. That evaluation committee was comprised of Freda Ceaser, Director of Equity and Inclusion at Central City Concern, Dana Coffee, Portland Commission on Disability, Jan Friedman, attorney for disabilities rights Oregon, Janie Gullickson, executive director of the mental health association of Oregon, Kalay Lubin, who is in the audience today and is a member of the AMAC, Daniel Portis-Cathers, a member of the NAACP and myself. Though the city initially sought one facilitator the evaluation committee felt strongly that the two top candidates working together would best serve the PCCEP and the communities of Portland. Training for Transformation led by Hun Taing and Brandon Lee is an Oregon state certified minority business enterprise specializing in equity focused community building between law enforcement and the diverse residents they serve. Hun is a peace builder whose background includes art, reconciliation, public involvement and conflict transformation. Brandon brings lived experience as a survivor of numerous racial profiling cases, served as legal redress committee chairman for the NAACP and worked to fund the community police review board in Oakland, California. The Brad Taylor group is an Oregon state certified emerging small business specializing in developing communication strategies through training seminars, conflict resolution and facilitation services. Brad Taylor has worked as a direct line social worker empowering residents living in supportive housing, as a homeless outreach worker advocating for some of Portland's most vulnerable residents and as a mobile mental health crisis response worker for Multnomah County. The PCCEP facilitators began work on May 10. With a limited amount of time they hit the ground running. Their outreach strategy focused on removing barriers to participation for historically marginalized communities and empowering Portlanders with lived experience to take lead in city processes. An emphasis was placed on obtaining quality applications instead of simply amassing a large number of applicants. Per the

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PCCEP plan, a selection advisory committee comprised of representatives from each council office was selected to develop the written application and selection criteria for the PCCEP. The selection advisory committee members are dr. Cynthia fowler, psychiatrist and Chair of the health committee for the NAACP appointed by commissioner Saltzman, julie ramos, mental health advocate and recent vice chair of the citizen review committee appointed by commissioner Fritz. Musse Olol, chairman of the somali american council of Oregon, appointed by Commissioner Eudaly. Bobbin Singh, executive director of the Oregon justice resource center appointed by commissioner Fish, and Derald Walker, psychologist and executive director of Cascadia behavioral health appointed by mayor wheeler. In addition to the facilitators outreach efforts the selection advisory committee, council staff and I all engaged in a broad outreach strategy to reach as many Portlanders as possible. This included presenting at community meetings, hosting informational sessions and having targeted and informal conversations within our networks. Because of this effort, as Mayor Wheeler said, we received over 100 applications from the Portland community to serve on the PCCEP. Outside of the development of the written application neither the mayor's office nor council offices were involved in any part of the selection advisory committee selection process. Discussion around who to interview and final recommendations to the Mayor were the sole responsibility of the selection advisory committee, the process was intentionally structured this way in order to ensure the fairness and preserve the integrity of the process. When reviewing written applications and interviewing candidates the selection advisory committee focused on the following areas when assessing applicants: lived experience as a member of a marginalized community, lived experience with mental or physical health issues, interpersonal skills, experience working with or advocating for marginalized communities and experience utilizing social services and engaging in government processes. The selection advisory committee provided its recommendations to the mayor listing the candidates they believed should be on the PCCEP along with alternates. The mayor's office consulted with the commissioner offices before the mayoral interviews and will be meeting with the selection advisory committee in Council offices this week to discuss the candidates. In addition to the mayor, of course, each mayoral interview is attended by nicole grant, jared hager from the US Attorney's office, a PCCEP facilitator, and a member of the selection advisory committee. The PCCEP facilitators and I are currently working to confirm retreat and training plans for the PCCEP. The retreat will provide PCCEP members with a time and space to get to know one another, begin to coalesce as a group and gain clarity on their work and mission as well as develop an organizational structure for the PCCEP. Training will continue beyond the retreat process. The facilitators and I will be connecting soon with community members and stakeholder groups to discuss and receive feedback about training ideas and resources. In addition to the training topics outlined in the PCCEP plan, topics will include training on institutional racism, understanding mental health from the perspective of those with lived experience and lessons learned from the coab process. Given the importance of this community and the need to thoughtfully build relationships with community members, the PCCEP will spend october and part of november continuing their training and engaging the community with the expectation of holding their first community meeting in november. The mayor's office has agreed to continue holding monthly forums on public safety until the PCCEP has its first meeting in order to keep community engagement and conversation continuing.

Grant: Thank you Mandi. In the interest of time I would like to walk you through the major changes being requested today. These changes have been reviewed by the amac and Portland police association and we have incorporated their feedback. Our facilitators also met with the amac on two different occasions to discuss their plans for the PCCEP as well. Last August, City Council made a commitment to the AMAC to establish an 11 member

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committee so if you recall the PCCEP plan calls for nine to 11 so we made a formal commitment for an 11-member committee. The eligibility criteria for the PCCEP permits Portlanders who are 16 years and older to serve on this board. Knowing that there's a possibility that high school age youth would apply to this board it was important to place intention behind the call to action that we extended to that generation. We needed to meaningfully facilitate youth participation. With these amendments, the committee will be expanded from 11 to 13. The additional two seats are reserved for youth who will serve together during the school year. A separate process for youth has also been carved out in order to adhere to best practices for youth adult partnerships. So rather than one-on-one interviews, interviews will be conducted and have been conducted in a group setting. Like the adults, youth members will be voting members. Though this is not spelled out in the plan itself, our facilitators will work to ensure youth voices are honored and respected. And adult mentors will be identified for each youth member. Prior to the first meeting, this is another change, members are expected to attend ppb's community academy and participate in a ride-along. That said these changes contemplate the provision of reasonable accommodations for each. Though the PCCEP plan sets forth options in this regard the city recognizes that reasonable accommodations must be established through direct engagement with the affected person. These changes in the PCCEP plan provide a floor for those accommodations rather than setting parameters around what they may be. Additionally, meetings will now be held on a monthly basis instead of twice monthly out of concern for the time commitment we have been asking of PCCEP members. They will generally be open to the public with an opportunity for public comment before the conclusion of deliberations and voting. PCCEP facilitators will ensure no votes are taken without the public having the opportunity to be present. PCCEP will also now be able to form subcommittees that meet at other times during the month. Subcommittee meetings must be open to the public and allow the public an opportunity to provide input. I'll use that as a point to say opportunity to say the PCCEP plan really is a floor for this work rather than setting finite parameters around the work of committee members. To that end rather than requiring the format of town halls and roundtables facilitators are looking to break the mold of community engaging around policing. Their focus will be on gathering input from Portlanders in culturally responsive ways. With that said I would like to invite brandon lee, of training for transformation, to introduce himself, his work and the facilitators' plans for community engagement.

