



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5th DAY OF FEBRUARY, 2020** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Molly Washington, Deputy City Attorney; and Cheryl Leon Guerrero and Christopher Alvarez, Sergeants at Arms.

On a Y-4 roll call, the Consent Agenda was adopted.

The meeting recessed at 10:13 a.m. and reconvened at 10:19 a.m.

COMMUNICATIONS		
84	Request of Jeff Knapp to address Council regarding negative impacts of Bull Run water filtration plant on adjacent property owners (Communication)	PLACED ON FILE
85	Request of Ian Courter to address Council regarding negative impacts of Bull Run water filtration plant on adjacent property owners (Communication)	PLACED ON FILE
86	Request of Lauren Courter to address Council regarding negative impacts of Bull Run water filtration plant on adjacent property owners (Communication)	PLACED ON FILE
87	Request of Floy Jones to address Council regarding negative impacts of Bull Run water filtration plant on adjacent property owners (Communication)	PLACED ON FILE
88	Request of Portland Youth Climate Council to address Council regarding the climate crisis (Communication)	PLACED ON FILE
TIMES CERTAIN		
89	TIME CERTAIN: 9:45 AM – Extend contract with Cale America, Inc. for Multi-Space Parking Pay Stations through April 23, 2025 for continued operations, additional door upgrades, system expansion and provide for Area Permit Program online permits for \$16,164,000 for a 10-year total not to exceed \$31,039,000 (Ordinance introduced by Commissioner Eudaly; amend Contract No. 31000720) 30 minutes requested	PASSED TO SECOND READING FEBRUARY 12, 2020 AT 9:30 AM

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90	TIME CERTAIN: 10:15 AM – Portland Streetcar Annual Report for 2019 (Report introduced by Commissioner Eudaly) 30 minutes requested Motion to accept the report: Moved by Hardesty and seconded by Eudaly. (Y-4)	ACCEPTED
91	TIME CERTAIN: 10:45 AM – Proclaim February 5 th , 2020 to be World Read Aloud Day (Proclamation introduced by Mayor Wheeler) 15 minutes requested	PLACED ON FILE
92	TIME CERTAIN: 11:00 AM – Amend the Introduction, Modal Plans, Implementation Strategies, and Glossary Chapters of the 2035 Transportation System Plan (Previous Agenda 65; Resolution introduced by Commissioner Eudaly) 15 minutes requested for items 92 and 93 (Y-4)	37478
93	Amend the 2035 Transportation System Plan and the 2035 Comprehensive Plan in compliance with the Regional Transportation Plan; adopt findings of compliance (Second Reading Agenda 66; Ordinance introduced by Commissioner Eudaly; amend Ordinances No. 187832, 188177, and 188957) (Y-4)	189848 AS AMENDED
CONSENT AGENDA – NO DISCUSSION		
Mayor Ted Wheeler		
Office of Management and Finance		
*94	Create two new represented classifications of 311 Customer Service Representative I and Representative II and establish interim compensation rates for the classifications (Ordinance) (Y-4)	189839
*95	Pay property damage claim of Jane Nahomey and Chad Gilbert in the sum of \$10,580 resulting from a motor vehicle collision involving the Office of Management and Finance (Ordinance) (Y-4)	189840
*96	Pay property damage claim of Rhys Morgan in the sum of \$11,509 involving the Portland Water Bureau and the Bureau of Environmental Services (Ordinance) (Y-4)	189841
Portland Housing Bureau		
97	Terminate limited tax exemptions for properties under the Homebuyer Opportunity Limited Tax Exemption Program (Resolution; amend Resolution No. 37449) (Y-4)	37477
*98	Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Woodstock located at 5111 SE Woodstock Blvd (Ordinance) (Y-4)	189842
Commissioner Chloe Eudaly		

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Bureau of Transportation

<p>*99</p>	<p>Amend contract with Shiels Oblatz Johnsen, Inc. for \$75,000 for Owner's Representative and Project Management Services for the 10th and Yamhill SmartPark Garage Renovation Project (Ordinance; amend Contract No. 30005241) (Y-4)</p>	<p>189843</p>
<p>*100</p>	<p>Amend contract with MEI-Charlton for \$32,371 for Special Inspections and Material Testing for the 10th and Yamhill SmartPark Garage Renovation Project (Ordinance; amend Contract No. 30006301) (Y-4)</p>	<p>189844</p>
<p style="text-align: center;">REGULAR AGENDA Mayor Ted Wheeler</p>		
<p>101</p>	<p>Appoint new members, Taji Chesimet, Jamari Etherly, and alternate member, Thabiti Lewis, to the Portland Committee on Community-Engaged Policing (Report) 20 minutes requested Motion to accept the report: Moved by Hardesty and seconded by Eudaly. (Y-4)</p>	<p>CONFIRMED</p>
<p style="text-align: center;">City Attorney</p>		
<p>102</p>	<p>Authorize City Attorney to appeal judgment in Alan Lloyd Kessler v. City of Portland, Multnomah County Circuit Court No. 18CV43134 (Resolution) 15 minutes requested Motion to include the following statement, be it further resolved, the City is already taking steps to have a records fee policy that ensures transparency and thus the City should enter into settlement discussions while the appeal is pending to resolve the case: Moved by Eudaly and seconded by Hardesty. (Y-4) (Y-4)</p>	<p>37479 AS AMENDED</p>
<p style="text-align: center;">Office of Community Technology</p>		
<p>103</p>	<p>Grant a one-year temporary, revocable permit to Verizon Wireless, LLC for wireless communications services in the City (Ordinance) 20 minutes requested Motion to change name to Cello Partnership dba Verizon Wireless: Moved by Wheeler and seconded by Eudaly. (Y-4)</p>	<p>PASSED TO SECOND READING FEBRUARY 12, 2020 AT 9:30 AM AS AMENDED</p>
<p style="text-align: center;">Office of Management and Finance</p>		
<p>*104</p>	<p>Authorize an interfund loan not to exceed \$3,333,500 from the Transportation Operating Fund to the General Fund to provide financing for prepayment of Limited Tax Housing Revenue Bonds, 2005 Series D and amend the FY 2019-20 budget (Ordinance) 20 minutes requested (Y-4)</p>	<p>189849</p>

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105	Approve findings to authorize an exemption to the competitive bidding requirements and authorize the use of the alternative contracting method of Construction Manager/General Contractor in connection with the Parklane Park Construction Project for an estimated amount of \$8,500,000 (Ordinance) 20 minutes requested	PASSED TO SECOND READING FEBRUARY 12, 2020 AT 9:30 AM
Commissioner Amanda Fritz Water Bureau		
106	Amend contract with Analytical Services, Inc. for a no-cost extension to provide back-up Cryptosporidium laboratory testing in support of Portland Water Bureau's Bilateral Compliance Agreement with Oregon Health Authority (Second Reading Agenda 69; amend Contract No. 30004436) (Y-4)	189845
107	Authorize an Intergovernmental Agreement with the Board of Governors of the Colorado State University System for laboratory services for Cryptosporidium wildlife scat analysis in an amount not to exceed \$400,000 (Second Reading Agenda 70) (Y-4)	189846
108	Declare surplus real property at six Water Bureau locations and request authorization to dispose of these properties (Second Reading Agenda 76) (Y-4)	189847
Commissioner Chloe Eudaly Bureau of Transportation		
109	Extend contract with Central Parking System of Washington, Inc. through March 31, 2021 for Parking Garage Management Services (Ordinance; amend Contract No. 30001972) 15 minutes requested	PASSED TO SECOND READING FEBRUARY 12, 2020 AT 9:30 AM

At 12:41 p.m., Council recessed.

<u>WEDNESDAY, 2:00 PM, FEBRUARY 5, 2020</u> DUE TO LACK OF AGENDA THERE WAS NO WEDNESDAY 2:00 PM MEETING	
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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **6TH DAY OF FEBRUARY 2020** AT 2:00 P.M.

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

Commissioner Fritz left at 4:51 PM

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lauren King, Deputy City Attorney; and Cheryl Leon Guerrero and Christopher Alvarez, Sergeants at Arms.

The meeting recessed at 2:38 pm. and reconvened at 3:01 p.m.

<p>110 TIME CERTAIN: 2:00 PM – Consider removal of a condition of approval imposed by prior Comprehensive Plan Map and Zoning Map Amendment ordinance at the request of Allison Reynolds of Stoel Rives, LLP and the recommendation from the Hearings Officer for property at 1710 NE Multnomah St (Hearing introduced by Mayor Wheeler; LU 19-223221 CP ZC) 1 hour requested for items 110 and 111</p> <p>Motion to tentatively approve Hearings Officer’s decision with the condition to require a minimum of 100 housing units for the property: Moved by Hardesty and seconded by Fritz. (Y-4)</p>	<p>TENTATIVELY APPROVE HEARINGS OFFICER’S DECISION WITH CONDITION OF APPROVAL; PREPARE FINDINGS FOR FEBRUARY 19, 2020 AT 9:45 AM TIME CERTAIN</p>
<p>111 Remove a condition of approval imposed by a prior Comprehensive Plan Map and Zoning Map Amendment ordinance for Property at 1710 NE Multnomah St at the request of Allison Reynolds, Stoel Rives, LLP (Ordinance introduced by Mayor Wheeler; LU 19-223221 CP ZC)</p>	<p>PASSED TO SECOND READING FEBRUARY 19, 2020 AT 9:45 AM TIME CERTAIN</p>
<p>112 TIME CERTAIN: 3:00 PM – Accept Fixing Our Streets Annual Program Report (Report introduced by Commissioner Eudaly) 45 minutes requested for items 112 – 114</p> <p>Motion to accept the report: Moved by Eudaly and seconded by Hardesty. (Y-4)</p>	<p>ACCEPTED</p>
<p>113 Refer a measure to City voters for the May 19, 2020 election authorizing the extension of a program dedicated to street repair and traffic safety through a temporary, 10 cents per gallon tax on motor vehicle fuels in Portland for vehicles not subject to weight-mile tax and amend City Code 17.105 (Resolution introduced by Commissioner Eudaly)</p> <p>Motion to accept substitute Exhibit A.1: Moved by Fritz and seconded by Hardesty. (Y-4)</p>	<p>37480 AS AMENDED</p>
<p>114 Establish a Heavy Vehicle Use Tax to fund Portland's Street Repair and Traffic Safety Program (Ordinance introduced by Commissioner Eudaly; amend Code Section 7.02.500)</p>	<p>PASSED TO SECOND READING FEBRUARY 12, 2020 AT 9:30 AM</p>

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<p>115 TIME CERTAIN: 3:45 PM – Appoint Richard Roche and Kory Murphy to the Mt. Hood Cable Regulatory Commission (Report introduced by Mayor Wheeler) 45 minutes requested for items 115 and 116 Motion to accept report: Moved by Hardesty and seconded by Eudaly (Y-3; Fritz absent)</p>	<p>CONFIRMED</p>
<p>116 Appoint Karim Hassanein to the Open Signal Board (Report introduced by Mayor Wheeler) Motion to accept report: Moved by Hardesty and seconded by Eudaly (Y-3; Fritz absent)</p>	<p>CONFIRMED</p>

At 5:12 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland
Karla Moore-Love
Moore-Love
Digitally signed by
Karla Moore-Love
Date: 2020.07.14
11:28:38 -07'00'

By Karla Moore-Love
Clerk of the Council

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.**

January 5, 2020 9:30 a.m.

Wheeler: Welcome to the february 5, 2020 session of the Portland city council. Please call the roll. [roll taken]

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

Wheeler: we usually read a script allowing commissioner Fritz to speak. Does anyone have any objections to commissioner Fritz participating by phone? No objections? We will now hear from legal counsel on the rules of order and decorum.

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

Wheeler: Thank you very much, Karla. First up is communications. The first individual may not be here, but we should read it anyway.

Moore-Love: Yes.

Item 84.

Wheeler: Is jeff knapp here?

Moore-Love: He said that he's not able to make it today.

Wheeler: Okay, very good. Could you please read the next three individuals together, 85-87, please.

Items 85, 86 and 87.

Ian Courter: I would like to request some additional time.

Wheeler: I am sorry, we are only able to give three minutes a person.

Ian Courter: No worries, I have two versions and I will read the short version.

Wheeler: And you can also submit one for the record, and I promise we will read them. Thank you.

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Ian Courter: Okay, great. I will jump right in here, I am ian courter, here to offer testimony in opposition to Portland water bureau's proposed water treatment plant in east county. To put it plainly, this is an unnecessary, immensely expensive endeavor that will have grave impacts for Portland residents and businesses, alter the taste in Portland's water and ruin the rural community of pleasant home. As I digest the information about why it is being built and consider the decision-making process, I find myself bewildered by the lack of accountability for the water bureau, and imprudent decisions made by this council. My trust in the city's government is extremely low and here's why. The primary reason for a treatment plant to be built is to address the federal drinking water rules pertaining to cryptosporidium. That is the foundation of the project. Although much less expensive options for treating this exist, council opted to select filtration because it is expected to provide additional treatment, beyond what's required to satisfy the federal rules. In december of 2018, mike stir was supportive of his staff, the water bureau explained the plant, and at carpenter lane in east county would cost 500 million. And which is 2.5 to five times the cost of the u.v. Treatment plant. The council decided, or sided with mike stir's representation, approving the 500 million option over the less expensive alternative. Nine months later mr. Stir returned to council revealing an additional 350 million would be needed to install the pipes to carry the water from the existing conduit to the new filtration plant at carpenter lane. At that time mr. Stir told the council the bureau forgot the pipes, and in hindsight we know this was dishonest for two reasons. The bureau, the bureau's own assessment reports, which predated the cost estimate, highlighted the need for pipes at the site, and secondly, a water treatment plant won't be functional without a water supply. The chief executive of the water bureau lied twice to this council, first when he provided the cost estimate in 2018, and second when he explained why the pipes were forgotten. Here's the important part. How did council respond? In short, nothing changed, mike stir, david peters, they still have a job, and a 51 million design contract was approved despite the deception and poor rationale. You are moving forward. I've been struggling to understand why the city council would be eager to spend this much money on a project you don't need. It's something the water bureau wants, yes, but it's not something that the city needs. Recently I learned about the city's 5% united airline fee. Could that be a source of motivation? Behind this project? Why is this council willing to support this? 5% of a billion dollars is 50 million that will go into the general fund, is that influencing this process? I am suggesting to you and those listening to the testimony that there is something corrupt in this process, what you are doing may not be illegal. It's not -- it's no less corrupt for governments to use, inter-agency agreements, self imposed time lines and complicated policy-making to conceal the true reasons for a massive public expenditure.

Wheeler: Thank you. Good morning.

Lauren Courter: Good morning. My name is lauren courter. My testimony today is a continuation of my unfinished statement from last wednesday regarding the unnecessary proposed billion dollars water filtration project. The repeated strategic misrepresentations by the Portland water bureau and the commissioner in charge are alarming, and this continues to move forward. The city council, you are failing rate payers. You should hold the agency accountable with their frivolous infrastructure projects. The essence of Portland water bureau's strategic dishonesty on the filtration projects is when mike stir revealed the cost for the pipes. Let me remind you of the time line. In august 2017, the city council approved filtration at the cost of 350 to 500 million. Following a site selection process the carpenter lane site was selected in august of 2018, and jacobs engineering explicitly stated that the carpenter lane will require additional raw and treated water pipes because the site is about a mile off the conduit. In december of 2018, Portland city council approved \$500 million of the project with no change from the estimate. Nine months later in september, 2019, mike stir discloses that the project budget will need to increase by 70% because he

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forgot to include the cost of pipes. Mr. Stir did not forget the pipes. If he read the engineering report in 2018, he knew that the pipes would significantly increase the cost of the project. Yet in 2018, he strategically waited for city council to approve filtration at carpenter lane before the big reveal. Intentionally withholding critical information, waiting for city council approval and asking forgiveness when the truth is publicized is not the actions of a prudent agency. Portlanders a council that keeps the agency accountable. Last november I had a meeting with commissioner hardesty just before the 51 million stantec design contract decision. Commissioner hardesty voiced her desire for an objective third party review of the project and budget by another engineering firm. Unfortunately this was never pursued, however this is exactly the type of accountable the Portland water bureau needs, Portlanders cannot be saddled with a \$1 billion project solely based on the recommendation of the benefiting agency. Lastly, I need to point out that our community will fight this project at land use and we will guarantee that the city of Portland will not meet their 2027 deadline. You will find yourselves in 2027 without compliance to the federal mandate and an ever ballooning cost to the constituents. Thank you.