Fish: I have one question before we move on.

Wheeler: Commissioner Fish

Fish: I understand, you mentioned there would be training materials and a retreat to set clear expectations of all members of PCCEP. Given the work we have done in creating reforms of our system of boards and commissions, can I assume that this is being coordinated with judy prosper doing all the hard work at the front end, making sure we understand the status of people who serve on this body, what body of rules apply and that people understand what they can and can't do with emails and other kinds of things?

Grant: Yes. Absolutely.

Fish: Thank you

Brandon Lee, Training for Transformation: Hello. First I want to acknowledge the mayor and all the Commissioners. Thank you for your time. So i'll begin with is there a particular question or begin with introduction?

Wheeler: Mr. Lee, can you just identify yourself for the record?

Lee: Thank you so much. My name is Brandon Lee, for the record. I'm co-founder and president of training for transformation llc. We began this work-our brand is referred to as community conscious policing. One of the jobs that I have taken on is- I began as someone who suffers from racial profiling and when I was at Oregon state university as a

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faculty member this is a few years ago, there were not only in the media a lot of conflict between police and community but even on our campus there were hate crimes occurring and there just wasn't support for the students that I worked with. It was through that process I reached out to our local law enforcement agency and through our engagement at that time I was with naacp. Working together, we came up with what we refer to now as community conscious policing where we offering training opportunities where we brought law enforcement and community into the same room. We hope to bring the skills we have gleaned through those processes to the PCCEP. You heard some of the recommendations we made in terms of processes to bring community and law enforcement together in Portland and i'm here to offer any more details in terms of how we can support this PCCEP process.

Grant: Thank you, brandon. I gave Karla earlier a list of proposed amendments. Additional amendments to the PCCEP plan. These are fairly minor. I'll wait until they are handed out. The first amendment follows our conversations with the amac, we wish to clarify that community gatherings will happen on a quarterly basis. These changes are not meant to reduce in any way the level of community engagement initially contemplated by the PCCEP plan. The first amendment is to simply add language that ensures gathering of input from Portlanders on a quarterly basis. The sentence would read under members responsibilities on a quarterly basis gather input from Portlanders regarding experiences with and perceptions of ppb's community outreach to ensure that there is regular engagement with Portland's communities. The second and third amendments are being made in recognition of the fact that the office of neighborhood involvement is now the office of community and civic life so the amended language would read under the paragraph reference in the first amendment general consultation with the office of community and civic life, then on the last page of the plan the final paragraph essentially doing the same.

Wheeler: I would move these amendments.

Fritz: Second.

Wheeler: We have a motion and at least one second. We'll keep these on the table and open for public discussion.

Grant: Great. This concludes our presentation. I would like to thank you all for your time and listening to us and for your support. Clearly your council staff. I would also like to express gratitude to the amac for their continued collaboration and advocacy over the course of the last two years. The PCCEP plan would not be what it is without their work so thank you very much to them. With that said I would like to invite Dr. LeRoy Haines from the amac to offer testimony.

Saltzman: Question first? So what safeguards are built in or are being built in to prevent this committee from becoming dysfunctional?

Grant: So i'll work with Mandi in explaining this. One of the key factors is having a retreat and substantial training. The coab did not have the opportunity that level of training that we are planning and certainly did not have a retreat prior to being seated. So there wasn't an opportunity at that point for interpersonal relationship building. So that in itself functions to protect the group. Beyond that, just the structure of meetings. We're working with facilitators to plan something that is functional. We would like for the PCCEP to have an opportunity when necessary to conduct their work without concern for public disruption. To the extent there are disruptions, they would have the opportunity to hold a closed door meeting. That was language in the PCCEP plan amendments that we worked with the amac to craft.

Saltzman: What kind of time expectations are there on members?

Grant: I think we said eight hours a month.

Hood: Yeah. Then each meeting would be three hours in length.

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Saltzman: Eight hours on top of three hours?

Grant: No. No, no. It would be included. On top of that subcommittee meetings as they are formed and reading literature.

Saltzman: Okay. That's bordering on the high side of time limits in my mind in terms of truly trying to get a broad sector of participants.

Grant: During the application process we said at the outset what the minimum time commitment would be. There is a broad understanding that it could be more. That would likely be determined by PCCEP members and facilitators working with PCCEP members as the work plan is flushed out.

Fritz: One of the problems before was that we guessed wrong. We didn't say up front can you commit to this. Some of the other things I was pleased with when I met with this group yesterday was we were going to be providing much more support, individual, personal, one on one how are things going type support, also child care, travel expenses, dinner, such like that. Really giving the volunteers the support that they need to dedicate that amount of time.

Wheeler: I'll just add one more. They tend to be modest but these three facilitators are outstanding. They will readily agree I put them through the ringer when I first met with them. I wanted a good, hard shakedown to make sure they understood that this is not just like any community meeting. This is one where there's a lot of history for many people, a lot of emotion for others. They are members of vulnerable communities. So the idea that they propose to actually work together on this and they come with different strengths, I thought was a really compelling opportunity. It is fundamentally different in the ways they are thinking -- I should probably let them talk about it. I was excited to hear them say they didn't just want to do the old community meeting thing exclusively. They wanted to find ways that people could feel comfortable participating. For some people maybe it's picking up a phone and talking into a voice mail, and not having to be there in person, maybe via video or skype or some other means. I just like the fact that these facilitators were open and creative and innovative in terms of trying to find different ways to engage people. At the end of the day, though, I really think it's going to come down to good facilitation. The training is super important, clarifying the expectations right up front, that's really important, these facilitators know they're going to earn every dime that their contracts prescribe. I'm appreciative of that.

Grant: Thank you all very much. I will use this as the time to invite Dr. LeRoy Haines to the dais.

Wheeler: Thank you, dr. Haines, good to see you.

Dr. LeRoy Haines, Albina Ministerial Alliance Coalition: Good to see you. To our distinguished Mayor, Ted Wheeler, and to our illustrious members of the Portland city council, I am the doctor Leroy Haines, chairperson of the Albina ministerial alliance coalition for justice and police reform. Amac is often referred to as being engaged in the leadership effort on the community perspective of police reform, since the Kendra James case in 2003. We have led the effort to bring the department of justice in a present lawsuit on the settlement agreement that is city of Portland is presently under. Knowing this transitional period of amending the original court settlement by replacing coab with the Portland committee for engaging policing, PCCEP, amac and citizens of Portland, I want to correct one aspect of the historical, as both a theologian and a historian, that during the appeal, we were not participant in the creation of the PCCEP, but we were called in the latter stage. I think historical reference is critically important. Then we were allowed to give input to the PCCEP proposal that had been drafted. It was in this council chamber that many of the proposed changes were actually made during that particular time of the council hearing. Item 952 represent many of those changes, and we are thankful for the council for hearing the voices of not only amac, but the many voices of the citizens in the community.

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Yet we are -- still have some concerns on process that we have shared with the city. Number one, that in the procedure and the process of handling meetings, we are concerned that the public be given voice opportunity, not just in terms of very electronic devices, but actually face-to-face. Meeting and open sections and prior to the decision-making of PCCEP board. Secondly, that PCCEP establish internal procedures and protocols for carrying out the work of reviewing the settlement agreement with intentionality. Third, that PCCEP, which I am glad to hear will provide other opportunities to hear the voices of citizens throughout the community on police reform. Finally, we believe it is the responsibility of [inaudible] to provide an opportunity for the public to review its work prior to the presentation to judge Michael on this update on the settlement agreement. Amac believes as PCCEP go about the process of building relationships with the diverse communities, that these additions will help build trust in our much needed community between the Portland police bureau and the citizens of Portland. Thank you very much.

Wheeler: Thank you, sir, we appreciate your being here today. Nicole, does that complete your -- very good. How many folks do we have signed up, Karla?

Moore-Love: Three more on the list.

Wheeler: Very good.

Dan Handelman: Hi Mayor wheeler and council members, i'm dan handelman with Portland copwatch. I want to make clear that even though I am a member of the AMA Coalition steering committee, I am speaking on behalf of Portland copwatch today. We attended the community forum last wednesday, where miss grant brought the concept of these changes forward, but there were no physical copies for anybody to look at. I pointed out at the time that then -- nobody in the community could see those changes until friday afternoon before a three-day weekend, there were a lot of people here last August when we were contemplating these changes, this committee in the first place, and there are not as many people today because it happened over labor day weekend and a lot of people didn't know this was happening. And so -- this is a committee on community engaged policing, but a lot of the discussions about what's going into this changed plan now didn't involve a full engagement of the community. So we generally are not opposed to expanding the committee to 13 members, many people, including us, talked about how you can't have a real diverse representation of the community with only nine people, and got the council to expand that to 11, i'm glad to see it expanded to 13. You clarified the lengths of the terms in these amendments, something else we talked about last year. We raised concerns at the meeting last week about the accommodation for people who don't want to necessarily attend the community academy or go on a ride-along, it was presented as something being done for ada purposes and accommodation in a legal sense, but there's a member of the coab who refused to fire a weapon, a gun during the community academy, and then was treated differently by other members of the group and the police after they did that. I think it should be clear that if you don't want to participate in certain parts of that training, you shouldn't be forced to, if it's a moral thing and not an ADA issue. The -- i'm glad to hear about the reinstatement of the quarterly town halls, that was great, something we were going to mention as a concern. Although they're not being called town halls, and it's very good that as dr. Haines said, there will be public input before any vote, there was mentioned something here and last wednesday about electronic participation, if somebody can clarify that, it is important for us to be in the room watching the deliberations and having input before the vote happens. I want to make sure that that's being done in a community engaged way. There is -- it's good that the subcommittees will be open to the public, I think that's very important as well. And in general, we express concerns constantly when these kinds of groups go on retreats, that somebody has to make absolutely sure they are not actually discussing any business. That should be being

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discussed in a public forum, any training materials and anything that's going to be coming up at the retreat should also be made public so everybody knows what's happening at those.

Wheeler: Did you have a couple more Dan?

Handelman: I did have one more thing.

Wheeler: Sure.

Handelman: We were told also last wednesday that there is going to be three alternates, and you said, mr. Mayor, I think, just now that you have to choose 17 adults and a couple of youth. All five alternate members of the coab got burned through in the first year, that's why they started running out of people to fill those empty seats. I would think about having a larger pool of alternates and maybe that way you can actually keep all the people who have made it through this stage engaged.

Wheeler: Thank you, dan, appreciate that.

Philip Wolf: [typing testimony]

Wheeler: Thank you, any questions for philip. Thank you, philip.

Charles Bridgecrane Johnson: Good afternoon, for the record charles bridgecrane johnson, it's an honor to testify here after Philip and have at least one coab survivor come here, I think on that note, it's good to hear there's a plan to better support the community members who will be PCCEP members, I know under the coab structure, there was not any expense reimbursement for coab members while the coab co-co person elevated their salaries from 70,000 to over \$120,000 a year, so I am glad we learned a lesson from that. In preparing for this, one of the things that came up, I ended up back at a link on the city's own website. The portlandoregon.gov/police/article/33708, how did I get there? Because I went to a search engine and I typed in, kendra james, murdered by police. So the people that won't be testifying here definitely include Quanice Moose Hayes, Terrell Kareem Johnson, aaron campbell, bradley morgan, james Chasse, unarmed persons, one accused of having a knife or fake gun who are dead, because we haven't perfected policing in Portland. They're not the only ones, we have had armed people in mental health crisis in parking garages, once in the lloyd, once over by good sam hospital, those armed people, but would still like to have a resilient trained police force that gets us down to a level of lethality that we see from the police in all the civilized countries in Europe, where the number of people killed by police in Portland exceeds the death tolls of some countries, so I hope that all of you, as council members, will fully support even better than you supported the coab members, these people are volunteering for the PCCEP. I want to particularly thank Commissioner amanda Fritz, whose appointee to the coab, dr. Silver, she persisted. And -- but that's not to fault anybody who went into the coab, maybe some people think it was rushed or weren't aware of the burdens, definitely I think everybody on the city council at that time, back in the times when Mr. Novick and Mr. Hales were sitting up there, would realize they probably could have supported those community members better. So it will be interesting to see what november brings, after the hopeful blue wave, PCCEP can get on and find a constructive way of engaging with people. I notice we'll have Derald walker, CEO of cascadia, deserves a little special credit. It used to be when you went to Cascadia's website and looked at their board of directors, it was alphabetized, so officer Burley from the Portland Police Department, who was on the board at that time came up and that's not really a great way with mental health issues and police dealings to face things. So the proof will be in the pudding in november, i'll be looking further into the better cost balancing, as far as the administrative expense versus reimbursement for just parking and stuff those good citizens volunteering will be facing.

Wheeler: Thank you. Thanks to all three of you.

Moore-Love: That's all who signed up.

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Wheeler: Very good. Colleagues, did you want to have Nicole come back up? Did you have any questions or go ahead and call the roll. I'm sorry, thanks, nick. So we'll do -- there are three amendments. Commissioner Fish has moved them as a package. And we have a second from Commissioner Fritz. Let's call the roll on the amendments.