Wheeler: Thank you. Good morning.

Floy Jones: Good morning. Floy jones, I am with friends of the reservoirs, and it was friends of the reservoirs in 2004 that exposed the water bureaus having been involved secretly along with the consultants in crafting this regulation. Why is it that not one other utility in the entire united states wrote comments supportive of this regulation that is flawed from the start? Every other large unfiltered system submitted scientific, scathing commence against this regulation, but I have heard the water bureau say this multiple times. Managers. Designing and building is glamorous, maintenance is boring, and that's behind a host of large projects. In 2017, the water bureau asked you to throw out 16 million of the u.v. Radiation which complies with this. They said filtration solves all problems, all the hypothetical problems, and they submitted no evidence of their hypothetical theoreticals. What's most appreciated about bull run water and our protected watershed is there are minimal chemicals. We don't have to dump in massive amount of chemicals, and up until 15 years ago, water was affordable for all. There is no yucky taste, that's associated with the polluted water systems that require filtration. He told you that there is thousands of filtration plants across the country. Yes, there are thousands of polluted watersheds across the country where you have to put in these chemicals. What else did he tell you? He told you, turbidity is a problem. I have gone to wholesale meetings for 17 years, and taken time out of my life to do all these things, and if you read the reports just from the last say three or five years they don't tell you it's a problem. It's the opposite. We hear this repeated in news articles, that they tell you oh, policy is climbing. Yes, it has for the last decades, and what's happened to the water demand? They don't produce them any more because they don't show what they want you to show, that water demand has gone down. They will talk about the catastrophic fire. Well, shouldn't you be able to look across the country and find the scenarios like that? You can, you can look at denver and what does it do to a filtration plant? It sheds -- it sheds it down. Mikester has never made a Portland water bill and doesn't have an appreciation for the lack of chemicals and yucky taste, but those of us born and live here and appreciate all the work that you are father fathers put in to protecting this watershed don't want high water bills or chemicals in our water, and you can turn this around, and that's up to you, whether you turn this around or take us down this path, but it's really a horrible legacy. So far, we have spent a half billion you, not counting on the treatment site, but on the reservoirs, and we did not get much for that. I could go through a long list. I could spend an hour talking to you about the flaws. You need to turn this around.

Wheeler: Thank you. Appreciate it. And I believe that we have one more individual, Karla?
Item 88.

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Wheeler: Good morning. Welcome.

Simon Skates, Portland Youth Climate Council: Good morning. Hi, I am Simon, been here before, and you probably recognize me, part of the Portland youth climate.

Wheeler: Good to see you.

Simon Skates: You, too.

Hardesty: Move the mic a little closer.

Simon Skates: Is that good? Thank you. I am here to talk to you today about the ongoing concerns about the Zenith oil facility. Concerns that we know you share. The expansion of oil production, storage, and combustion is dangerous, and destructive. Going as everything signs are telling us to be able to continue living on the planet, we understand blocking the expansion or better yet shutting down the expansion entirely has proven difficult. Zenith is a threat to our future. We need you to continue this fight. In fact, Zenith Energy and previously [inaudible] have operated the facility on a Title 5 air quality permit, and it expired in 2012. Eight years on an expired permit. This is unacceptable. However, there is a way the city can take a stand. The Deq needs to take action on this, and luckily, the city has a great deal of potential power. In Oregon, the cities get to make a land use determination in conjunction with this permit. Zenith has to request a land use compatibility statement from the city of Portland. That is where the city has the power. The opportunity to halt this project's expansion and shut it down. The city must ask the Deq to not issue a permit until the city can review the consistency with the local land use compatibility. The last time the city of Portland issued a land use compatibility statement for this, for the address, at which Zenith operates was in 1995. A lot has changed since. And there are many ways that the Zenith's operation is not consistent with the city's comprehensive plan. The environmental destruction and degradation from oil extraction and combustion, the heightened risk and dangers of tar sands oil, all pose threats, which are greatly endangering to our communities. Not to mention the expansion of fossil fuel infrastructure, and on top of that, Zenith is operating with an expired permit. If you cannot drive around the car with expired tags, why can this facility operate with expired permits. In order to protect everything we love and care about, the Portland Youth Climate asks the city to use the power to undertake a land use review and determine Zenith Energy is not compatible with the 2035 comprehensive plan, current code and binding city policy. Thank you very much.

Wheeler: Thank you. Could I get a copy of your testimony?

Skates: Definitely.

Wheeler: If I could grab that, if you could leave it with Karla. Good testimony. Greatly appreciated. Karla, have any items been pulled off the consent agenda?

Moore-Love: We have had no requests.

Wheeler: Please call the roll.

Fritz: I am super excited to vote for the consent agenda today because the first item is to create two new represented classifications of 3-1-1 customer service representatives. And I am really happy to see that Mayor Wheeler is the mayor who is getting 3-1-1 done and happy to vote aye.

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

Wheeler: Aye. The consent agenda is adopted. First time certain item, please item no. 89.
Item 89.

Wheeler: Commissioner Eudaly.

Eudaly: Thank you, Mayor. Council originally executed a contract with Cale America in 2016 for parking pay stations you see throughout the count core, central east side, northwest, and other areas of the city. This was a large contract and has a provision to extend for a period of an addition, additional five years until 2025. This ordinance before us today is to amend the contract with Cale America to accomplish the following things --

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maintain the operations of the 2,200 existing pay stations, allow pbot to purchase additional pay stations in new districts are developed, provide for online parking permits and provide customer service through the help desk. I would like to turn it over to the city's chief procurement officer, lester, and the parking operations manager, chris arms, to provide you with a background and details of this amendment. Welcome, and please state your names for the record.

Lester Spitler, Chief Procurement Officer: Thank you, commissioner eudaly. City council, I am lester spitler, the chief procurement officer. The legislation before you is an authorizing ordinance to amend the contract to add five years to the term and add a significant amount of money. I am here co-presenting with pbot to support this amendment. My staff and I met with pbot leading up to this event and worked with them. And we examined all the options for what would be the best next step to expand the system and leverage the existing taxpayer dollars that have been invested in this in the system so far. After discussing the options, and associated costs, we are in agreement this is the best option for those reasons, and we also believe the terms and conditions of the contract are more favorable than what we would be able to obtain from the competitive effort on the open market, and for those reasons I am here to support this effort and answer any procurement or contract related questions, if not, chris arms from pbot is here to present on the details, and she can answer any scope or system related questions. Chris.

Chris Armes, Bureau of Transportation: Good morning, mayor and commissioners. We are here today with an ordinance to amend the contract with cale america. Pbot entered into the existing contract with cale america in 2016 for a five-year term. It has provisions for an additional five years. The original contract included operations of the existing on-street parking pay stations, procurement up to 1,000 additional machines, customer support and help desk. There are -- there's been three amendments to the existing contract. And amendment one was for 1.2 million in added a payment gateway service, and changing the service to cale saved 600,000 annually. Amendment two was for 150,000 for the development of an online digital permit system, and amendment three was for 1.75 million to upgrade the existing machines to be ada compliant and convert to a pay by plate system. With the amendments and the current contract total is 14.875 million and the new requested amendment is to an extent for five years and adds 16.1 million. The free pieces to the amendment today, the first piece is continue the operations of the pay station and help to support, and the 9.6 million of operating funds includes wireless and payment gateway, and management system and a pay by plate and text receipt fees. And the second piece is completing the upgrades of the existing machines, and the ability to purchase up to 600 meters if needed to expand the existing districts or if there is an, a, an adoption of a meter district. The third piece, is an online permit system. Currently the area parking permit issues 30,000 permits annually, and this is a paper system. The new system will be online and eliminate the paper applications and permits for community members who don't have a computer, they can call customer support or come to the service center, and the staff can issue them a permit. The requested amendment is to extend the five-year term and add 16.1 million, the request for proposal process will start in 2024 for a new contract to be placed in 2025.

Wheeler: Commissioner hardesty?

Hardesty: Thank you. I noticed during your slide it said that you would start the outreach in 2025. Was that a misprint?

Armes: It will start in 2024, and I expect it to be a lengthy procurement process and would need to be in process by 2025.

Hardesty: As do i, which was why I was concerned about that slide, what's different in the new contract as you go out next time for, for -- to look to see what else is out there.

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Armes: Well, technology is changing very rapidly in this sector, and we anticipate there may be the ability to need less on-street pay stations and other options for payment, so we will put an rfp out seeking solutions for that.

Hardesty: And today we have different meters depending on what side of town you are on, if you are over by Multnomah county's office building, the meter, as you put in your license plate and they don't let you, actually, add any dollars to it, and then, you know, we have the old meters that seem like they have been around forever. Is there going to be some continuity and, the new rfp?

Armes: We are looking to change them out so they are the color touch screens with a pay by plate system so there is no more paper.

Wheeler: Commissioner Fritz has a question.

Fritz: Good morning. Would you please tell the folks at home about the modifications that you required to be ada compliant and the different languages?

Armes: I am sorry?

Wheeler: The enhancements.

Armes: Right now the new pay by plate system and the color touch screens will be available in english, spanish, and vietnamese and russian.

Fritz: And you have improved the ada accessibility, right?

Armes: Yes, so the new upgrades with the meters, they meet ada with the display and then the heights from the ground.

Fritz: Very happy to see those modifications. Thank you very much.

Wheeler: How does this contract evolve as the technology evolves? A lot of us are using the parking app, and it's convenient if you happen to have access to a smart-phone, and I am assuming that the penetration is going to continue to expand in the years ahead. Is it fair to assume that eventually we will move to an app-based approach?

Armes: There is 40% of the transactions that are through parking kitties, so the new rfp will look for different payment options and whether -- what will be available to the people through their mobile device or what would be available on the street, so we will make sure that we have options for everybody, whether they have the mobile device or not.

Wheeler: Because I am assuming that a large part of the cost here is the infrastructure, itself, putting the stations out there, and eventually, my assumption is that we want to move people to an app-based approach to this. To get rid of the infrastructure.

Eudaly: I don't think that's possible just because not everyone has a phone, people visiting from out of town may not have the app.

Armes: We anticipate needing to have a payment system for people who do not have a mobile phone or a credit card, so right now the on-street kiosks allow people to pay through coin.

Wheeler: Well, you know, it sounds like the flexibility is there, and I will just keep an open mind with regard to what the future holds. But at some point my guess is maintaining the infrastructure is not going to be cost effective relative to the proceeds that are coming in for people who still need to use the old school.

Armes: Yes, what we anticipate is there may be an opportunity to distribute the machines out over a larger, a larger area, so there would not need to be one on every block face for people to ask that.

Wheeler: Good idea.

Eudaly: And we can all have chips implanted in us -- I am kidding, mayor, I am sorry.

Hardesty: I do have one more question.

Wheeler: Please, commissioner hardesty.

Hardesty: Does the city of Portland make any revenue from parking meters around town?

Armes: Yes, so currently, pbot generates about 36 million from on-street parking.

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Hardesty: And so that goes into pbob's budget, and used for transportation improvements, I am assuming?

Armes: Yeah And we recover our cost for maintenance and operation of the machines, and after that, the remaining goes into the gtr fund and pbob. It will be used for different projects throughout the bureau.

Hardesty: And the gtr fund is?

Armes: The general transportation revenue.

Hardesty: For our listening audience -- thank you.

Eudaly: It's one of the few revenue streams with no strings. A lot of the money that comes in the bureau is very specifically targeted. It comes in handy.

Hardesty: That's not a small piece of change. Thank you.

Wheeler: Great. Any further questions? Very good, is there public testimony on this item?

Moore-Love: Yes, we have one person signed up. Lightning super carmen is a.

Fritz: Mayor, I have a comment.

Wheeler: Yeah, please, commissioner Fritz.

Fritz: I wanted to make sure as we move forward you must be able to continue to pay with money on the street. That's so difficult for tourists and anybody else if you cannot pay with money.

Lightning Super Karma: Yes, my name is lightning, I represent lightning super karma. Again, I will just be up front. I am really tired of these people out of florida, clearwater, florida to get these type of contracts. I want to see the people from Portland get these contracts. I really don't like to see contracts going to other states. That is my biggest objection to what the city council does. I want the locals to be taken care of, and I want the locals to have the jobs. I want the locals to have all the money circulated to all of the business owners, by these contracts. And instead, the money goes back to clearwater, florida, where president trump and all his friends live, so I am not happy with this. Issue number two, I didn't see any comparables to why you think this is a good price on the amendment. I didn't see any other comparables through the data or any other companies saying that this is really a great deal. And how do we vote on something that we have no comparables to understand? And of course, this company is going to say, this is the best price that you can get but you know, you brought up some good points, mayor wheeler, on app and different other ways of doing this. I would love to hear from other companies on that issue because I think that you are right, that is the new direction we're seeing everything going right now. Why they can't do this or has another company been able to, but it appears that this company has this locked in pretty good. They were able to extend this five years out and by the way, I read this on this ordinance, it says for a ten-year total. Now, I was told it goes out five years, and maybe they will do an rfp in four years and see where we are at. By this, I am reading, it goes out ten years. Now if I am incorrect on that, that's okay. But if I am not, this company will stand back and say no, your ordinance said for ten years on here, and guess what, we are going to get our ten years whether you like it or not, and that's normally how it's going to work. So I want to make sure that's clear. I want to see other bids from other reputable companies that do this. I want to see other new technologies that are brought to the table because even by this agreement, they have stated well, we might put in additional ones, and we might not. So there is this option of maybe we will and maybe we won't, and what direction do we go. And again, it's hard for me to make a decision this big of a number without seeing actual data and actual comparables from other legitimate companies that want this contract, also. Thank you.

Wheeler: Thank you. Commissioner Fritz had a comment. Commissioner Fritz, did you have a comment?

Fritz: I am sorry, that was for the last one. No, I don't.

Wheeler: Okay. Thank you. Very good. Any further discussion?

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Eudaly: I would like to clarify, we are five years in, and we have five years to go with this. I am also very much a buy local, do business locally person. I do not believe that there is a vendor that could provide this equipment or these services in Portland or even the state of Oregon. And we -- pbot, we care about getting a good deal, and we are extending this contract because it makes the most fiscal sense at this juncture, and in the next few years, we will be looking at all the options thank you, mr. Lightning.

Wheeler: Very good. This is a first reading of a non-emergency ordinance and moves to second reading. Next item, item 90, time certain. It is 10:15 time certain and it's 10:04.

Wheeler: Have a seat, sorry for the fire drill. No worries.

Eudaly: That almost never happens.

Wheeler: I know, that's impressive. Let's go to a couple of second readings at the end of the regular agenda. Could you please read 106, Karla.

Molly Washington: Before you do that, mayor, there is a script for the electronic communication that you are reading still. I think that should be done in advance of the second readings on these items.

Wheeler: Okay. Pursuant to pcc3.02.025, commissioner Fritz is participating by telephone because of -- because she can, without commissioner Fritz's participation by telephone, there is not a sufficient number of council members present to conduct the city's business, which is true on the city's items. Is that -- does that satisfy your requirements?

Molly Washington: It might. Give me a second.

Wheeler: That's what my script says.

Eudaly: We determined there is no objection.

Hardesty: We did that earlier.

Molly Washington: So I will just read down to the bottom, do any of the council members who are physically present object to having commissioner Fritz participate by telephone?

Hardesty: No.