Saltzman: Aye **Eudaly:** Aye **Fritz:** Aye **Fish:** Aye **Wheeler:** Aye

Wheeler: Amendments are adopted. Thank you and thank you, nicole, for working hard to draft those. To the main motion, please. Call the roll.

Saltzman: Aye **Eudaly:** Aye

Fritz: This is phenomenal work. Nicole Grant, you deserve a lot of credit for this, and thank you for persevering also. I think everybody did the best we could with the -- are we good? Thank you. Everybody did the best that we could with the information we had available, what's good about this is that we have learned from what didn't go so well in the past, and I -- I was skeptical when this was introduced, and it has really become something that i'm very hopeful can succeed. Thank you, mayor wheeler, for your leadership on this, thank you, facilitators, I think we will be set up really well with this new process. Thanks to christine Nieves on my staff who continues to help me on police issues, julie ramos, my appointee to the selection committee and former work on the citizens review committee. There are a still a lot of other aspects of the Department of Justice settlement that we need to continue to work on, I do believe this is a good step forward, Aye.

Fish: Aye

Wheeler: I think i'll keep my thank yous brief, there are a lot of people in this room who worked very, very hard over many months to bring us to this point and a lot of the same people will be engaged in the long term, making sure this is successful. Nick, thanks, you've done a fantastic job, I appreciate it. I want to thank everybody who has worked so diligently on the selection committee, thank you. I want to thank our friends at amac, I want to thank the usdoj, jared, thank you for your leadership and participation, I want to thank our legal counsel, all of my colleagues who have worked hard on this in one capacity or another. To the facilitators, you have your work cut out for you, but you're up to it. And to the members of the community, my pledge to you is to make sure that you do have the support you need to be successful in this process, I think you all know what's at stake. There's a lot riding on the success of this, and Portland needs to be one of a handful of communities that can show the rest of the country that we can make progress, and we will. This is an important milestone in getting us there. So I vote aye. The resolution is adopted as amended. Thank you. Next item 953.

Item 953.

Wheeler: Colleagues, this ordinance makes changes in the police review board code to allow for stipulated discipline as authorized by the council last august. Council approved amendments to the doj settlement agreement. Stipulated discipline is, in short, an off-ramp from the regular discipline process that's currently in place. It will only apply in very narrow circumstances. As agreed upon by the council last year, it will not apply to the use of force cases, officer involved shootings, in custody deaths, retaliation, or disparate treatment cases. It allows involved officers to accept full responsibility for their actions, and resulting discipline without any negotiation. This is not plea bargaining, this is due process. I have here, again, nicole grant, one of my senior policy advisors, who will provide further information on this item along with captain jeff bell, from the PPB, thank you for being here, and mark amberg from the city attorney's office. Thank you for being here. Take it away, nick.

Nicole Grant: Good afternoon again, commissioners, and I'll just state my name for the record, nicole grant, senior policy advisor for the mayor. As the Mayor stated, this ordinance makes change to the police review board code with the implementation of stipulated discipline. In august 2017, council approved amendments to the settlement

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agreement which included the provision of a stipulated discipline process that would allow ppb members with the concurrence of multiple parties to accept the findings of an investigation and discipline. The conceptual approval of stipulated discipline accompanied the approval of other changes to PPB's discipline process which had suffered under the weight of its complexities. Per the settlement agreement, this option would only be made available to members following the implementation of code language adhering to certain parameters. In april of this year, Judge Simon formally approved this amendment to the settlement agreement at the fairness hearing and status conference. The ordinance before you today follows up on the plans laid out in those approved amendment to the settlement agreement. It is the result of several months of conversation and negotiation with the Portland police association, the doj has advised the city of the need to have a stipulated discipline process in order to achieve substantial compliance with the settlement agreement, with that said, i'm pleased to report the doj has formally approved this process, i'm here today with captain jeff bell from PPB's professional standards division and mark amberg from the city attorney's office who will delve into the specifics of the code language and process. For the sake of clarity, I want to note the process we are asking you to approve is just that, a process. It does not predetermine or influence discipline for ppb members, it's just intended to improve efficiencies within the system and provide both complainants and involved officers with procedural due process. With that, i'll pass the mic to captain bell.

Wheeler: Thank you.

Jeff Bell: Mayor and commissioners, thank you for your time today. Again, i'm jeff bell, captain with the police bureau and professional standards division. And so i'd like to provide just a little bit of context for the implementation of this proposed stipulated discipline. This kind of goes along with the package of amendments and to the settlement agreement and the related code changes back in august of 2017. Some of those changes were -- we revamped our supervisory investigation process, which at this point now is in full swing and allows nondisciplinary complaints rather quick resolution through the officer's direct supervisor, along with investigators now providing recommended findings. The approved stipulated discipline process -- i'm sorry, the stipulated discipline process as a concept was approved by city council, but the city still needed to negotiate the specific terms with the Portland police association. So part of the reason why we are doing this is as we do as well, but the doj has had concerns about the timeliness of our internal investigations, and this will allow us to improve the timeliness of certain cases and one of the main issues and one of my chief concerns when this was first talked about, this takes place at a time after the investigation is complete and after proposed discipline and proposed findings had been made, this is not a process that occurs early in the process, this is a process that would only occur after bureau management and the other partners in this know all of the information they need to know about what happened. This process would occur prior to a case going to a police review board, after findings have been made and discipline has been proposed. If an officer selects to go through this process of stipulated discipline, their case would then not go through a police review board, and it would not go to the chief and the police commissioner for further consideration on the discipline. However, they would have the final say about whether or not the proposed or the stipulated discipline process can be used for any particular case. So in summary, in order for this to happen, everybody has to actually agree, and that includes the officer, police bureau management, ipr, and I think ipr provides a lot of the community's voice in this process, miss irene Konev is an excellent community outreach person, but then of course the chief of police and you, mayor as the police commissioner would have the final say about whether or not we could actually proceed with stipulated discipline on any of these cases. Mark amberg will go into further details about which cases exactly are

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allowed, but I think it's important to note that once stipulated discipline is agreed to by all parties, there is no grievance or appeal of that stipulated discipline, the process ends at that point. Officers must accept those findings and the proposed discipline as presented to them. As you said, mr. Mayor, this is not a plea bargain, this is all about, if the officer agrees to what the bureau has proposed, they may accept that. If they don't accept that, then the process continues as it normally would. I think it's also important to note, this does not affect the ability of any citizens to still appeal these cases to the citizen review committee. So if they have any issues with any of the findings, and they want to appeal these to the citizen review committee, there's nothing in this that would interfere with their ability to do that. I think it's hard for us to estimate because we don't have this system in place, my personal feeling in folks familiar with the system I talked to, anticipate this will be used very infrequently, this is something that will probably only happen a few times a year, but in those cases where it does happen, I think it's beneficial in that it gives both the officers involved and the complainants more timely closure rather than drag out the process in these cases where everyone agrees kind of -- and the officer is willing to take responsibility for their actions and again, overall, shortens our time lines and administrative work on the part of the professional standards division and the bureau in general, in these cases where everyone agrees that the findings and discipline are appropriate. So i'm going to pass it off to mr. Amberg, who will discuss the technical details of the amendment.

Mark Amberg, Portland City Attorney: Thank you, captain bell, mayor, commissioners, for the record, mark amberg with the city attorney's office. As was noted, this stipulated discipline process is -- actually started with negotiations with the US Department of justice, over some amendments and package of amendments, so to speak to the settlement agreement that were approved by this council last august and then approved by judge simon at the fairness status hearing last april. The -- this is the stipulated discipline process is an important part of -- is viewed as an important part of improving the police discipline process. The police accountability process to have an off-ramp so to speak where the officer acknowledges there's been a policy violation, agrees to accept proposed discipline. The -- under the proposal, which, as miss grant noted, the language that's in the proposed amendments to the code were negotiated with the Portland police association, also being approved by the US Department of justice. Under the proposed code amendments, which are under the, under the police bureau's, the code that governs the police review board, that was the place where we needed to insert this process, there's certain types of cases that are excluded, that's been discussed, cases involving alleged use of excessive force, alleged discrimination, disparate treatment and retaliation, reviews of officer involved shootings and in-custody deaths, importantly, any case in which the police chief or mayor as the police commissioner does not agree to accept the member's proposed stipulation to findings and recommended discipline. None of those cases, regardless of -- i'll talk about the discipline guide in a moment. None of these cases, regardless of where they fall in the discipline guide, would be eligible for stipulated discipline. The types of cases under the code amendment that would be eligible for stipulated discipline, first of all, any first-time offenses that fall under category a through category d of the police bureau discipline guide, which the discipline guide is also, as council is aware, was -- came out of the US Department of justice settlement agreement, was -- is a requirement of the settlement agreement that the police bureau came up with and implemented and follow a discipline guide. The police bureau's current version of the discipline guide went into effect on March 1st of 2014 and has been in effect since that time. So the categories referred to in this amendment, categories a through d of the guide are defined under the guide. The other -- in there, I would say also, the guide actually goes up -- has categories e and f, each -- as you go up in the letters, then the -- they're more serious offenses, the lower level offenses are category a, the higher level offenses go up

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all the way to category f. The stipulated discipline would not apply with one exception, that I'll note, any case would fall under a category e or category f on the discipline guide. Categories e and f on the discipline guide were the first time on the guide, there could be a potential termination of an officer's employment for whatever the misconduct was. Second time offenses that fall under category a, the lowest level of discipline on the guide would be eligible for stipulated discipline. Again, with the review of everybody involved, IPR, the member's assistant chief, professional standards and also the police chief and the commissioner -- police commissioner. The other categories of cases, which would be eligible for stipulated discipline, which is -- they actually fall under category e, these would be first-time-off-duty driving while under the influence offenses that fall under category e, to be eligible for stipulated discipline for an off-duty driving under the influence offense, it has to be nonaggravated offense, no other driving-related violations or charges, such as a reckless driving charge or something of that nature. And the member must comply with all court-ordered -- must enter into a diversion here in Oregon or the state of Washington that's referred to as a delayed prosecution. They're essentially the same thing. The member would have to enter into that program and would have to comply with all court-ordered conditions of a diversion or delayed prosecution to be eligible for stipulated discipline. If not all of those conditions are met, they would not be eligible for stipulated discipline for an off-duty driving under the influence offense. Those are the categories of cases that would be eligible for stipulated discipline. Couple of notes, first of all, when there's -- a number of cases involved multiple -- multiple claimed violations of policy, and in those cases where there's multiple sustained violations, the violation would be set at the highest category on the discipline guide for purposes of determining whether the case would be eligible for stipulated discipline. So if you have multiple violations and one of those violations fell into an e or f, even though other offenses might fall under lower categories, would not be eligible for stipulated discipline. The other -- there's two other parts of the proposed code amendment that I want to note. One is that with the exception of excluded categories, those -- the -- in negotiations with the Portland police association, if there's some other category or type of case, for example the one that we have here in front of us is the off-duty nonaggravated driving under the influence charge, but if there's some other category or type of case, that the police association, the police commissioner or police chief believes would be -- should be eligible for stipulated discipline, there's the opportunity to agree on that category of cases being eligible for stipulated discipline. Finally, one other amendment that's in the code that really -- it doesn't have anything to do with stipulated discipline, since this code section is coming before council, this is in certain sections of the code, as it currently reads, where the code talks about the types of cases that have to be reviewed by the police review board, one of the categories of cases that's defined in the code at this time are less lethal incidents where the recommended finding is out of policy, where under police bureau practice, and under police bureau directives, all use of that force incidents, whether less lethal or deadly use of force or some other type of use of force, all use of force incidents go before the police review board for review, and so we have offered a cleanup amendment to the code to clarify that all use of force cases, regardless of the type, not just less lethal use of force incidents, will go before the police review board for review. And that's -- that's it, unless there are questions from council.

Wheeler: Commissioner Fritz.

Fritz: Thank you. This this is the third time I've had this explained to me, I think I may be starting to get it. So let me see if I'm understanding, so the mayor said at the beginning, this is not a plea bargain. One of the concerns I have about this is looking at the discipline guide and thinking about the discipline imposed doesn't seem to be severe enough in some instances in my opinion. But what you're saying is that this process, the discipline would be the same, whether they go through the police review board or not, but in this

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stipulated agreement process, they say yes, I did it and i'll accept the discipline on the guide, is that correct?

Amberg: Yes, that's correct. If the proposed discipline that would be initiated by the members RU, or responsibility reporting unit manager, if the member did not accept that, that is the proposed discipline that would go through the review board process, there's no guarantee what's -- what the review board is going to do with that, or ultimately the chief or mayor, that would be the proposed discipline that would go to the review board.

Fritz: Okay. So -- significant deviation from policy resulting in a vehicle crash, first offense, letter of reprimand and the officer would say yes, give me my letter of reprimand, i'm on my way. Is that correct?

Amberg: Yes.

Fritz: So then I can support this process, my question and concern is, I don't support this discipline guide, this is the first time that it's come to the council, including when we were promised a discipline guide as part of the doj settlement and when we paid a \$9 million raise to the police bureau -- to the police officers. My opinion, a vehicle crash is an assault with a deadly weapon, so I don't think you should get a letter of reprimand for a significant deviation of policy that causes a crash. So what is the process for changing this discipline guide?