Eudaly: I do object to this cut rate sound system, however, we need to upgrade.

Wheeler: We upgraded last year. [laughter]

Eudaly: Oh. Oh, boy, okay, no objections.

Wheeler: She will let me know if we are good.

Molly Washington: The rules state that the council is to be making a record of the circumstances constituting the emergency, which requires the use of the telephone. A record of the nature and extent of the attempts made to give the physically absent council member an opportunity to participate.

Wheeler: Commissioner Fritz, help me out here, please.

Fritz: It's really hard to hear you today. The microphones are not playing up, could you say that louder, please, mayor?

Wheeler: Commissioner Fritz, can you hear me okay?

Fritz: It's really hard to hear everybody. If you could speak louder, that would be very helpful.

Wheeler: Commissioner Fritz, can you hear me?

Fritz: Yes, can you hear me?

Wheeler: Yes, so I am going to read for you what the rules require for the participation by telephone. The council is to make a record of the circumstances constituting the emergency which requires use of electronic communication and a record of the nature and extent of the attempts made to give yourself the physically absent council member an opportunity to participate by telephone. So if you could give us a bit more information on why you are not able to participate in person today, that would fulfill that requirement. Thank you.

Fritz: Oh, thank you. I had major surgery three weeks ago, and I am still recovering. I can't get in this early, but I am participating by phone.

Molly Washington: Thank you.

Wheeler: And I did not feel it was my place to disclose that. So that was my reluctance. In fact, I believe that there are laws against me disclosing that kind of information. But, nonetheless, here we go. Second reading, item 106.

Item 106.

Wheeler: Any further discussion, seeing none, call the roll.

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

Wheeler: Aye. The ordinance is adopted. Next, a second reading, please, 107. Please read that item.

Item 107.

Wheeler: Further discussion on this? I certainly hope not. Very good, please call the roll.

Fritz: Aye.

Hardesty: Aye.

Eudaly: Aye.

Wheeler: This sounds like it's going to be assimilating analysis and I am glad that I don't have to do it. I am happy to have somebody else do it. I vote aye and the ordinance is adopted. 108, second reading.

Item 108.

Wheeler: Further discussion on item 108.

Fritz: Colleagues, I appreciated the discussion last week and the conversation that commissioner hardesty and I yesterday. And for the past 11 years, I probably have been the most active member of council in looking after people who live outside and trying to find creative solutions for them. I worked for five years to move the right 2 dream too from 4th and burnside to the current location, and I have been looking out for how can we be more helpful to people living outside while at the same time we stressed a need for affordable housing. These surplus properties, mostly, are residentially done so they will be available for new homes to be built, and that, of course, is what we need the most is permanent housing. And so I appreciate the conversation that we did look into all of the options for other uses for these properties, and I believe that this is the right action. Aye.

Hardesty: I also appreciate the conversation that we had last week. My conversation with commissioner Fritz yesterday. My concern still remained that as a city, we own property that we then sell, and we say that the biggest cost, the biggest barrier to building affordable housing is land. And we sell the land, and we go out and we buy more expensive land somewhere else. I hope that this council at some point comes together and figures out collectively what we do when we declare an emergency, and when we have land and we have people who are in desperate need of safe, secure locations to lay their head at night. I will support this because commissioner Fritz assured me that again, all these properties with one exception are in residential areas so the hope is that somebody buys it and builds some housing on it. I think we could do so much better with land that the city owns, especially in an emergency. I vote aye.

Eudaly: Similar sentiments to commissioner Fritz and hardesty. I appreciated last week's conversation. We have been kind of combing the city for pbot properties that could be used for the purposes of alternative shelter sites. And that has been kind of a frustrating ongoing process over the last three years, so I am happy that I have a bureau that has some of those extra properties. I understand that the water bureau and bes has kind of special constraints on them due to being rate payer funded, but I am -- I am going to strongly suggest that we, as a body, establish a community benefits policy for the disposition of the public land moving forward, and I would love to have that conversation and ensure that we are putting every square inch of property we have to the best use for the public benefit. I vote aye.

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Wheeler: And just to put people maybe at ease at least in the interim, and I support this idea of a more formalized enterprise-wide approach. The housing bureau does, in fact, make sure that they cull through all the dispositions and if there are properties that are appropriate, for their work, they definitely express an interest. It's a footnote on this particular one since it is coming through the water bureau, those are market rate opportunities because there is the issue relative to holding the rate payers whole in the case of assets directly related to the water bureau, but the larger point is well taken, commissioner eudaly. And commissioner hardesty, I vote aye, the ordinance is adopted.

Fritz: Could I comment, please?

Wheeler: Yes, commissioner Fritz.

Fritz: I just wanted to add -- thank you, commissioner eudaly for her comments and also to credit commissioner Fish who put in place this process for the disposal, particularly of the water bureau and any surface property and for the water bureau, the money from the sale of the properties goes into the water fund which helps all rate payers, and so there is that community benefit dedicated to the efficiencies and economies within the water bureau. Thank you.

Wheeler: Thank you. I vote aye. The ordinance is adopted. We are in recess for two minutes. [two-minute recess taken]

Wheeler: For the council, she's having troubles understanding what we are saying so if we could speak more into the microphone it will help her understand what we are saying, item 90, please, Karla, time certain.

Item 90.

Wheeler: Come on up. Welcome, and thank you for being here. I am sorry, commissioner eudaly.

Eudaly: Thank you, mayor.

Wheeler: I apologize. [laughter] got ahead of myself there.

Eudaly: We're here for the annual report to council from Portland streetcar, which continues to provide transit to thousands of Portland residents in the central city on a mission-free renewable energy. And I am excited for you to hear about the success of the grand avenue business access and transit lane that was installed this year, or was it last year? I think last year. It gives us a great starting point for rolling out the rose lane project and providing faster, more reliable transit across the city. Here to present the report and answer any questions you may have is katherine lavigne, our pbot streetcar division manager, and dennis allen, the chair of the psi volunteer board of directors, and dan bower, executive director of Portland streetcar, inc. Please remember to state your name for the record before you begin.

Kathryn Levine, Bureau of Transportation Division Manager: Good morning, mayor and commissioners. I am katherine lavigne with Portland transportation, and today is our sixth annual Portland streetcar report to council. As commissioner eudaly noted, speaking today will be dan bauer, the executive director of Portland streetcar, inc. Dennis of the psi board and guests. I wanted to thank you for the opportunity to bring forward an overview of the streetcar service in 2019, and acknowledge there have been challenges. We have also found solutions to some of those challenges, and I would like to call out three before moving to the formal report. First, in 2019, streetcar participated in pbots pilot red line project. This was important for our system because we have the location on our system on northeast mlk south side of the convention center, which is a transit-only lane. And we have had a safety issue with cars encroaching into that lane and getting stuck. The red lane pilot project used that location and since the instillation of those improvements, we have not had a single time into that lane so from a safety perspective we consider that successful. Secondly, as you know, we had last fall, a derailment near psu, at 5th and montgomery, actually the second derailment in that location, and since then, we have

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worked with a signal engineering firm, and designed a secondary system, which has been installed, and I know that we had quite a discussion about shunt last time, but should there ever be a loss, there is a mass detector in play, that will prevent the switch movement, and with that, we hope to avoid any future derailments in that location. Thirdly, I would like to call out our focus on safety, and more specifically, in the past year, with our safety officers, guidance, we really looked at slip trip and falls. And so I believe that one of the handouts that you have is a brochure that psi created for us. Under the current reporting rules, to the state, and federal agency, we report on slip, trip falls that result in medical transport, or may have involved the train because of the fact that the train was moving. There, actually, were 16 of those in the prior year. And they don't tell the whole story. As part of our safety program, streetcar has been recording data on every incident, every slip trip and fall. So reportables may have been 16, but there are 35 slip, trip and falls. And gathering data that recorded data, location data, and data on the demographics is designed to help us figure out how we can educate our customers and how we can mitigate any factors in the environment, and try to bring that number down. Our goal is to have a safe and comfortable system for everybody to ride, especially on a lower floor transit system, so in the future you will be hearing more about the -- more about the mitigations we take, but I wanted to bring that to your attention.

Eudaly: I really appreciate the less slips, trips, and falls because Oregon has a high rate of serious injury and fatality in seniors who fall for a variety of reasons. And it's gotten a lot worse in the last 20 years, so I appreciate the focus on that.

Levine: Thank you. With that, I would like to turn to dan bauer, who will provide the formal presentation.

Dan Bower, Executive Director Portland Street Car: Thank you, katherine. I am dan bauer, the director of streetcar inc. We have a private nonprofit with a board of directors that sits between tri-met and the city and is helping advocate for and managing the streetcar program. This is a fairly quick presentation. It's nice to check in on what's happening with streetcar. I think it's important for everybody to take a step back and recognize what's actually working and working very, very well. Commissioner eudaly, earlier when we were talking a month ago we were talking about how we don't see each other enough, and that's because nothing -- things are going well, and that's largely due to the fact that katherine is a fantastic manager of the streetcar system, so thank you.

Eudaly: I like you, dan, but I have no complaints.

Bower: If we city each other, things are bad, all right. But importantly, we do run -- the city does own and run a 100% renewable electric transit system. It carries 13 to 15,000 passengers. That's more than any bus line, that's on par with the yellow line max. We have had zero fatalities and 19 years of service. More than 50% of all housing built in Portland in the last 20 years is on the streetcar line, and 40% of all subsidized affordable housing is on the streetcar line. This is all part of a plan. This is happening because we put these things in place. We built the transit and we invested in the land use scenarios, and it is bearing fruit.

Eudaly: Can you define "on the streetcar line."

Bower: A quarter mile.

Eudaly: Thanks.

Bower: And not -- sorry, like other transit systems, the people who live along the line are using it. Our demographics are one to one in terms of who rides it and lives along it, so the investments and affordable housing are jobs or institutions, those are paying dividends in terms of the ridership, and 96% of the riders get to the streetcar by walking out their front door and boarding the train. You are building walkable communities, transit ridership. As you build housing, you build ridership, and it's a self fulfilling prophecy. You are building neighborhoods people don't have to rely on cars. 81% of the riders have one or fewer cars.

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40% had zero cars, so you are building a central city where people are able to get about their daily lives and use the streetcar system in tandem with everything else to achieve their daily needs. There is more demographics we included in the report, and a few highlights in terms of the number of people who don't have driver's licenses or income levels, and we have demographics stemming from a number of surveys we have done with riders over the years. We talked a bit about the business access transit lane on grand avenue. This is the fifth time i've been at this seat talking about this. It took five years, four to build. It's in. And this is a relatively simple fix that took us a while to get in place. We are seeing a reduction in travel times between stark and hoyt on grand avenue. We, basically, just allowed the cars to turn right and get the freeway traffic and the next lane over, and our travel times, we were taking 17-19 minutes to go nine blocks. Now we are doing that during the scheduled time of 2.5 minutes, so much easier to build a schedule, maintain staffing, and certainly better for customers who are trying to get about the city having a modern streetcar trying to operate on convenience and having that train stuck in traffic is not the reason we would build the system. So we have a number of opportunities on the lowers to speed up the streetcar as well as improve service. A few challenges that we have had. For quite a while our schedule was 14 streetcars, we cut that back to 12 in september of 2018. We reduced our service by 25% on the east side. What you saw was a, almost one to one reduction in ridership. We have averaged 1,000 riders per car running on the system for the last 20 years. We went from 14 cars to 12.

Wheeler: Commissioner hardesty has a question.

Hardesty: Why?

Bower: Good question. Yeah. So you own 17 streetcars. Is the base service uses 14. One of those is the prototype from Oregon ironworks and, and it essentially does not run so you have 16. Another was involved in a derailment back in may of 2018. That car is scheduled to come back online this summer. So basically you are running a 14-car service with 15 cars, meaning you had no spares. As a result, we were scheduling service but not running it, so rather than promising something we could not deliver, we dialed back the schedule, so, to 12 cars, does that make sense?

Eudaly: It takes years to get new train cars. Streetcars.

Hardesty: Thank you.

Bower: No problem. We did add a 13th car in september, and you can see I highlighted where that occurred. Almost immediately we saw our ridership increase, and it's amazing if you run the trains and open the doors, people will get on. You can see the performance at the bottom, we are averaging 80% performance, normal transit is 80 to 85%. We have a significant number of earlier arrivals, so if you are talking about whether or not we are on-time or -- we are doing well there, 85, 90%. Just a little more on safety and security. I want to highlight a year, two years ago we hired a safety officer. He's in the room, steve Fisher, if you can wave back there? The staff I have here on the top show the dramatic reduction in collisions since we invested in that position. This was a position that's required by the fta but helpful in terms of reducing the small collisions that keep the trains running on a daily basis. And I would put out the most common types of collisions -- collisions. These are things that happen almost every day, and where somebody is turning right from the middle lane or swerving a bit and just hits the streetcar enough to keep us from running full service, so steve trains the programs and keeps the operators up to speed has been a great investment. And the other one was last year, we had a significant number of rear-end collisions and very focused training program on avoiding the rear-end collisions from our perspective, trying not to hit other cars. We have seen a great reduction in that. Year to year. Just the last thing, we have a lot of things happening in the streetcar world. One of those is an fta grant we were awarded. This is a land use grant administered by the pbot and prosper Portland. Looking at the streetcar expansions, montgomery park, as well as

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routes on the east sides of hollywood, and that work is being managed by bps and pdot, looking at potential land use changes and the investments in transit and transportation that would go along with that, and thinking about what outcomes we can achieve in terms of the affordable housing as we are building out the city with a streetcar lineup, so that grant is underway, and there will be things coming forward from that over the summer. But right now what we are doing is engaging in the public outreach component. So there is not a lot to share there.

Wheeler: Commissioner hardesty has a question.

Hardesty: I will let him finish.

Bower: I will be done in a second. The other major thing that's important for the city to recognize through the i-5 rose quarter project, you run a transit system through the rose quarter. As we think about the projects, thinking about the freeway project, about lower albina, we are talking about a massive disruption in that area, so I want to keep that in your minds as we are moving forward through this project how are we going to manage your transit investment in that neighborhood through the construction period. It's an important conversation. A couple things, improving the existing service, we are in the process of installing cameras on the streetcars. We have the funds to do that, and beginning the procurement process. We are continuing a strong partnership with pbob on the rose lane projects, we have several projects that we are looking forward to there. We have rolled out a transit asset management plan and a funding scenario so the city can better understand where it stands in terms of enough investment to keep the streetcar running and reliable for the next 20 years. One of the more important things is we are doing a condition assessment on the older cars, so you have cars that are upwards of 20 years old, and we need to make a decision soon about whether we want to refurbish those and what that means or buy new ones. And the final piece before I hand it over to dennis is I want to acknowledge we have guests here from the brookeville equipment corporation, and we are on the path to accept three new streetcars from them in 2021, so those are the things happening to keep things moving -- on the horizon.

Hardesty: I have a couple of questions, one is about your surveillance, the video surveillance. Talk about that. What does that look like. How do people know that they are being surveilled? What happens to the data after it is collect, all that good stuff.

Levine: Right. So currently the vehicles actually don't have cameras, and it's been an issue for security reasons, right. The proposal that we have is to add cameras to both the exterior and interior of the car. The data would be collected on a dvr on the car, and it would overwrite in 30 days, the only time that we would download any video would be if there was a collision or a slip trip or a fall. We are working with the task force here at the city, we have made sure that our specifications will include that there will not be facial recognition abilities within the software system selected.

Hardesty: Who will have access to that?

Levine: The data will be owned by the city. The dvrs will be locked, so there will be a limited number of people at streetcar management staff, who can unlock the cabinet and access and download the data. Typically, that -- I would say we do have cameras at our facility inside and outside, and to get to your question about notification, we provided advanced written notice to all employees before we added those cameras so that they understood that they were going to be on-site, where they were going to be, and then if there is ever a need to use that camera data, it's downloaded, provided to risk management, and where the city attorney and risk management have oversight of the data.

Hardesty: Is there a scenario where law enforcement would have access to that data? And how would that process work?

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Levine: I believe that law enforcement could request the data. They certainly have in the past. We will work with the city attorney's office on the policy and practice for how that data is released and under what circumstances.

Hardesty: We have a real interest in making sure that we are protecting people's privacy rights, so look forward to seeing that. My other question really has to do with like the process. We have talked for over a year about the desire of the nonprofit to expand the streetcar. There is a board for the streetcar, and there are these other transportation tables. When does the city council, like who, who, are you going to come to us and say these other people decided that we should expand? And then it impacts our budget? How does that process work?

Bower: But, let's back up and recognize that. The city is the owner of the streetcar system. You own the assets, so any decision associated with investment is made by the city council. And I would not -- I would not state the, it's the board's desire as much as the plans, the transportation plan, metro's regional transit plan all have streetcar projects in them, so the public, there is public processes that go into the planning documents. Our role is to advance the projects involved and planning documents. Ultimately, we are looking at investments in the streetcar system, which would have to be approved by the city council for sure, any land use changes would have to go through the state approval. The city council. So our board doesn't really have any authority in that regard. But what we have is recommendations, so we don't -- just like any other policy associated with the streetcar, if we wanted to raise the fare our board has no role in that. We can say we think this is a good or bad idea, but ultimately it's your decision. Does that make sense?

Hardesty: Yes, thank you.

Bower: I want to introduce dennis and to say a bit more about the board, and we can go from there.

Dennis Allen, Board Chair Portland Street Car: Thanks, mayor and commissioners, dennis allen, chair of the board, Portland streetcar, inc. I would like to thank you for your partnership. Our structure of a nonprofit public/private partnership is really a model, and it's going on almost 20 years now, a model for most streetcar systems around the country and other private and public partnerships. It allows the property owners to pay for it, the city, the transit agency, and the advocacy groups important to reliable and safe transportation, and key partners in the city, like omsi, and psu and the Portland trail blazers, and all to be at the table, if you will, to help make decisions, governance and all those things that, as dan said get recommended, so we appreciate that, and we are proud that it's been going on almost 20 years now, and this is, this has continued to be a successful structure. And of course, key is providing reliable, safe, transportation and therefore, as you know, 20 years is a long time and we are coming up on the need for cars to increase the service, and you've been instrumental in helping to advance that, and we are hoping to get our car share soon, so we decided, or we are lucky to have representatives from brookeville, the builder of the cars, to talk about their company and also, the project that they are building for us, so we will have them come up next.

Wheeler: Thank you very much.

Bower: This will be a quick hello. This is rick graham, president of brookeville and joe mcneal, the vice president of business operations. Did I make that up? Business development.

Rick Graham: Thank you, mr. Mayor and commissioners, we want to say thank you for the opportunity to partner with your city, and we look forward to delivering the cars to you and having a long relationship, as well.

Joel McNeal: So, good morning and thank you for having us. We've been in business for 100 years, and we manufacture the rail equipment. Custom built to specific needs. More specifically, for what we are doing for Portland is in the streetcar market, we've done --

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been doing this, but Portland is the model city for streetcars. We are vested in the industry. We know what is going on. It is well-known that Portland is the premiere city for streetcars, and the fact that we get to now be a part of that is a big honor for us. Just thank you for having us here today and for the opportunity to be part of your streetcar system.

Bower: Thank you very much.

Wheeler: Thank you. Any other questions?

Eudaly: I have a couple questions. So you mentioned the reliability benefits of the grand avenue transit lane improvements. It's, you know, always exciting to talk about new lines and expansion, but what could we do to improve our existing system to make it more reliable?

Bower: Yep. Our number one priority is always trying to make the existing system work better. For me, the streetcar has to compete on convenience. If we are running trains every 20 minutes, nobody should be expected to ride the streetcar. So what you will hear from me, and it is the thing that needs to get done as we need more cars. The streetcars should be running every ten minutes, not every 20. Otherwise you have a, an investment that is not getting the most out of it. So we are progressive in trying to figure out the funding scenario to get more vehicles on the roadway, but part of that is the rose lane projects, if we can speed up the streetcar, we can get more service, there are projects that we can discuss. Some of it is rose lane and some of it is just prioritization, but we have a number of projects that could speed up what's out there.

Eudaly: And my second question is, we just celebrated the opening of the flowers apartments, which is an affordable housing development along the streetcar line on the east side. Are there more opportunities on the, again, on the existing system for large scale development either for affordable housing or economic development?

Bower: Yep, certainly. If you think about where the streetcar runs, all your key development opportunities within the city are on the streetcar line. You have omsi, and the odot blocks, and lloyd district and certainly the rose quarter area, and lower albina, and the Broadway corridor on the west side. We serve all those, so if I was in your shoes thinking about where to make the investments, where people can get housing and have transportation costs, brought down significantly, it would be along those alignments. There is a very high quality clean transit service running through all those parcels, and you should be intentional about where you are putting your efforts.

Eudaly: I have one more question related to the first, and I don't expect you to know this off the top of your head, but I would be interested to know if we could unstuck the streetcar from the traffic, how frequent we could get our existing cars running because we know it takes years to build those, so it will take a while to add the capacity in the additional cars.

Bower: It depends on the line. It depends on our willingness to give operators breaks. Which I think that we probably do.

Eudaly: I am willing, very willing to give operators a break.

Bower: The reality, if you steal 15 minutes from a cycle, what you are doing is speeding up the vehicle but increasing the amount it will delay at the end point. Now, we run a very unique circular transit system, which is its own thing, but it goes in a circle all day long, and so adding another vehicle into that is the easiest way to improve headways, otherwise you need to take 15 minutes out of that cycle time to improve the service. Does that make sense?

Eudaly: Yeah. That's some transportation jargon that I need to get down.

Bower: But there are things that we can do, for sure, we are running -- it takes an hour to do a loop, if we could get that down to 45 minutes you could do the same with three trains that you do with four.

Eudaly: Okay. Working on it.

Wheeler: Great.

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Hardesty: Could you just add another train? Another car to a train?

Bower: No, the trains don't couple. They do for telling reasons, but they are not designed to be two-car trains. Is that what you are asking?

Hardesty: Yeah.

Bower: We can tow at a slow speed, but they are not designed to be coupled like that.

Hardesty: Do you make anything that's designed to be coupled like that?

McNeal: It is -- a different operation style, so you are not increasing frequency but maybe capacity per vehicle by doing that. So it depends on what the need is, do you need more riders per vehicle arriving or more frequency.

Hardesty: That's my question, right. Is it -- like they are so packed so people just decide okay I am going to go and use some other mode. Or is it that --

Bower: On the west side the ridership is tremendous. The east side, we are 3,000 rides a day, there is plenty of capacity in the train on the east side. What's lacking is the frequency of service in my opinion.

Wheeler: Very good. Thank you very much. I will entertain a motion.

Hardesty: So moved.

Eudaly: Second.

Hardesty: A motion to accept the report from commissioner hardesty, and second from commissioner eudaly, further discussion? Karla, please call the roll.

Fritz: That was an excellent report as usual. Thank you very much for the details. It's really a success, especially seeing how many affordable homes are built alongside the streetcar line. Thank you for your work. Aye.

Hardesty: Aye.

Eudaly: Well, thank you for the report, and thank you, gentlemen, for being here today. I am really pleased with how things are going, and I vote aye.

Wheeler: Thanks for the report. Appreciate it very much. Thanks, all for your dedication, I vote aye. The report is accepted. Next item, and we are exactly spot on-time. Item 91 time certain, 10:45.

Item 91.

Wheeler: Colleagues, thank you for being here today and everyone here today and sharing information about world read aloud day. The children's book bank and smart reading. Reading is a critical gateway skill, and I am pleased that Portland is joining millions of people around the globe to bring attention and awareness to this very important event. A community's investment in early literacy is one of the, one that yields immense returns. Developing early skills paves the way to improved education for all students, higher literacy and graduation rates, and, of course, stronger communities. Today we have the program director for smart reading. We have apalonia quail, the volunteer manager at the children's book bank, and jessica bauerso, the communications vector, thank you for joining us. We appreciate it.

Afreeda Davis, Program Director SMART: Thank you for having us. All right. So good morning, mayor wheeler and commissioners. Thank you for having us today to talk about the importance of reading in children's lives and the celebration of world read aloud day. My name is afreda davis, the program director of smart reading, a statewide nonprofit organization based here in Portland. I have worked with you in the past, over the past decade in a variety of capacities, and this has brought me the greatest joy. My love for books was gifted to me by my mother, a strong black woman who new the importance of developing the love of reading in her children, but books became my best friend through my childhood, adolescence, and my young adult years. And as a foster child who later became, who was later deployed to iraq for, as an armed service member, books were how I escaped the environment. They help me to make sense of the world around me, and it's a true privilege that I get to return the gift to kids today through the work, through my

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work at smart reading. I like to tell you a bit about our organization. We provide two ingredients for literacy and learning success. 101 reading and access to books. We care about the reading because we know it's a gateway skill for kids and kids are less likely to graduate high school, find employment, and/or successfully avoid other hardships throughout their lives. Lower literacy rates don't just hurt the individual children but hurt us all. They impact the future health, and prosperity of the community. Based on the ode assessment data from last year, about 45% of all third graders in Portland public schools were not meeting the state reading benchmarks. For students of color, students with learning english and those experiencing poverty, or homelessness, the numbers are far more bleak. This is not acceptable in our, and our community needs to solve these issues. Literacy is not just our education system's talent but one for local communities and businesses and unconscious fors and congregations and neighbors. The proverb says it takes a village to raise a child, and that's why we do our work at smart reading and we are here today to bring awareness to the critical responsibilities to support the kids and build brighter futures through reading. Thank you for supporting world read aloud day and helping us to get the message out to that -- that reading matters by helping thousands of children build confidence, literacy skills and the love of reading in their own neighborhoods, and we can reduce the negative rippling effects of literacy and help children realize their full potential. Thank you.

Wheeler: Thank you.

Apolonia Quale: wheeler, and commissioners, thank you for having us here today to talk about the importance of early literacy and world read aloud day. I am apaloia, the volunteer manager for the children's book bank and volunteered at smart as a coordinator for the past five years. It's no wonder I ended up with being so involved in early literacy given how important books were to me as a child. I moved around a lot and books were my first friend. They gave me a sense of home and belonging when I did not have that in my life. Now as an parent I experienced the magic of books. They have two vary different experiences of learning how to read, and my involvement with smart, and with the children's book bank prepared me for advocate for them. And to help them to find success with reading and see themselves as readers today, to share about the book bank we are a nonprofit organization with a mission to fill children's homes with beautiful and engaging books, and we focus on services on children experiencing poverty, 61%, of families living in poverty lack books at home. Academically children growing up in homes without books are an average three years behind children with books in their homes, and this year, we will give away 122,000 books to kids throughout Multnomah county, and from preschool to eighth grade. And with the strong emphasis on providing books that really represent the diverse world that we are living in, and books that represent characters of color, lgbtq representation and children of all acts, we often partner with smart to work together to bring the gift of books and literacy to kids. And at a special read aloud day celebration in hillsboro, we are going to give 620 books, enough to serve every student throughout the school. Thank you again for providing space to celebrate today, and reading is a fundamental skill that opens the doors and opportunities and choices for children, and it's important that we support all kids in mastering the skill. I encourage our community to celebrate the world read aloud day.

Jessica Bowesocks: Thank you very much for significant the time to hear about the importance of early literacy. My name is jessica bauersocks, the communications director at smart reading and also a smart volunteer for ten years. You've heard about the organization already, from I would like to share a couple of additional points. So this year in the metro area we have about 1600 volunteers who are going to help us read with 3,300 students across the area and 100 sites. And we will also give the children 40,000 books throughout the course of the school year. Statewide we have 5,000 volunteers who help us

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to do this work and just about in every community across the state, and we will serve 11,000 students across Oregon this year. We wanted to share that we learned that smart reading has been named a program of distinction by generations united, a d.c.-based advocacy group that works with inter-generational programs, and smart is one of two organizations in Oregon to receive the designation, the other being bridge meadows. We measure the impact by inviting feedback from the volunteers, educators that we work with and families that we serve, and throughout the course of the year, and based on that, we know that 88% of the kids in our program show improvement in their confidence in reading skills, and 83% of kids in our program show improved social and emotional skills, and 93% of families with children in the program say that their children benefited significantly from the engagement in smart reading. And importantly, reading with children is not just about the literacy skills but an opportunity it create wonderful relationships. I will never forget the first time I missed a smart reading session, my first year as a volunteer, and I thought the kids I read with would not notice I was gone. And I was wrong. When I came back the next week, one of the girls I read with put her hand on her hip and said, where were you? And I realized in that moment that they noticed, they pay attention, and it matters to show up for them, week after week, and I really realized the responsibility that I had to not let this person down. So today Portland is joining millions around the globe and celebrating world read aloud day or rad, and it is led by a nonprofit out of new york city called lit world that advocates for literacy as a human right for all. This is the first year that smart reading has joined the observance and we thank you for joining in it with us and look forward to how the celebration can expand in years to come and we invite you to be a part of that with us. For those in the community interested in getting involved, we encourage you to pick up a book and read with a child and maybe volunteer to become a smart reader. And really just want to share that literacy is a true community effort, and we can support kids in their journey to become the readers. Thank you for joining us in this celebration of world read aloud day and helping us to show our community that reading matters.

Wheeler: Thank you. Appreciate it. Thank you all.

Eudaly: I am feeling a little verklempt. World read aloud day sounds like a fun event but it's really deep and meaningful, and like you, books were my first friends, and dang it --

Hardesty: That's okay, we have got you.

Eudaly: Growing up in rural Oregon, an isolated area, books were my refuge from -- from tough, life experiences, and they were my window to a world that I could only dream of belonging to, they also became my occupation, I was a bookseller for most of my adult life before I came to city council. There really is -- there are few things more beautiful than getting to watch a child learn how to read. That transition from reading to them reading to you. I accidentally -- well, I guess, unconsciously named my son after one of my favorite book characters, henry aldon, from the boxcar children, which was a very influential series on me. I would have loved to have lived in a boxcar children, or in a boxcar in the woods as a kid. And I did do a smart orientation. I am looking forward to the day where I can make that weekly commitment without letting the kids down, but I am not there yet. So thank you. Thank you for being there for them.

Bowesocks: Thank you.

Hardesty: I also want to add my appreciation. As I listened to you talk about your lived experience, I grew up in baltimore, maryland, one of ten kids, and books was the way that I got away from my siblings, right.

Davis: Exactly. [laughter]

Hardesty: It was my way to really escape into my own world. And in fact, the librarian knew me by name. I was that little nerdy kid that always had eight or ten books stacked like this because that was my weekend reading.

Davis: Every day.

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Hardesty: Let me say it serves me well in my current position because the homework I take home and have to read is significant. I think the best thing you can do if a young person is to give them access to books.

Davis: Absolutely.

Hardesty: -- as a young, black child growing up in Baltimore, without books, I would have never known there was this huge world out there, and Baltimore was not the world. It was just the city I lived in. Right. And so I appreciate what you are doing, and like Commissioner Eudaly, our life here doesn't allow us to make a commitment for once a week, but I want you to invite me to do something. I remember a couple years I actually did a read out loud event, a couple of them, events. One was poor tree, and one was something else. But, I loved seeing that sparkle in the young people's eyes, and thank you very much. Let me just tell our listeners, start making a reader today as that is what smart stands for. Have you done away with the acronym and now it's just smart?

Bowesocks: It stands for start making a reader today, but we have officially changed the name to smart reading.

Hardesty: Learn something new every day, if you read. [laughter] Thank you all.