Amberg: Sure. Captain bell can speak to it as well, currently there is a police bureau directive in place that addresses the discipline guide and allows for process for change, and the process for that change is -- it can be changed by the police chief, with concurrence of the police commissioner, really at any time, but there's a review process where the professional standards division of the police bureau in conjunction with the city attorney's office is supposed to review the guide and make recommendations to the police chief on proposed changes, that's -- that's the official process that's in place under the directive and is designed to ensure there's some kind of at least annual review of the guide and looking at potential changes, but the -- ultimately it's the police chief, again, in concurrence with the police commissioner who would make changes to the guide. There's no limit on the input.

Fritz: Does that have to be bargained with the police association?

Amberg: That is a good question. I -- there's some questions about the extent to which it would have to be bargained with the police union, we have taken the position in the past, it's a guide, it's a management tool that does not have to be bargained. I think that the police association would certainly take the position that because item pacts discipline and job security, at minimum, that it does have to be bargained. So we would likely we would enter into bargaining with the union over significant changes to the guide, but that is a bit of an open question.

Fritz: Mayor, are you willing to commit to having a conversation with me in reviewing this?

Wheeler: I'm willing to have the conversation, but obviously i'd like to have more insight into this, but yes, certainly. Of course.

Fritz: Just throughout this guide, I appreciate we did pay for getting terminations to stick for category f violations, but there are -- throughout the a through d categories, the discipline seems to be more of a slap on the wrist than a significant deterrent to doing the behavior again, so i'm now understanding that's not -- we are just saying in some instances you can -- the officer can agree, yes, i'll take the discipline and then we use a different process to change what the discipline is.

Fish: Mayor, let me be clear, if we're going to get into the question of discipline, I think it has to come up through some regular order, it has to be part of a process where recommendations come to council, this is not a conversation you and commissioner Fritz, with all due respect.

Fritz: It's a start of a conversation.

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Fish: It's a council discussion and may very well involve collective bargaining. We don't have a great track record on those issues. And so -- let's be clear. There are benefits to us of having a stipulated discipline provision, independent of whether you think the discipline tree is correct. That's the issue before us today, and I think we should keep clear demarcation between the two. This is something that has a benefit to us, has been approved by the department of justice, I think we can take this action and still go through a thoughtful process of determining whether or not the proposed discipline for any particular action is adequate, and I also want to caution us in a public hearing, commenting on whether any particular matter is an adequate discipline. This is -- this is a carefully calibrated system that requires certain level of fairness in due process on both sides, and I don't think it should be driven by anecdotes.

Wheeler: Commissioner Saltzman.

Saltzman: Are cases that are subject to stipulated discipline, are those public records?

Amberg: Well, yes, they are public record, but there is an exemption under the public records law for cases that result in discipline. So whether -- whether they're released publicly really is determined on a case by case basis. Normally --

Saltzman: What -- what if the media requests the records, do we make that available or not?

Amberg: Normally we do not make those available in the normal case in a discipline case, we usually claim the exemption -- claim those records as exempt from public disclosure. Of course depends on a number of factors, the egregiousness of the conduct involved, the rank or position of the employee involved, and if there may have been some otherwise public notoriety about the particular event involved. But those are all factors we look at. But generally --

Saltzman: That would be applied whether it goes through stipulated discipline or the full police review board, it's the same policy about releasing it to the public?

Amberg: Yes, whether it was stipulated discipline or discipline through the regular process wouldn't change that at all. There wouldn't be any change to that.

Saltzman: I guess I was wondering about issues around an officer involved in domestic violence, stalking, violating restraining order, having sex with subordinate, are those eligible for stipulated discipline?

Amberg: They almost -- they almost certainly would not be eligible because they would fall under a category e or category f on the discipline guide. So they -- I mean, I suppose -- I can't think of a circumstance, maybe captain bell could give his thoughts, I can't think of a circumstance where it would be eligible for-

Saltzman: None of those actions would be subject to a stipulated discipline avenue?

Amberg: Correct. I think the other factor --

Saltzman: You said a few minutes ago that what was subject to stipulated discipline beyond what's clearly prohibited in this ordinance could be up to the commissioner in charge, the chief, a couple of other people. So is it possible that handful of other people could decide a domestic violence issue or sex with a subordinate or whatever could be subject to this stipulated discipline, when it's clearly not anticipated right now or could be by those players, I can't remember all the players you listed?

Bell: I suppose it is possible, but that would have to be their commanding officer, an assistant chief, myself, director Severe from IPR, if all those people agreed, it would still go before the chief and the mayor as the police commissioner for a final approval. So-

Saltzman: All those people would have to agree.

Bell: All those people would have to agree-

Saltzman: If one of them objected then-

Bell: It would kick it back to a normal process where it would go through a police review board.

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Amberg: The default is always going through the normal process, of course. So any -- in any case along the way, any of those individuals could say no, I'm not comfortable with this case going through a stipulated discipline process, I think it needs to go through the full-blown review process, any one of those individuals can make that happen.

Saltzman: Okay. Thank you.

Wheeler: Commissioner Eudaly

Eudaly: I am also interested in the conversation about the discipline guide, please add my name to the list. I do have an amendment to propose. In the stipulated findings and discipline section under subsection 2e, it states categories or types of cases eligible for stipulated discipline may be expanded upon by agreement of the commissioner in charge, the chief and the bargaining unit representatives. I feel since discipline procedures for the police bureau are a matter of great public interest, I would strongly prefer them to be subject to full council approval. This is meant to increase the transparency of these processes. Here's the amendment no. 1 language. In section j, subsection 2e, to delete the commissioner in charge and add and city council. This is the code as amended. E, with the exception of the categories of cases listed in subsection 3.20.140 j.1, the categories or types of cases from the police bureau discipline guide eligible for stipulated discipline may be expanded upon mutual agreement of the chief, bargaining unit representatives and city council.

Fritz: Second.

Wheeler: We have motion and a second.

Grant: Commissioners, I would also like to offer an amendment to the proposed code language. It may seem strange for me to offer an amendment at this stage of the negotiations with the Portland police association, mark amberg flagged an inconsistency or potential inconsistency between the prb code and the language for this process. When this issue was raised with the union, there was a refusal to return to their board with any changes, and so bringing it before you for approval. The prb code requires a certain incidents involving use of force – actually, I'm sorry, Karla could you distribute the amendments.

Fritz: I'll be happy to move them forward.