Wheeler: That was beautiful. And she is here all day, folks. On behalf of the city of Portland, I want to thank you for all the work that you do bringing the gift of books and reading to literally thousands of children throughout our community. I want to thank you for that. I look forward to watching the annual observance of World Read Aloud Day and watch it grow and gain momentum in our community as well as around the country, so thank you for your tremendous commitment. It's now my honor to read on behalf of the city council a proclamation celebrating your efforts. Whereas reading is an early gateway skill that paves the pathway for future success, and whereas lower literacy rates don't just hurt individual children. They are a huge concern for the future, health, and prosperity of our community and our state. Whereas the third grade reading level is a key indicator of a child's future educational success, yet nearly half of Portland's third graders are not meeting their critical benchmark. And whereas, by providing our children with one-on-one reading support, access to books and building their confidence, literacy skills and a love of reading, we can reduce the negative ripple effects of literacy and help children realize their full potential. And whereas, World Read Aloud Day is an opportunity for people in Portland and across the globe to celebrate the joy of reading aloud and advocate for literacy as a fundamental human right that belongs to everyone. And whereas in recognition of Smart Reading's efforts since 1992 to engage 140,000 Oregonians to offer over 222,000 Oregon children reading support and 2.8 million books putting them on a path to strong literacy skills that yields lifelong benefits and opportunities, now therefore I, Ted Wheeler, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim February 5, 2020 to be World Read Aloud Day in Portland, and encourage all Portland residents to observe this day. Thank you. [applause]

Hardesty: That's all we have. [laughter]

Wheeler: It's all we have and it's your reputation. [laughter] Okay next up are items 92 and 93, please.

Items 92 and 93.

Wheeler: Commissioner Eudaly, any further thoughts?

Eudaly: No.

Wheeler: Very good. Colleagues, just to remind you we continued this discussion, the resolution, we have already had a presentation and testimony. Similarly with item 93, the ordinance. We already heard a presentation. We heard testimony. We voted on amendments, so we're ready to take a final vote unless there's any further business on either. Karla, please call the roll on item 92.

Fritz: Aye. **Hardesty:** Aye.

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Eudaly: I want to thank pbot staff for their work, especially bob and eric, in updating the transportation system plan. It reflects the recommendations of more recently adopted plans. This is something we will need to continue to do as continues change and new opportunities emerge. I also want to thank the community members who have volunteered their valuable time to help shape the recommendations in this update. This is not the end of this work. We ask that you continue to stay engaged as the policies and projects in this plan are implemented and as we move forward with planning work rooted in equity. I thank city staff and other bureaus, transportation touches all of us and the decisions we make should be coordinated so we achieve multiple city goals. I want to be clear that pbot staff will begin implementing regulations in the tsp update this summer. This will provide time for the public and our partners to dig deep into the plan and prepare their development proposals and inspection training. I'm pleased to vote aye.

Wheeler: I appreciated the testimony. Aye. The resolution is adopted. 93, please call the roll.

Fritz: Aye. **Eudaly:** Aye.

Wheeler: The ordinance is adopted as amended. Next item will be regular agenda item 101.

Item 101.

Wheeler: The Portland committee on community engaged policing continues to do outstanding work. It's done so for well over a year. Most recently the Portland committee on community engaged policing forwarded two recommendations to me and the Portland police bureau with suggestions for how to improve procedural justice and implementation of a body camera program. It will carefully review and respond to all recommendations. Pcecp also made recommended appointments of new members at its most recent meeting I attended and pcecp suggested immediate appointment of two outstanding young adults to the committee. The first, taji chesimet, a senior at dulles north catholic high school who has served on the Multnomah youth commission and on the city of Portland 3.9.6 code change committee. The second candidate is jamari etherly, a senior at benson polytechnic high school who is very involved with word is bond as a community ambassador and dedicated athlete in the sport of boxing. As you know pcecp is comprised a group of dedicated, diverse community members who devote considerable time, energy and attention to improving police services and engagement with the community in Portland. We're pleased the two co-chairs are with us today to update the council report on pcecp's status and activities. I'm happy now to invite lakayana and andrew to give their presentation. Welcome. Thank you for being here.

Hardesty: I'm going to do in for your mom. Fix your collar.

Lakayana Drury: Here?

Hardesty: There you go.

Drury: I'll tell my mom. [laughter]

Andrew Kalloch: The only reason mine is appropriate is because my mother is visiting. [laughter] there you go. Thank you to the council for your support for the Portland community on community engaged policing, pcecp. We have a lot of folks to thank for our work over the last 18 months that includes not only you but many members of the Portland police bureau including chief resch who has expressed continued willingness and dare I say commitment to continue to work with us. We have had great meetings with the president of the association, daryl turner, so we thank him. We have tremendous staff that supports us day in and day out. We have had so many meetings with community groups and other individuals, thought leaders of every stripe from across the community who are sharing their wisdom with us because it's really not about us, the 13 of us on the committee, talking to the people of the city of Portland. It's figuring out a way to get all of their wisdom and transmit that back to the city and the police bureau. This continues to be

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our goal. I'm going to hand it over to lakayana, who will talk more about our community engagement efforts to date.

Drury: Thank you for having us. Just want to quickly start speaking on behalf of pcccp in my lead as co-chair, not word is bond or any other efforts i'm engaged in in the community, just want to start with our successes. Pcccp is doing extremely well right now. For the first time in a number of months we have 13 members, all of our seats filled, you'll hear from our youth in a little bit. We have three youth sitting on the council right now. The document only requires two but we were able to add three and I think that speaks to the level of engagement that we're bringing. And I ran to frame the community engagement. It includes a number of things. The piece people have been focusing on is people coming to the meetings, but that's just part of the community engagement that happens with pcccp. It includes events we attend, one on one meetings. We cataloged all of our meetings that our members attended outside of our monthly meeting and it averaged out to three meetings per committee member so our members are out there. They are in the community. It's not just what we're seeing at the meetings but it involves many other things. I want to highlight that as we're framing this discussion around community engagement. We'll talk about that more in the challenges is one of the how do we get more folks to our meetings but our mentality is we have to go meet the community where they are at. A lot of these members are coming from disenfranchised communities, communities with working mothers and fathers not able to devote three hours to sit at another meeting. So our efforts involve getting out to them and also producing results that speak to the issues that are most important to them. So many other things we have done working with ppb under community engagement plan, we made recommendations for that during our first year including the truth and reconciliation recommendation which is something chief resch has talked about. That's really the start of this process of healing. Until we rectify and come to terms with what's happened in the past it's really hard to move forward. Let's just turn over a new leaf without acknowledging the hurt and trauma caused in the past. From a community engagement perspective that's where we're at with that right now. Want to turn it over to our recommendations, things that we have just done. Just mentioned the procedure of justice recommendation. Really proud of how that came together and the input we got. We talked to members of ppb, to community members at our subcommittee meetings. That's pcccp's first policy recommendation we have produced. A lot of them have been either plans or recommendations for various things but this is a unique opportunity for chief resch to take in the perceptions of the community as a police bureau they are only able to see what they see from their perspective. We can assist and complement the work that they are already doing through the efforts of the settlement agreement and steps they have taken by add not guilty that community voice to all of that. So this recommendation I believe would radically change how police and community members interact in a stop or search. I hear daily from the youth I work with and from community members that a lot of times when they are stopped and searched they don't know the name of the officer searching them or what the reason for the stop was. This recommendation if implemented would change that by giving more voice to the community members. It's one of the things that chief outlaw had championed and I know chief resch wants to continue on. We're key to see her take this seriously and implement this as a recommendation from our body. The other one we passed in january was our body camera recommendation. It's not an endorsement of body cameras but a set of guidelines from a number of community meetings we had to help shape a future body camera project if that does in fact take place, and we'll be talking tomorrow more about that. I'll turn it back over to andrew to talk about facial recognition and then touch briefly on the youth survey.

Wheeler: One second, andrew.

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Hardesty: Thank you. I just want to take this opportunity to tell you how much I appreciate your service on this committee. The work that you've done and of course I hear from the community a lot, I had no confidence in this committee at all. I didn't believe this would be a committee that would dig into the heart of questions around policing, that this committee would have the ability to push back against certified smart people who think they should know better what policing should look like in the city of Portland. I was absolutely, totally wrong. The work that you're doing is revolutionary. The enact you are engaging with young people where they are and making sure their voices are centered in each conversation you have, I watched you facilitate, you and I have met but I just need to on the public record say I was totally wrong in the work that you're doing is really going to make a difference in the city of Portland and I want to thank you very much for your service.

Drury: Appreciate that, commissioner.

Kalloch: That means a lot. We recognize we're standing on the shoulders of folks who have been in this community for generations who have done this work whether the mental health alliance, albina ministerial alliance that brought the initial lawsuit and countless others. We're trying to do our little part but we appreciate that vote of confidence. We'll try not to let you down. Couple of other things in addition to the policy notes that lakayana mentioned we have tried to engage the community through events but also through surveys and the like. Commissioner hardesty, you joined us, headlined our event on facial recognition technology. We were joined by the aclu, urban league, the business alliance, many others, showing what we're trying to do for outreach in the community, so thank you for attending that and we look forward to additional forums like that. Our youth subcommittee is engaged with Portland public schools on a survey which again is a great tool to see where it is that youth care about in this arena and how we can go about tackling it so they should be issuing that survey either in the first quarter or shortly thereafter. We're excited about that as well. That's all.

Drury: Last piece is a youth survey. The subcommittee is one of our four subcommittees working right now. They are working on a survey to as you said youth voice but dug up and pulled into these conversations so they are busy working on that, and with the addition of two youth on the committee I believe that will be strengthened. I don't know if we want to hear from them now. I'll turn it over to them. I'll say that we just added both seats at january's meeting, bringing our committee back up to being fully staffed. Both young men have done incredible work in the community outside of being on pcccep so I think this is just another step in their journey and a step for us as a committee to get more lived experience and authentic voices on our community. I'll turn it over to them.

Hardesty: Welcome. Name for the record, please.

Taji Chesimet: Thank you so much, i'm taji chesimet. I hopefully will be sworn in today. I just wanted to share my amazing excitement for what's going to be happening as a new member of youth pcccep so we can move the work forward having youth voice on this committee is pivotal to understanding perspectives missed from adults but also seen from experiences I bring from my own work I do in my nonprofit called youth educating police along with participating on pcccep will be extremely exciting to see how we can connect the two and continue to grow community engagement as mentioned by our co-chairs. Thank you so much for this opportunity. I'm excited to be here.

Jamari Etherly: I'm jamari etherly. Glad to be a part of pcccep. For my work it helped break barriers between my law enforcement and youth of color. I wanted to be a part of pcccep so I can bring the kids and communities of color I represent a voice.

Wheeler: Commissioner hardesty.

Hardesty: Thank you both to the new pcccep members. I'm curious whether or not when you bring issues to the committee does it feel like the committee is really listening to those

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issues and digging into them and you feel like they want to do something about those concerns?

Etherly: Yes, because at the last meeting we went to they really touched on my bringing more people in, more of the kids in too. With having youth members on the board it will help bring the youth in to the program and help them get involved.

Chesimet: There's definite intention. I also think that having the young people on this committee will bring a lot more perspective. Got to give kudos to lakayana and his attempts to bring in previous students, but there's a different perspective that we can get our own peers to the room and have our perspective put out there. Was really cool to see how they wanted to engage this population without already getting that question or push-back from young people to get in the room. It was great to have a lot of opportunity to public comment on each of the recommendations and there were good insights from adults and youth alike on how we can make sure this work is intentionally reaching as many communities as mentioned before.

Hardesty: What I appreciate is because of lakayana's background with a word is bond, he understands how to engage young people at a deep level. The other things that I appreciate is your ability to not be silenced by information that adults may not want to hear. I have observed, read articles and observed dialogue and interactions and was so impressed with your ability to hold your ground and say this is what the committee thinks and this is what the community recommends. It's not your job if people don't take your recommendations but it's certainly your job to make sure we know exactly what the community wants and expects from your work. So it takes a lot of courage to do that. It's rare to find young people willing to just say I don't care if you like it, here it is. Thank you very much for that. I'm grateful. Lots of love today, I tell you.

Wheeler: It's all good.

Eudaly: Is this all a dream? [laughter]

Wheeler: Moving on, this is a report. I'll entertain a motion.

Hardesty: So moved.

Eudaly: Second.

Wheeler: Any further discussion? Please call the roll.

Fritz: Well, thank you very much for your willingness to serve. This is a very significant community volunteer opportunity and I really appreciate all the work that's been done. It's satisfying to know that we're making progress in the department of justice is having us report substantial compliance. There's still discussion about that, still more work to do as we continue to be monitored, but I really credit mayor wheeler and his staff, particularly nicole grant and rupert king, for their work and the office of equity and human rights. Aye.

Hardesty: I think I may have said all the gushy things that I want to say. Let me just say that continue to build the committee, continue to do the work that you're doing, and do not hesitate to reach out if there's something me or my office can do to support your efforts. I vote aye.

Eudaly: Can we turn that off?

Wheeler: If you can hit that, lakayana. It's the big one. Thanks. She will call back.

Eudaly: I want to thank you for your work on this committee. I shared some of commissioner hardesty's concerns, the doj settlement has been one of the most complicated and frustrating issues that I have -- and expensive that I have dealt with since coming to city council. I especially thank the youth members for stepping up. These are not meetings that a lot of adults would want to be involved in, so I commend you and also taji, it's always exciting to see you again. I really appreciate your service on nyc, the code change committee. This is meaningful work. This isn't school. You know. You're contributing real meaningful, valuable perspective to this committee. That's really exciting.

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I can't wait to see what happens and what you guys do next because I know you're both seniors. You may be moving on sometime soon. I vote aye.

Wheeler: Thank you all. I'm very, very grateful for the work that pccp has done to provide community oversight of the doj settlement agreement. The compliance officers reporting and also to contribute to the development of ppb's community engagement plan. It's worth underscoring again that although the city is now determined to be in substantial compliance with the united states department of justice settlement agreement, we are far from done. There's a lot of work yet to be done. I'm very happy that pccp is taking up the call in a very meaningful way. Pccp is from my perspective functioning extremely well, and I believe it will play an important role well beyond the life of the settlement agreement and continue to help both the city and the Portland police bureau to engage with the community on all manner of issues that are of critical importance. I am very happy to support this, obviously, but I also want to acknowledge some people who are not here today, many of whom played an important role. Chief outlaw was deeply committed to the Portland committee on community engaged policing as is chief resch. You saw that I'm sure in her presentation last week. I want to acknowledge someone who is here, Jared Hager is here representing the united states department of justice, and I want to thank him for his insight and input and support. Tracy reeve, our city attorney, spends a considerable amount of time on this. The office of equity and human rights has been deeply engaged. I thank Robert King and Nicole Grant for their continued work on our team to keep the process moving forward and my chief of staff Kristin Dennis. Most of all I want to thank you. Pay is not good as commissioner Hardesty and commissioner Eudaly said, this is real business and it is serious business, and you've gone all in on it and provided the level of maturity and respect and dedication that this important set of issues deserves. It's worth noting that those two young men not only had to make the case in an interview process they had to do the interview process in public in an open meeting in front of the entire world. I was impressed with both of them beyond belief. We're lucky to have them stepping forward as well as our alternate. I'm very happy to vote aye. The report is accepted. Continue with the good work.

Hardesty: Would you like a picture with us?

Kalloch: Always.

Hardesty: That was the right answer. I was waiting for him to go, for what?

Drury: Andrew always the diplomat there.

Eudaly: Thank you so much.

Wheeler: Let's keep moving on, folks. Next item, 102, please.

Item 102.

Wheeler: Colleagues, I like you am committed to transparency in the city's handling of public records and improving the way we respond to records requests throughout our city bureaus. That means keeping the costs reasonable, reducing barriers to access as reasonable. The city attorney's office has made a clear case for why an appeal is necessary to the city to comply with the intent of the judge's ruling. The public also needs clarity so that they know what to expect when making a public records request for which we can be held accountable. I support the appeal so we can get this clarity. In the last three years we have made improvements on how we handle public records requests including hiring more personnel in the bureaus who are dedicated to the task, making technological improvements and updating internal processes and lowering or even in many cases waiving fees. We will continue to make improvements and I look forward to the city getting the clarity we need to ensure that we are appropriately handling the approximately 30,000 public records requests that we receive each year. I'm going to go off my talking points for one moment and say this. We are not thumbing our nose at Mr. Kessler or the judge. What we need is clarity to the specific legal requirements that were in the ruling.