Grant: The prb code requires certain incidents involving use of force must go before the prb. They include all officer-involved shootings, physical injury, caused by an officer that requires hospitalization, all in-custody deaths and any use of force when a recommended finding is out of policy within the current version of the code, officer-involved shootings and in-custody deaths fall under a general umbrella of uses of force, both the settlement agreement amendments and these code changes list among the excluded categories, alleged uses of excessive force, officer involved shootings and in custody deaths, in this most recent language we are adding, officer involved shootings and in custody deaths are distinguished from cases involving cases of alleged use of excessive force. What that potentially means then is outside of officer involved shootings and in custody deaths which are already explicitly excluded by the new code language, it's arguable as to whether physical injury caused by an officer that requires hospitalization and use of force with recommended findings out of policy would also be excluded, so the amendment i'm offering is a simple clarification of 3.20.140 j1 that those two additional categories I mentioned, both involving uses of force are explicitly ineligible for stipulated discipline, preserving the original mandate they go before the prb and are subject to the regular discipline process. You all have copies of that amendment in front of you.

Wheeler: I move it.

Fritz: Second.

Wheeler: We have a motion and a second.

Grant: Thank you. Do you have any other questions?

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Fish: Commissioner Eudaly, I apologize, I didn't -- i'm just tracking as you were reading your amendment which I see is part of my package. Would you walk us through your amendment one more time?

Eudaly: Sure, it's fairly simple, just amending the language in section j, same section nicole just referred to, to say that rather than stipulated discipline being expanded upon by the commissioner in charge, the chief and the bargaining unit representatives, that it will be the full council. Or be heard by council.

Fish: Got it, thank you.

Wheeler: Very good. Does that conclude your presentation?

Grant: That concludes our presentation.

Wheeler: Fabulous. Public testimony, Karla?

Moore-Love: Two people signed up. Dan handelman and charles bridgecrane.

Dan Handelman: Hello again. City council members and mayor, i'm dan handleman from Portland copwatch as I was a few minutes ago. These amendments have, in terms of the timing the same problem I expressed around the last item, which is they were only noted and posted on friday afternoon, a lot of people in this community who are very interested in this issue probably aren't even aware that this is being discussed today. The fact that the police review board code is being opened up again and a cleanup is being done in one area where a lot of other issues that the community has been asking for around this process for years are not on the table is very frustrating. We very rarely get a chance to change this code and some of these changes are being made because of the doj agreement, but there is another one being made not because of that. Among other things, we have long asked for the person who is harmed by the police to be allowed to speak to the police review board. That's not being contemplated today. One of the things, and Commissioner Saltzman came very close to getting at this. One of the things we raised when these changes were being proposed to the settlement agreement is that the cases that are resolved through stipulation should be reported on in the twice a year public reports. That's not listed in here, it's not clear if they are going to be reported on and I would like Council to make a firm decision about that before you leave today. Those are -- the reports that we made mad libs out of because they're so redacted you can't tell the gender of the people involved. It's not going to expose the name of the officer or anything, it's just the people need to know what kind of violations are going on that officers are being disciplined for and if they're excluded from that report, we are losing out on that information. On that note, this discipline guide was actually posted also -- actually posted on saturday of labor day weekend, along with 16 other directives for review, and we only have 15 days, not even one day per directive to look at them. But that directive is up for public comment right now. I don't know why the bureau released so many directives at the same time. We also have asked that the media or the public be allowed into police review board meetings, which I think will be useful. Another thing that's actually in the settlement agreement, and we have repeatedly asked that it be added to the code, but -- I believe it's in the directive, but not in the ordinance still, is that if the police review board sends a case back for more investigation, that whoever investigated, IRP or IA, has to do more investigation and return to them within ten days, that's part of the settlement agreement. It is not listed in the code, I don't know why that's not being fixed at the same time, since we are fixing this around the agreement issues. The review board, by the way, commissioner Fritz, I believe could recommend a higher discipline, a lot of these categories have this one, two or three kinds of disciplines that are possible. It's possible the person was stipulated to something lower than what the police review board would recommend, which would still be in line with that guide. And also just one more thing, that one of the advantages of the police review board hearings, including a civilian member, which is a

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very important part of the process, get to make recommendations around policies that come up in these cases and that's going to be lost by the stipulation.

Saltzman: So, dan, what are these twice a year reports, I don't know what those are?

Handelman: The police review board reports come out -- i'm glad you asked me that question, they are supposed to come out twice a year and the last one that came out was in november of 2017. They usually come out in january and july of each year, it has a summary of the police review board hearing, laying out how many votes, not who voted which way, what the outcome was, what the recommended discipline was, and there's usually a cover sheet, I think they've changed that to say whether the final discipline differed from what was recommended by the board. This is a very important report, because those hearings are closed to the public and even the person who is there, so those reports -- the one supposed to come out in january, I was told by the police PIOs, it was handed the to the city attorney's office in early july and still hadn't been released, not sure why.

Saltzman: Are the officer's names-?

Handelman: No, that's what I said- we made a joke out of it, it's so redacted, you don't know the gender of anybody involved. I think it's over -- goes overboard in protecting everybody involved. But, yeah, there's very -- a lot of information that's redacted, even what precinct it was in, for instance, gets redacted.

Saltzman: You're saying the stipulated discipline should also be contained in that summary?

Handelman: I think it would be helpful. These are the offenses that happened and these are the disciplines doled out for those, so you we get a bigger picture of what's going on in terms of transparency we keep talking about.

Fritz: I think that's a really good point, and I think you're correct, that it's specifically not listed as something that needs to be in the report. I'll make an amendment after we've heard the rest of testimony.

Charles Bridgecrane Johnson: Good Afternoon, thank you, again, councilors, it's very encouraging to see your attentiveness there, we know that's important in the context we have just talked about, the PCCEP. Will the PCCEP have full access to un-redacted information from the prb? Probably not. If we want the PCCEP to do a good job, we need to find a way to get the PCCEP to have, ideally, we need to improve public access to the prb, but at least for the PCCEP. As commissioner Saltzman's excellent question noted, where is the self-analysis data from the police. How can we talk about the quality of policing in various neighborhoods, if they redact the precinct? We need to know by zip code or more specific information where problem policing is happening. So I think maybe you've overloaded your plate, you have some amendments from the mayor's staff, from commissioner eudaly, I think you can move and pass those amendments, I hope you'll very strongly consider bringing this back again for a better look to get longer period of public input to nail down ways -- it's not just about attacking the police, it's about making sure the police and yourselves and the PCCEP have data to find out where mistakes, problems, possibly racist incidents are happening and being able to take corrective action. So I thank you all for your attentiveness and the robust discussion around here, I hope you won't just stop with approving today's amendments, but soon on the agenda and maybe possibly this should be on the PCCEP agenda when they start meeting in november. Thank you.

Wheeler: Thank you both.

Fritz: Let's get our staff back.

Wheeler: Commissioner Saltzman did you have a question?