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Those of us who are not attorneys the way we would resolve that is pick up the phone and call an say, what did you mean by this? That is not how it works in court to get that level of clarity. We have to go back before the judge and seek that clarity. So again, the purpose here isn't to say the judge was wrong or that mr. Kessler is wrong, this is the process which we must go through in order to secure that clarity on some very specific legal matters. With that i'll turn it over to staff who actually are lawyers.

Karen Moynahan, Chief Deputy City Attorney: Thank you, mayor, commissioners. Karen moynahan, chief deputy city attorney in the city attorney's office. We're asking council today to authorize the city attorney to file an appeal of the Multnomah county circuit court decision in the matter of alan kessler versus city of Portland. The primary purpose that we seek this appeal is for clarification of the circuit court's ruling so the city can fully comply with the terms of the judgment which we believe contains some vague and ambiguous provisions. In very short summary in august of 2018 mr. Kessler filed a public records request seeking meta data related to certain city emails. Senior deputy city attorney jennifer johnston, who handles legal matters related to public records, tried to find out if we actually could produce emails in the meta data format. She went to bts. Bts researched the issue and said, no, they don't keep emails in that format. Ms. Johnston contacted mr. Kessler and offered to give him the emails in their native format. Mr. Kessler as is his right declined and sought appeal with the district attorney. The district attorney agreed with the city that it did not have to produce documents in a format that it did not keep and ordered the city to provide mr. Kessler with the emails in whatever format we hold those emails and to do so within a certain time frame. The city did that. Four weeks later the city produced all of the nonprivileged records to mr. Kessler. Mr. Kessler then -- at that time the city had billed mr. Kessler \$311 for his public records search. Mr. Kessler filed a suit in circuit court alleging that the city had not given him all of the documents, asking for the documents meta data format and also saying the city's production was untimely and the city had overcharged him for the records. We went to trial. After trial the court issued a decision and actually found in the city's favor in all of the claims except the court did find that mr. Kessler was correct that the city had overcharged him. With respect to that allegation there's two important points for you to understand today. First mr. Kessler had asserted that constituent overcharged him for 15 minutes of work that it had not actually provided and that the salary of the individual who performed the records search was about \$10 less than what mr. Kessler was billed for. Prior to trial we looked at that issue and agreed that mr. Kessler was correct. We calculated what the difference was, what he was overcharged and in abundance of caution we cut him a checked for \$52 which was far above what the overpayment actually was. The second point with respect to billing is that the judge ruled that bts uses what she believes are overqualified employees to perform the searches and charged mr. Kessler too much. The judge ordered the city to recalibrate the fee it charged using the lowest hourly rate charged by any department personnel who could be responsible for responding to the public records request. The city has recalculated that difference and found that the \$52 it had previously paid mr. Kessler prior to trial adequately also covered him for that overcharge. The city attorney's office is particularly concerned that the judge's order enjoins the city from charging what it termed to be excessive fees because it could subject the city to contempt proceedings for any erroneous overcalculation or if a judge disagrees with the city designation of which employee conducts a public records email search. It's also important to note that mr. Kessler has filed a claim for attorneys' fees in the amount of \$120,000 to compensate him for winning on the claim that the city overcharged him by \$52 which again we reimbursed prior to trial. We're seeking authorization to file an appeal so we may seek clarification of the judgment to ensure city bureaus are fully complying with the spirit and the letter of the

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act. With that ms. Johnston will explain what measures the city has taken to reduce the cost of record searches to the public.

Jenifer Johnston, Senior Deputy City Attorney: As this council knows, it authorized the city attorney's office to have a city attorney work full-time on public records issues as part of that I provide training to members of every bureau so that they understand this council's direction, that we want public records provided quickly. We want to increase transparency, and we want to comply with the legal standard that the presumption is that records should be disclosed. I meet with them at least monthly if not more frequently to provide that training. As part of that, we have also implemented an online records request system to make records more accessible to everyone but we also have an online help line in case there are people who have difficulty using the system because we also want to keep equitable issues in mind and don't want our records inaccessible just because someone cannot access a computer system. Council in the last budget cycle also authorized the city attorney's office to hire another person to focus on assisting in electronic records searches particularly text and email searches and we would waive the fees associated with those collections and we're in the process of hiring that person that will also allow us to run test searches to better narrow requests so we can reduce costs for review time and better provide the records that people are actually seeking and not records that are less useful to them. The city has invested in additional technologies and programs to better review and collect documents again so that we can provide people the records they want and not spend or charge them for reviewing unresponsive records. While we are working on hiring that person, bts has changed the way it calculates refunds to make sure we're refunding any overcharges. Additionally it's charging the lowest rate for a person available perform searches regardless of who actually does it. There are times that the city in its judgment decides to have a higher skilled person with better skills and professional capacity perform certain aspects of a search but we still charge the lower rate. So that is also reducing the cost of those searches. As you know, the police bureau has also waived fees for crime victims when they request police reports. The police bureau and bureau of development services offer economic fee waivers which are not required by law but assist people who need records but it would cause them an economic hardship to pay for those records. All bureaus grant public interest fee waivers. Most bureaus that can complete a request in 30 minutes or less waive the fees. All bureaus that charge prepaid fees are in the process of reviewing the fees to update the fee schedule by june. Bureaus periodically as employees' salaries changes but also as efficiencies for getting the records changed in the hopes we can reduce the prepaid fees as well. Thank you.

Wheeler: Thank you. Any questions? Commissioner eudaly.

Eudaly: Thank you, mayor. My only question is efficiencies. It's my understanding that our systems pose some challenges that potentially make those searches more difficult and lengthy.

Johnston: When we moved to office 365 it decreased the fees for those searches. Before office 365 we had to individually search each person's email box. So your ability to for example ask for a search for all the emails in commissioner eudaly's office that was fairly expensive because each box would have to be searched individually. The bureaus that are on office 365, all bureaus excluding the police bureau, we can now search -- do group searches in one search so we can now do that much more quickly and upload those. So I would disagree that some of that technology has made things more expensive than what I had seen has made it much more cheap and we are getting lots more searches for that. The other thing is before the city implemented a text archive system to search for someone eastex messages we would have to obtain their phone, download it then search for the text messages. That was very time-consuming and quite expensive. Because the city invested in a text message archive system we can now search for those text messages much more

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cheaply and quickly and make those available much more cheaply and again, because this council authorized a person to do those collections once that person is hired the time spent collecting those records we're going to be able to waive those fees and not charge for that time during those searches and gathering those records.

Eudaly: So we have made improvements even in the last couple of years.

Johnston: Oh, yes. We continually look for different ways to do that. As part of the training my work with the bureaus we're also looking for things we can proactively post, the idea being the more information we can make available to the public that they can self-serve and there are lots of bureaus that have initiatives to do that so the public can access records that way so they don't even have to make a public records request. Probably one of our greatest long term points of that is our efile system with all of our council documents and lots of other documents, but there's lots of other examples where bureaus are actively working to figure out ways that we can make records available to post. It's just that one of the areas that people want records which are emails and texts are not going to be available in e-files so we have to continue to search them, but we have also bought new technology to enable us to do those searches more efficiently, narrow down the requests better and instead of getting 5,000 records where only 500 actually are responsive and we had to look through all 5,000, our technology will enable us to narrow it down to those 500, only review those for the limited exemptions under the law and provide them. The reason we do still review for the exemptions is most city employees view the information that the public has provided to us as something of a public trust, and there is confidential information that the public provides us. We don't want to inadvertently release information about a sex abuse victim or someone who has come forward bravely with a complaint so we can investigate it to make our city better then we release that information and something negative happens to that person, so we do believe that taking the time to look at the records to make sure that we aren't betraying that trust is time that we need to invest as a city.

Eudaly: So with a 30-minute forgiveness or however we characterize that, a number of these requests end up being free.

Johnston: Yes.

Eudaly: Can you give me a sense of percentage?

Johnston: I don't have a percentage off the top of my head. I can tell you that the greatest number of fees are paid by commercial requesters to the Portland police bureau and for the rest of the bureaus the amount of fees they take in is less. I will also tell you as part of the fee review project we're undergoing the bureaus are investigating whether or not they can raise that waiver amount. It's just that with the economic situation that we have we want to balance that fee waiver against the other interests that the council has so that that direction is not causing a budget impact that you all don't want.

Eudaly: That gets to my final question. If we did raise that threshold to an hour I would want to know what percentage of the requests would be covered within that hour and also what the estimated cost would be. I don't expect you to be able to answer that today but those are two things that I'm going to need to take into consideration.

Johnston: Start looking into that and we have not been tracking the records request in that way so it's difficult to pull out the data in quite that way.

Eudaly: Thank you.

Hardesty: Thank you. Commissioner eudaly made me think of another question. Is it different if it's an individual requesting information than if there's a commercial interest that's requesting information?

Johnston: Well, yes and no. The law does not treat those people differently and we don't in many circumstances get to ask why you're making the request. However, the public interest fee waiver which asks whether you're making a request in the public's interest

generally most commercial requesters could not meet those standards. The voluntary fee waivers that the city has set up for economic fee waivers most commercial requesters could not meet those, so that's a voluntary program that the city has set up that's not required by law and so in those circumstances we do look at individuals who as I said need the records but would cause them an economic hardship. Like the police bureau and bds try to waive those costs in those cases. I should also say for bds, if you go into the permit center and you're an owner or occupant you can get the permits on your home for free, which is another way again that people who are members of the public and not commercial requesters can get those records for free.

Hardesty: I have to say i'm concerned about the electronic access because we just heard this week there's a city in Oregon who had spy wear and their entire computer systems are compromised and so I absolutely believe in transparency certainly want the public to have access to information, certainly want us to be reasonable when it comes to putting a cost on it and I do think there are categories that we should not be charging people for that information. So the question that will be asked of the court is what?

Johnston: For the appeal?

Hardesty: Yes.

Johnston: Do you want to speak to that?

Moynahan: Sure. We're going to ask the court to clarify what exactly are the requirements with respect to -- to clarify what is excessive fees. We have a question since the court in the judge's opinion said that the bts employees were actually too highly paid to do that. One of the concerns that bts has, which is very critical, they require that the folks who run these city-wide searches actually have security clearances and training because as you can imagine they are looking at every single city email including confidential important-client, sex victims, that sort of thing. Bts already believes the employees running these searches if they charge at the lowest salary for a qualified employee that that's sufficient but we do need clarity from the court because the way the opinion reads it truly could be any employee and we have confidence that someone can be trained, it's the security clearance that's more of a concern. That's one of the issues. The other issue the fact that the courts issued an injunction against us from charging excessive fees. That's a bit problematic. First of all, there's a lot of case law that a court can't enjoin a city or government to comply with the law, that's a presumption. How that plays out is if, for example, there is a question as to whether a fee is excessive rather than going through the process going to the district attorney, then circuit court, a litigant can go straight to circuit court and say the city has overcharged me, therefore we ask that you hold the city in contempt of court.

Hardesty: A nightmare.

Moynahan: It could be a nightmare. A process which gives rights to both sides and makes sure that we all know what path that we should be on.

Wheeler: How many public records requests do we get city-wide? The reason I ask is we don't just get a couple of records in our office. We get lots of requests for public records. We have the same staff that everybody else has here. How many do we get?

Johnston: It's well over 30,000. The police bureau alone gets over 22,000. Those are approximate. Those are increasing. They have been increasing every year. Those numbers are also slightly undercounting for example people who go into the permit center those numbers don't always include all the owner-occupant ones we fill in the permit center. We're team working to those counted in govqa as well.

Wheeler: You're only the fifth most passive aggressive city in the nation. We're sliding.

Johnston: On the other hand i'm so proud that we are providing records to 30,000 people. That is just such a wonderful thing that our city can do, and i'm so proud of our on-line system that makes those records available. We used to have trouble emailing large files

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and they get bounced back. It was just hard for requesters to get some of this stuff. It is all available now. We can upload those files, they can access them for up to two years. It's not like I misplaced or lost them. They have them. I feel like the level of customer service in public records has really stepped up. It's a wonderful thing. I think we'll continue working on that. We're still not where I know this council wants us to be and i'm happy to say that the bureaus are continuing work with me on that and we're going to get there so the people of the city of Portland and other people making public requests. One step is to make sure we understand what the court wants from us. Needless to say as lawyers job number one is to comply with the law and we can't do that unless we're sure what they want.

Wheeler: I think you're being pretty hard on yourself as well. We have adopted technologies like smarsh, that was a game changer in terms of text messages. It saves everything. It's easy, push the button out you go. As technologies continue to be developed and in my personal view is open source becomes more and more of a viable option for public records disclosure I think that will make a difference. The part i'm not sure how we ever get around without good old fashioned hard line by line labor is this question of privacy. I'm thinking backpack to a specific incident in the first three years that I was here where we erred on the side of public disclosure for a large file of documents from the police bureau, and frankly, we blew it. By disclosing those documents buried 15,000 pages into the documents was some personal information. That was really unfortunate. So we're going to have to continue to figure out how do we use technologies, how do we use our staff effectively, how do we err on the side of public disclosure but in the process not disclose something the public would be equally upset about having become public information. I feel you're frankly doing a good job trying to find that right balance.

Johnston: Thanks.

Wheeler: It's not an easy job. I don't get to talk to you that often so I wanted to acknowledge that.

Johnston: That's because i'm reviewing emails. [laughter]

Wheeler: Commissioner eudaly.

Eudaly: Did you want --

Hardesty: I had one more question, thanks. My question was 30,000 requests a year, could you give me an estimate of how many are individual requests and how many are commercial requests? I think it is different. I know the policy might not look different but it should be. I think if somebody is doing a public records request because they have stand to make financial gain from that request, as compared to someone, say, whose car they need a report of a car break-in, house break-in or something like that, right, do you have a number?

Johnston: I'm going to give you a very approximate number. I'm not under oath.

Hardesty: I know that's hard.

Johnston: I think our commercial requests to the police bureau are around 18,000. I thought they got between 1500 and 2,000 a month. So it varies. It goes up and down. There are commercial requesters who make requests to the police bureau on behalf of entities or who sell that information to entities. So that I know the police bureau is looking at methods to make it easier for the public to get their information, people need reports for their stolen vehicle or the identity theft, while also dealing with this volume of commercial requesters which we are required by law to fill in the same manner.

Hardesty: Could we change the law? Whose law?

Johnston: The state legislature who set that up. Other states have different laws about commercial requesters and about state residents versus out of state residents. The state of Oregon does not, and I don't want to spend too much time on those policies, but it is a burden on the people of the city of Portland because even though we charge fees for all

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these requests, none of those fees fully compensate the city for the cost of the staff that are filling those records. So to some level we are subsidizing every single request, so it may be only a few dollars of staff time on some of those commercial requests but we are subsidizing them to a small degree because we do not charge our full staff rates. We charge staff time plus 39%, which is benefits, which is not actual overhead so it doesn't represent the full cost of staff time. Part of that was done to charge a lower staff rate for public records requests which is good for the public. That was another choice council made, and it's a good choice for the public to charge the lower staff rate. But since we do that across the board, commercial requesters also get that benefit so those are also subsidized by the people of the city of Portland.

Eudaly: Interesting.

Wheeler: Commissioner eudaly.

Eudaly: I have what I consider a friendly amendment to offer. First I want to disclose of course I work for the city. I work with the city attorneys and my office and bureaus receive public information requests. I also am personally acquainted with alan kessler although I have had zero conversations with him about this case or about public records requests in general. I absolutely believe the city must have a transparent, timely, accessible process for public records requests but i'm very interested in this issue of the distinction between members of the public and commercial entities. We can't get to that today. This is fascinating to me. I don't know if that makes me even more of a nerd I guess, but i'm interested in expanding the forgiveness to an hour. I really do want to make these requests accessible however we know that we get frivolous requests. We know that we get broad-reaching requests and that obviously it with 30,000 a year it can be incredibly costly so we have to balance the public interests of access to the requests and the public interests of us not hemorrhaging money to fulfill frivolous requests or requests for people seeking to make a profit off of the information. I have no -- I want to be clear that this resolution is not seeking to overturn the judgment in favor of mr. Kessler that resulted in a refund. It's narrowly focused on the question of the injunction. What the judge meant bipartisan reasonable cost. Is that the right terminology?

Johnston: Reasonable fees.

Eudaly: Reasonable fees so that we can remain in compliance and not be repeatedly accused of being in contempt of court because that would be another very costly reality for the city. This is the language that we have come up with after conversations with the city attorney's office. It would be inserted after the first therefore be it resolved and would read be it further resolved the city is already taking steps to have a records fee policy ensuring transparency and thus the city should enter into settlement discussions during the pendency of the appeal to resolve the case.

Wheeler: I'll ask the question. What is a pendency?

Johnston: Pending. You could say while the appeal is pending. That way -- we need to file the appeal because we have certain timelines. If we don't go ahead and file the appeal then we waive our ability to do so. But we could go ahead and enter into negotiations while we are handling that appeal.

Wheeler: Commissioner eudaly has made a motion. Commissioner hardesty seconded it. Any further discussion on the amendment? Why don't we take the roll on the amendment. Please call the roll.

Fritz: Aye. **Hardesty:** Aye.

Eudaly: Thank you. Aye.

Wheeler: Aye. The amendment is on the table. Thank you for that clarification. Public testimony.

Karla: We have three people signed up.

Wheeler: Good morning. Would you like to start, please?

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Lightning Super Karma: My name is lightning. I represent lightning superkarma. My understanding mr. Kessler asked for the format to be in meta data form and you came back and said you can provide it in native form. Now, my question is do algorithms, are they exempt from the public record law? It's my understanding they are. Where this gets into confusion is that your software platform govqa, said they can could provide that but it would take time, might take a lot of hours. They came back with a certain amount of hours, almost like 6500 hours to do this. But he did make that request. Now, then what he did he went into court and they came back and now it appears to me the biggest problem here is they already said that we're going to charge lower fees so you'll be okay on that even though you may have to spay somewhat higher. You subsidize it. My biggest problem they have is paying that \$120,000 in attorney fees to mr. Kessler. Now, no disrespect to mr. Kessler, who is probably listening, I assume you're an attorney. Maybe you're not, but 120,000 is a good amount to pay. The city has an issue with that. I think what they should do is try to negotiate with him, come to a lower price and understand they did make statements to him that they could provide that to him. It might take longer. Again, govqa said they could but it will take longer and take a lot of money to do that. This is an interesting situation here because basically he has every right to get that data. But these requesting it in a different format. Not the one that is available and not the one that basically you maintain. He didn't want that. He wanted something different and something created which the company said they could do. So I find it interesting that you're going back and forth on this issue that you want to save a little bit of money and understand what these attorneys already know because they are good attorneys, you just don't want to pay him the \$120,000 attorney fee. Forget the appeal. Pay him the 120,000, let this be a lesson learned. Don't make statements and then don't deliver because they will take you to court. Thank you.

Wheeler: Thank you. Good morning.

Emily Green: Good morning. I'm emily green on behalf of the Oregon territory chapter of the society of professional journalists. As a member of the freedom of information committee under that chapter and in my capacity as a senior staff reporter at street roots i'm urging you today to commit to transparency and the accessibility of public records rather than appealing this case which instead would be using public resources to fight transparency. We believe the ruling is clear. Don't violate the law. Do not charge excessive fees. To appeal would be sending the wrong message. It would be one that would on its surface appear to double down on government secrecy. As a reporter in the city i'm often baffled with the difficulty and high cost of obtaining public records, especially as it compares to other large cities. This includes obtaining records through govqa. It was much easier using settle's version to obtain records whereas Portland's is often bogged down with excessive questions and using it in lieu of actual persons to obtain records, figure out what you need is burden some. I want to be clear, every time a newsroom kilts a story because the fees to obtain records to tell that story are too high as street roots has had to do a number of times, every time that happens it is an affront to the fourth estate, a gut punch to democracy itself. The Oregon territory chapter of the soviet professional journalists encourages council to reject the appeal and pursue best practices or form. In september 2018 at the request of mayor wheeler's chief of staff at the time facilitated a discussion and input from 15 reporters who cover city hall. The findings of that input request echoed the findings of the judge's ruling in that the city is often charging excessive fees and may violate public records law. We urge the city to review records fee practices to ensure transparency and to adopt an ordinance or policy to ensure compliance with the law. In closing, I just want to say there always seems to be this idea that complying with public records requests is an additional service of the city when in fact it's at the core of your duty as public servants. This is not a benign policy error. In addition to distorting the

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culture within bureaus as to the relationship and responsibilities to the public, high fees stifle public engagement and government accountability. Thank you very much.

Wheeler: Thank you.

Charles Bridgecrane Johnson: Now time to say good afternoon, commissioners. When trying to keep track of -- charles "bridge crane" johnson for the record. When trying to keep track of the awesome women journalists working in the Portland area it's hard to keep track of who is at the mercury, who is at the Oregonian, et cetera. Seemed the emily green byline was also on a story about how many houseless people we pack into our jails. Getting back to the issue at hand, first address mr. Lightning's question. There's two bicyclists' council going after the city. One is mr. Kessler who is an attorney and has a cocounsel. The part that really strikes me is right there at the beginning of your first whereas, it says these records were requested regarding just an, singular, historic landmark commissioner. So what did our wonderful, compassionate city decide and discover? There were about 3500 pages from one commissioner, one historic landmarks commissioner. The third whereas where that -- fourth you disclose about 3500 pages of documents to the plaintiff in native format. That's the oxymoron. Pages are pieces of paper. You disclosed an amount of data, a number of bites or something, that's what the native format is because it's an email. So i'm very glad ms. Green came here to -- I can't characterize whether she berated you but enthusiastically encouraged you to follow best practices. Your own document goes down to the very end of page 2 and hides the amount. It was disclosed in the testimony but the \$120,000 of possible attorneys fees. You're not doing a very good job just with this item. I very much appreciate the wide ranging discussion we had but when we start with the whereas that talks about the historic landmarks commission one single commissioner on this, we get into a conversation that says what about victims of domestic violence? Courts can narrow the scope. Lawyers can narrow the scope. For you to use a situation where we an historic landmark commissioner and interject the idea maybe the commissioner and whichever bureau this was, development services, we're talking about secret confidential private personal information. It's not best practices for y'all. So the last time we had an appeal we get excited went back to the death of coab. Pcccep, which replaced it, turned out good fortunately. I'm not saying whether you pursue this appeal but let's have a generalized annual report on how we're improving on public records requests and the hours or half hour increments. Thanks very much.

Wheeler: Thank you both. That completes public testimony. This is a resolution. Call the roll.

Fritz: Aye. **Hardesty:** Aye.

Eudaly: I just want to appreciate rachel alexander for coming to testify today. I fully support the best practices reforms detailed in the testimony that society of professional journalists submitted. However, I respectfully disagree that this resolution would in any way hinder those efforts. It's narrowly focused on the injunction by the judge that would put us in contempt of court if we were determined to have overcharged someone a few dollars for a public record request. That it would be irresponsible for this council to leave that liability up. I vote aye.

Wheeler: The only way to get clarification on the meaning of the word excessive is to appeal. I would love to be able to just take the judge out, have a beer, have this clarified, but that is not the process that we have here in america. We have a legal system. The judge will not be offended by our bringing this back to ask the question. I think it would be utterly irresponsible of us not to get that clarification. To equate us asking the clarification with being anti-public disclosure or anti-free press I think frankly is a ridiculous comparison and I reject it. I vote aye. The resolution is adopted. Good luck. Next item. 103.

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Wheeler: First we have an amendment request to make. The amendment is due to the entity's recent name change from verizon wireless llc to selco partnership, dba, verizon wireless. The amendment has been filed with the council clerk and copies distributed. I move the amendment.

Hardesty: Second.

Wheeler: Please call the roll.

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

Wheeler: I would be so bad at branding. I vote aye. The amendment is adopted. This is the first reading on a temporary revocable permit for cellco partnership dba verizon wireless. The federal communications commission issued an order limiting local governments' ability to -- Portland is leading a national coalition of local governments in litigation against the fcc overreach in the small cell order. The order was effective in early 2019. Portland like other cities had to update its standard wireless franchise agreement to comply with federal law. Verizon has agreed to the city's franchise requirements and has asked the city to consider grant ago temporary revocable permit under substantially similar terms as the new franchise. The temporary revocable permit will allow verizon to continue providing wireless service and begin deployment of small wireless facilities. Jennifer lee is here on behalf of the office for community technology. Good afternoon. Thanks for being here.

Jennifer Li, Program Manager Office of Community and Technology: Good afternoon, mayor, commissioners. For the record jennifer lee, program manager with the office for community technology. As the mayor mentioned in his introductory remarks, the city updated its standard wireless franchise agreement to comply with recent changes in federal law. Verizon wireless franchise is commence to the at&t wireless franchise passed last year. The ordinance continues verizon's existing right to operate in the city and for a limbed term, one year or until the agreement is passed by city council. The city charter requires a process for franchise agreements that can take up to four to six months to complete. Because of that verizon has asked the city to consider granting it the temporary one-year permit under substantially schar terms. I'm happy to answer any questions you might have.

Hardesty: I am thrilled that we now have someone who is has actually done these one-year agreements in beaverton and lake oswego and other locations, a lawyer that tells us we really don't have to actually have franchise agreements. We could do these one-year approval processes. I'm thrilled we're able to do that. If the fcc ever gets a clue and we can then address the issues of environmental impact and all the other health issues associated with these franchisees we won't have to wait a decade to make changes. It is my hope that with this model now in place that any other franchise agreements that come in front of us that we'll switch them over to this year to year agreement. I think it's revolutionary and the fact that we didn't have four people is why it came to the place that we now have a one-year agreement rather than a ten-year franchise. I want to thank your staff for the incredible work that they did. I'm not remembering the lawyer's name that had worked in beaverton and said, I have done these all over the place. I don't understand why you guys don't do it. She knows who she is. I appreciate that we have that expertise in-house and how wonderful we got to use it. Thank you.

Fritz: Am I correct remembering we have previously been discussing a ten-year agreement with verizon also cellco?

Hardesty: They all want ten years.

Li: Right, there's a ten-year franchise that's going to be considered by city council but this will be a one-year temporary revocable permit to close the gap as it will because of the city charter requirements.

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Fritz: Thank you. I guess I had the opposite thought from commissioner Hardesty. It's more favorable financially than the FCC minimum. Willing to do the ten years I would have done that. We have been fighting about the health impacts for, let's see, 11 years now. Even under the Obama administration we were not able to get the FCC to allow us to consider health impacts so I think the likelihood of that happening in the next year is slim to none. I will of course agree to this limited extension but I'm very concerned that it leaves us open to having to go to the standards which would have a huge impact on the general fund.

Li: If I could respond to that, the revocable permit and the ten-year franchise have substantially similar terms. If for whatever reason, second reading, we don't have a second reading on the ten-year franchise we'll still have the terms we negotiated with Verizon and AT&T.

Fritz: We're looking at a year rather than ten.

Li: I think after a year we can really reevaluate the situation and see where we need to go if the franchise has not been before council.

Fritz: Thank you.

Eudaly: This is not an either-or. It's a potentially and situation.

Li: Yes.

Eudaly: Thank you for that clarification.

Wheeler: Public testimony?

Karla: Yes. One person signed up. Charles "bridge crane" Johnson.

Wheeler: Come on up.

Charles Bridgecrane Johnson: Good afternoon, I want to thank city councilor commissioner Fritz for acknowledging there's been sometimes we call it robust discussion about different opinions on the health or nonhealth impacts for 5g. We already have had a little wider ranging discussion on this item because we're trying to make sure one of the other big carriers gets essentially the same deal as what we have done with AT&T. I hope a year from now as we're living under a president presidential regime, who knows who will be on the FCC, we can include in that conversation whether there really is as I think maybe commissioner Hardesty was alluding to the idea of franchises and services in the right of way. It's totally reasonable and good public policy to get financial public benefits and services like we do with Xfinity Comcast through the Mt. Hood cable regulatory commission. I don't see any reason for you to not vote in favor of this and be glad it's for a year so if things come back by and we can engage in a hopefully new discussion with new FCC members and a new president.

Wheeler: Thank you. Appreciate you being here. That concludes testimony. This is a first reading of a nonemergency ordinance. It moves to second reading. Next, 104, please.

Item 104.

Wheeler: Colleagues, this ordinance would temporarily transfer -- yes. Thank you. This would temporarily transfer available contingency funds in the bureau of transportation's transportation operating fund to the government bond redemption fund to allow for prepayment of the limited tax housing revenue bonds 2005 series d. This is an emergency ordinance so the prepayment of the bonds can occur as early as possible to take advantage of interest rate savings opportunities and maximize savings for the taxpayers. Because this prepayment is outside the scheduled and budgeted debt service on the bonds, this ordinance also amends the fiscal year '19-'20 budget to allow for full redemption of outstanding bonds. Accordingly this constitutes a special public meeting. Debt manager Matt Gierach is going to present this item. After the presentation we'll hear any public testimony for the budget amendment and interfund loan under this ordinance. Good morning. Good afternoon, actually at this point.

Matt Gierach, Debt Manager: Good afternoon, mayor, commissioners. The purpose of this legislation is to provide internal refinancing of the city's limited tax housing revenue

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bonds series 2005 d, which are serviced by the city general fund. The series 2005 d bonds bear interest rates above current market levels however because of the size of the bonds and relatively short final maturity a public market refinancing is not economical. As an alternative approach management and treasury have coordinated and identified an intergovernmental loan as an alternative. Pbot has approved use of the transportation operating fund as a temporary funding source for the general fund refinancing the bonds with an understanding that the funds will be fully repaid no later than June 30 of '25, which coincides with the final maturity of the series 2005 d bonds. Interfund loan interests will accrue at the investment rate and compound monthly resulting in neutral economics and no loss of earnings to pbot. Expected to produce approximately \$200,000 in total debt savings in 2025. To capture savings as soon as possible the legislation amends the fiscal year '19-'20 budget to allow for execution of the interfund loan to increase the budget expenditures and government bond redemption fund to pre-pay the series 2005 d bonds in full. Let me know if you have any questions.

Hardesty: Thank you. We're doing this so we can save money?

Gierach: That's correct.

Hardesty: Thank you very much.

Wheeler: Any public testimony?

Karla: No one signed up.

Wheeler: Please call the roll.

Fritz: Aye. **Hardesty:** Aye.

Eudaly: Thank you. Aye.

Wheeler: You just saved the taxpayers a lot of money. Aye. The ordinance is adopted. Next, 105.

Item 105.

Wheeler: Parklane park is one of the eastern most parks in Portland and at 25 acres is the largest open space in the centennial neighborhood. The parks serves nearly 2500 families in a diverse community but historically underserved by parks. This has been a long time in the making. Multnomah county donated the original five acres back in 1994 and the city then purchased an adjacent 19.5 acre parcel back in 2001. Commissioner Fish completed the master plan in 2009 and commissioner Fritz allocated additional systems development charges for development in 2016 and 2018 during her tenure as parks commissioner. We have heard her talk eloquently about the importance of this particular park in east Portland. At long last we're getting ready to break ground on this important public asset. Today we'll consider an alternative to what is considered a usual contracting process. Under the construction manager general contractor method, we would be able to allow for better collaboration with construction team and facilitate the design and construction of the diverse array of amenities that this park is slated to offer. Before I turn this over to the procurement folks a word on funding. New parks can be built with fees developers pay on new construction called system development charges. System development charges often called sdc's cannot be used for ongoing operations and maintenance needs. The parks team is estimated that the completed park will cost about \$470,000 per year in operations and maintenance beginning the year 2022. Commissioner Fritz and commissioner Fish both committed to being transparent about the ongoing needs of new park assets and I'll maintain that same clarity during the my tenure as parks commissioner. With that I'll turn it over to Lester Spitler from procurement and Britta Herwig here from the parks bureau. Good afternoon.