Saltzman: I wanted to move an amendment to include the stipulated discipline items to be included in the police review board's semiannual or twice --

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Fritz: I have the language, but i'd like to ask the staff about it. I believe this goes in section i, and it would be a new no. 3, which is section starts on page 7 and goes to -- this would be on page 8 of exhibit a. I'm suggesting we add no. 3 to say any stipulated agreements where a final decision has been reached. I'm just wanting to get your opinion as to that.

Grant: I have no objection, I fully support that.

Saltzman: Could you read that again?

Fritz: It would add to section I no. 3 on page 8 of exhibit a, no. 3, any stipulated agreements where a final decision has been reached, or mr. Amberg has better language, I would take it.

Amberg: I wouldn't say that for sure yeah, I think that seems like a fair amendment.

Fritz: Conveys what we are trying to get to.

Bell: It didn't occur to me until commissioner Saltzman brought it up, I think it's totally appropriate to include those in the biannual prb reports.

Fritz: I move that amendment

Saltzman: Second.

Wheeler: Very good, we have a motion and a second. So we have three amendments on the table, we have a commissioner eudaly's amendment, we have my amendment that nicole has worked with us to put on the table and now we have a third amendment, commissioner Fritz's amendment, let's take the amendments up in order, unless anybody has any further questions. We'll start with commissioner eudaly's amendment. Any further discussion.

Grant: The order was wheeler amendment -- you have it. Thank you.

Wheeler: Very good, Commissioner eudaly's, Karla, please call the roll, unless anybody has any further questions. Very good.

Saltzman: Aye **Eudaly:** Aye

Fritz: Thank you. Really good catch, commissioner eudaly, aye.

Fish: Aye **Wheeler:** Aye

Wheeler: The amendment is adopted. Next up is wheeler amendment one, please call the roll.

Saltzman: Aye **Eudaly:** Aye

Fritz: Absolutely the wonkiest amendment of the afternoon, thank you, aye.

Fish: Aye

Wheeler: This is why lawyers are important. I vote aye. The amendment's adopted. Thank you. And the third and final amendment is the one that commissioner Fritz just outlined with commissioner Saltzman

Saltzman: Aye

Eudaly: I have to mark this occasion because I don't know how often, if ever, a member of the Portland police bureau has expressed agreement with mr. Dan handleman, and I think it's a notable occasion, and one that I think we probably can all agree on. I vote aye.

Fritz: That's really important comment, because we are making progress, I believe, and thank you, mr. Handleman for your ongoing diligence, we can always count on you, and you often come with great suggestions. Thank you, aye.

Fish: Maybe we should get like a cd and burn it and frame it for dan. Aye.

Wheeler: This is common sense, I appreciate it. I vote aye. The amendment is adopted. Now to the main motion. Any further questions or comments, colleagues

Saltzman: Aye

Eudaly: So we know the disciplinary actions lose meaning if they occur too long after the violation of the policy, as the DOJ pointed out, a drawn out accountability process reasonably makes it harder for the public to trust that there are consequences for officers who act in violation of policies. Today's ordinance reflects a common sense approach and

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I appreciate the number of checks on power that are included here, I am also encouraged by the independent police review's approval of this policy, I vote aye.

Fritz: I concur with some of the testimony that we heard, particularly Mr. Handelman's, that it's unfortunate we are not fixing some of the other things outstanding, I hope we will continue, I think we are building some momentum, thank you, nicole grant, for going the extra mile to help me understand this and also mark amberger for your briefing yesterday. It's an important step forward, and it's finally brought to the light of day the discipline guide, which obviously I think needs some work. Aye.

Fish: Aye

Wheeler: In my role as police commissioner, obviously a number of police discipline cases cross my desk on a regular basis. In my review of each case, it's impossible not to notice how far back some of the cases extend between the date of the incident or the beginning of the investigation to the final discipline letter that is sent to the involved officer. Some of those time frames are unacceptably long, ranging from a year to two years for cases in which the officer accepted responsibility long before. This doesn't just mean that officers are left wondering when their cases are being resolved, it means community members who have brought complaints forward don't see a resolution for substantially long periods of time. Again, that is not due process. The result of this is lower morale, and a vote of no confidence from the public in a byzantine system that doesn't seem to do much to right the wrongs that they experience. One of the key areas of focus for my administration has obviously been strengthening our police bureau and making the bureau more accountable to the public that it serves, due process and accountability demand that officers and community members are given closure with their cases in a timely manner. We need to continue supporting a system that treats all involved parties fairly and respects them throughout their engagement with the city. Accountability means clarity for the public and bureau members at all stages of the discipline process. As the city, we can and should provide better service for our constituents, we should provide more clarity for our officers. We all agree we need to do better, we will do better, and I believe this process is an important way point in getting us there. So I vote aye. The resolution is adopted as amended, thank you, everybody, nicole, again, thank you. Resolution is adopted as amended and we are adjourned. Before we ring out, did we reach a resolution on tomorrow, Mustafa, on the council session? Colleagues, we'll hear more about that, apparently we have a couple absences.

Fritz: Let's just tell the public that it is possible we might not be meeting tomorrow.

****: That's fine, you still need to reconvene tomorrow to make that -- but yeah.

Wheeler: Okay.

****: Mayor, sorry, you just said the resolution was adopted as amended - it was an ordinance. I just wanted to clarify that for the record.

Wheeler: Take two. The ordinance is adopted as amended. Very good. All right, we are adjourned.

Council recessed at 4:44 pm

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

SEPTEMBER 06, 2018

2:00 PM

Wheeler: Good afternoon. This is the september 6, 2018, afternoon session of the Portland city council. Karla, please call the roll. [roll call taken]

Eudaly: Here **Fritz:** Here **Wheeler:** Here could you please read items 954 and 955.

Items 954 and 955.

Wheeler: Good afternoon, everyone. We're here for a continued land use hearing regarding property at 2855 southwest Patton road. Because other members of the council wish to participate in these proceedings, we will continue the hearing to September 20 at 2:45 p.m. The record is closed and will remain closed. At the continued hearing the council plans to conduct its deliberations. Participants are advised that council may at its discretion ask to hear from the applicant and the neighborhood representatives about the proposals submitted on September 4th. Could you also read item 956.

Item 956.

Wheeler: 956 is being moved to September 19 at 10:00 a.m. Time certain. Karla, our council clerk, has noticed this change. This doesn't make sense. Has noticed this change notice outside the change -- is that right?

Karla: It's posted outside.

Wheeler: Things are posted outside. [laughter] we will make all the appropriate public notices. Thank you. We're adjourned. And to those of you who attended today, I apologize. This was a last minute thing.

Adjourned at 2:08 p.m.

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