Lester Spitler, Chief Procurement Officer: Good afternoon, mayor, city council. I'm Lester Spitler, chief procurement officer. The legislation is an authorizing ordinance to exempt the Parklane project from the competitive low bid procurement method to allow requests for proposals for a construction manager/general contractor. City council has the

authority to exempt projects for the city from the low bid approach. The city issued an rfp last summer to hire a design team for the project and a contract was authorized in september 2019. State statutes and city code require the city to address findings when exempting from the low bid approach. We are required to post those online for 14 days prior to council approval for public comment. For this exemption we received no public comment. The following are some of the the more prominent reasons to conduct the rfp versus low bid. The city is able to select a contractor through a best value approach with experience and qualifications necessary to coordinate and develop a 25 acre park and demonstrated suppers tease participating in a collaborative design process. The second reason the contractor will have input including packaging and sequencing to ensure equity and delivery and avoid future high maintenance costs. This also reduces amount of change orders throughout the life of the project because the contractor had an opportunity to participate. Additionally the process allows input into the development and construction of a park which reflects community pride and is safe for all cultures and abilities. There's continuous engineering to ensure cost containment and best value for the community. Lastly the process provides greater opportunities for cobid certified subcontractors to work on project because the contractor is working with the design team to finalize the design and identifying packages of work to solicit subcontractors for. If there are any questions we're happy to answer them. Britta has a little information about the park itself. If there are no questions we recommend you approved the findings and authorize issuance of an rfp for the parklane project.

Wheeler: Thank you. Commissioner hardesty has a question.

Hardesty: Thank you. Not doing a low-bid process allows flexibility with the prime contractor. What meet to contracting with the minority and women owned firms and what is the goal for this \$8 million project.

Spitler: The process for cmgc is two phased approach. The first is the contractor helping to inform the design. They are identifying scopes of work they cannot subcontract. They work closely with park staff and procurement staff for any trade they are not able to self-perform they are engaging outside firms and through the cmgc process they can do a best value selection for subcontractors as well, different from a low-bid approach where they are also seeking the lowest bid. The city has the ability to encourage and force them to do a best value approach for those subcontractors to low bid firms on the project. We have a guaranteed maximum price and the construction starts. That is when the contractor is going to have to live up to the promises they made as who they are going to outreach and engage to as far as certified sub contractors. The goals are the city's standard goals of 22% utilization for certified contractors.

Hardesty: Is there a difference between this process works and the normal city process which is aspirational works?

Spitler: This is aspirational as well, but we have a greater opportunity to achieve that aspirational goal because of the collaborative nature. The low bid is conflict, those contractors are forced to accept the lowest bid and don't understand the value proposition and align their goals with our goals for the project.

Hardesty: So if we approve this, i'm going to be clear, if I approve this, I expect us to reach the goals, not to aspire to the goals but reach or exceed the goals. We're doing a process that is supposed to work better than just going after the low bid. I want my community to benefit from this change in how we are going to do procurement. If I don't see actually real results from this rather than aspirations, i'm never going to support this again. I want to put that on the record. It is going to cost \$400,000 a year. Did I hear that correctly, for maintenance and upkeep of this park after it is built?

Spitler: Yes. So this is a very early estimate. We don't have a design currently. We are just starting the design process. And based on the master plan that was completed 10

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years ago, there are a number of program elements that we are expecting to include in this design. There will be a skate park, ball fields, shelters, playgrounds, and those all have associated operations and maintenance costs. Is a 25-acre, fairly large park we anticipate the costs will be high, in the \$400,000 for o & m. We don't have the design, so we don't know exactly what we are designing and we'll clarify as we know more what the actual costs will be. It will be easier at a later point.

Hardesty: I think the city council needs to know if we are committing ourselves to a financial scheme we cannot support as early as we possibly can. That is daunting to say it could be around \$400,000. But we don't know. It could be more. Yes, great area. It depends on what side of the street, Portland or Gresham, so it makes me wonder whether or not this is a good two-government partnership. That whole area, it depends on what side of the street. There is no rhyme or reason. It is based on sewer. I'm concerned that if you are telling us today the operating costs will be \$400,000 a year. That is a huge concern. We know parks every year, we are cutting stuff and don't think this year will be any different, so that is where I am.

Wheeler: Very good. Commissioner Fritz has a comment.

Fritz: Two comments now. Commissioner Hardesty I encourage you to get the briefing from the park staff to get the information about the utilization of minority and women contractors. I was happy with the results. Second with regards to operations and maintenance, we have a binding city policy that new facilities of any kind do get new operation and maintenance and that gets built into the budget. I appreciate the mayor being very transparent so we know upfront what the estimate is. We can't be completely accurate until the design is finished. And really, the choices if we build this park or not? I was very happy to dedicate \$20 million in system development charges for a park that the community in centennial has been prioritizing, the entire Portland coalition prioritized this park as number one choice. We didn't have the money to do parklane at the beginning of my tenure as parks commissioner. At the end we did have sufficient construction impact fees to allocate this money. So really now is the time for us to decide are we going to build this park, finish building this park in centennial neighborhood or not going to do it at all.

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

Karla: No one signed up.

Wheeler: Very good. This is a first reading of a nonemergency ordinance, it moves to second reading. Thank you. And last, but not least, the red lantern award goes to item 109. Commissioner Eudaly.

Item 109.

Eudaly: Thank you, mayor. This provides parking garage services for smart park garages. The purpose is to extend the contract through March 31, 2021, not to exceed a total contract term of 10 years. This is the last extension that can be approved for this contract. An RFP will be initiated in early 2020 to select a new contract. Here to answer any questions is smart park general manager Michael Jacobs.

Michael Jacobs, Bureau of Transportation: I manage the smart park program for the bureau of transportation. The ordinance before you is to extend the city's contract with central parking systems of Washington through March 31, 2021. The central parking provides parking garage management services for smart park program, administration and management of daily operations in the garages, the janitorial program, the permits, the equipment maintenance. They maintain our network and responsible for the PCI compliance in the program. In the smart park program we value high quality customer service to monitor how the operator is performing we have them conduct customer satisfaction surveys. Last year 94% satisfaction rate overall for customer service in the garages. 88% satisfaction rate with automated payment system and 91% satisfaction on

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the merchant validation program. The contract is funded by the receipts from the garages. The annual revenues are \$13.3 million, higher than when central park took over in 2011. The budget is \$3 million. We are requesting a one-year extension for this contract as commissioner eudaly mentioned this is the last contract extension we will make as it will fulfill the full 10 years. Because of that we are providing -- beginning in a couple of weeks we are going to start putting together a new vendor selection process, drafting and releasing a request for proposal hopefully in june or july and reviewing those proposals by the end of summer and finalize a new contract by the holidays so we can begin a transition plan for a new contract to start april 1, 2021. And I would be happy to answer any questions.

Wheeler: Colleagues, any questions on this item?

Hardesty: Just one. How will the rfp change? Unfortunately, I was intimately involved in the smart park contract. The rfp would read 20 years multilevel downtown parking experience. Now, we finally got the mayor to revise that rfp, but i'm always concern if rfps are written in a way that actually only one company would benefit. I have not been following, I must say, the smart parks of late. It was a very interesting experience that I had, but -- and it was an ability to make sure there was going to be competition. So it would be great if you were near developing the rfp, when it is in draft send it to our offices so we have a sense that it really is an open process and no one entity will be at more of an advantage than another. Thank you.

Wheeler: Very good. Do we have public testimony on this item, Karla?

Karla: No one signed up.

Wheeler: Very good. This is a first reading of nonemergency ordinance. It moves to second reading. We are adjourned until tomorrow, thursday, at 2:00 p.m.

Council adjourned at 12:41 p.m.

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Key: *** means unidentified speaker.**

FEBRUARY 6, 2020 2:00 PM

Wheeler: February 6, 2020 afternoon session of Portland city council. Good afternoon, Karla, good to see you.

Karla: Good afternoon.

Wheeler: Please call the roll. [roll call taken]

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

Wheeler: We'll hear from legal council.

Lauren King, Deputy City Attorney: Good afternoon. 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 so everyone can feel welcome, comfortable, respected and safe. To participate in meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. If not you may be ruled out of order. When testifying please state your name for the record. Your address is not necessary. Please disclose if you're a lobbyist. If you're representing an organization please identify it. The presiding officer determines 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 support for something that is said, please feel free to do a thumbs up. If you want to express you do not support something, please feel free to do a thumbs down. Please remain seated unless entering or exiting. If you are filming the proceedings please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. A warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. A person who fails to leave is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

Wheeler: First up is land use hearing, items 110 and 111 together.

Items 110 and 111.

Wheeler: Very good. First legal council will give us a few announcements about today's hearing.

King: This is an evidentiary hearing. You may submit new evidence in support of your arguments. Testimony will be heard as follows. We will begin with staff report by bds for approximately ten minutes. Following that city council will hear from interested persons in the following order. Applicant will go first and will have 15 minutes to address council. After the applicant the council will hear from individuals or organizations who support the applicant's proposal. Each person will have three minutes to speak. Next council will hear from persons or organizations who oppose applicant's proposal, again each will have three minutes. If there was testimony in opposition the applicant will have five additional minutes to rebut testimony given. The council may close the hearing and deliberate. As this is a nonemergency ordinance it will pass to second reading. Council may make amendments to the ordinance and findings or direct staff to return with amendments. There are several guidelines. Submitting evidence into the record. Any letters or documents should be given

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to council clerk after you testify. The original or a copy of any slides, photographs, drawings, maps, videos or other items you show to the council should be given to the clerk to make sure they become part of the record. Testimony must be directed to the approval criteria. Any evidence must be directed toward applicable criteria in this land use review or other that you believe apply. The staff will identify applicable approval criteria as part of their staff report to council. You must raise an issue clearly enough to give the council and parties an opportunity to respond. If you don't you'll be precluded from appealing to the land use board of appeals based on that issue. Applicant must identify constitutional challenges. If not the applicant will be precluded from bringing an action for damages in circuit court.

Wheeler: Do any members of council wish to declare a conflict of interest? No members of the council are declaring a conflict of interest. Do any members of the council have ex parte contacts to declare or information gathered outside of this hearing to disclose? No commissioners do. Have any members of the council made any visits to the sites involved in this matter? Do any council -- i'm hearing none. Do any council members have any other matters that need to be discussed before we begin the hearing? I'm seeing none. With that we'll start with the staff report. Ten minutes. Come on up, name for the record, microphones move around and for those of you presenting today about six inches works well with these microphones. They slide around.

Don Kienholz, Bureau of Development Services: Thank you, and good afternoon, mayor, city commissioners. I'm don king, senior planner with the bureau of development services here to present the hearings officer recommendation for comprehensive plan map and zoning map amendment review. Cp is the nomenclature for the zone change. This is one of the highest level of land use reviews and it has to be approved by city council after being reviewed and recommended to city council by the hearings officer so it's gone through a fairly robust public process. Just as an orientation of where we are, this is an air photo of the site just north of i-84. You'll see to the west what I have labeled a movie theater. Northeast 16th avenue is the boundary between the central city plan district and in this case -- outside of that in sullivan's gulch neighborhood, but that is the lloyd center. That of course heads to the west. Directly to the east is northeast 21st avenue a crossing of i-84 from sullivan's gulch into the coons neighborhood. The property is zoned commercial use 3 with a d-overlay on the northern property. On the southern portion it's open space with a conservation environmental overlay. It's important to note all the development that's currently on site is all north of that line, it's all in the cm3 district boundary. Typically, what we're here for this come presence up zone change we're changing -- both the zoning map, the official map as well as the city's comprehensive plan. In this case, though, we're doing neither, so this is unusual review, more of a technicality as to why we're here than going through a large development. So the applicant as you noted earlier is requesting to remove a condition of approval that's associated with an old 1989 comprehensive plan map amendment put on the site. The only reason that we're here is because any time we modify a condition of approval or remove one from a previous land use review we have to go through the exact same review as when originally passed. Even though this is removing the condition of approval we have to go through this robust public process. Going back into 1989, the property was originally zoned rh, high density residential, then changed as part of that '89 approval to commercial use. The applicant at the time was not seeking to open up the entirety of the commercial uses that would be allowed. They only wanted an extended stay limited hotel on the site. Because of that the applicant at the time requested this condition of approval be placed on the property. That was for two reasons. One, the local neighborhood association was concerned that changing it from residential use to commercial use would bring a significantly more intense uses but also they didn't want to go through the full-blown traffic evaluation and analysis

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that would be required because when we do that we have to look at worst case scenarios weather it's a low intense retail or high intense entertainment type of use they would have to look at the worst case scenarios. By limiting it to just the extended stay hotel the area would limit the skosh the transportation review and alleviate some concerns that came up from the local neighborhood association. Just to give context of the site, we'll go through a few photos. This is looking south from northeast Multnomah street. That is behind or on the screen there hopefully you can see that. Those are the extended stay hotel rooms. Each of these have facilities for someone staying a few weeks. Kitchen, bathrooms, living room. They are very much like an apartment already and so is the design and location on the site. It is a hotel. There's proof through the site. This is looking directly east from the corner of the property. This area does have some high intensity, high density residential uses in the area as well as some low density single family dwellings in the immediate vicinity. This is on the south side of the property. The reason I have this in here is this parking lot just on the other side of the cars where those these are, that's the zoning line between the open space and cm3 district, so again no development proposed and no use currently on the open space side of the property. This of course is looking west towards the the up and coming lloyd district with some of the new development that's there. What you see in front of you is the movie theater and the eastern extent of the mall. This is showing lower density housing that is in the vicinity there. So again the applicant's request is to move this condition of approval from 1989. The approval criteria, the relevant approval criteria are found in code section 3.810.850 a, first on balance the proposed designation is equally or more supportive of the comprehensive plan as a whole. That means you don't have to meet every single comprehensive plan policy. Some are weighted more heavily than others but in general you have to meet them as a whole, be more supportive. Second that the proposed designation is consistent with statewide planning goals and there's 19 of those. Staff evaluated and the hearings officer did as well all plan policies of the comprehensive plan as well as the 19 statewide planning goals and the appropriate criteria requires us to look at metro's functional plan for consistency. In general the ones that are relevant look at housing, economic development, transportation and land use, the pattern of land use. Staff originally found on the whole it was supportive and the hearings officer agreed. One of big reasons is that by removing this condition of approval the site can then be developed to the full potential if you will of the commercial cm3 zoning. Currently there's no proposed development but what we have heard is the interest currently is to change the use from the hotel use to a housing residential use. So it would increase the amount of housing that's available in this neighborhood as well as over on the city of Portland. The delegates are more than 20 units so a change of use could potentially trigger inclusionary housing requirements which again would meet several of our comprehensive plan policies. For the zone map amendment there are three applicable approval criteria, the first is compliance with the comprehensive plan which the hearings officer found was satisfied. The second is adequacy of public services including water, sewer, transportation and infrastructure, then the third is that the property is within the city boundaries which this of course is. All of the appropriate bureaus and internal agencies reviewed this for compliance and they all found that they were compliant. Transportation evaluated fairly comprehensive transportation impact analysis for the potential change of use and found that the criteria were satisfied. So the hearings officer did find the zone map amendment approval criteria were satisfied.

Hardesty: Thank you.

Wheeler: My question is so there's no immediate plan to change the use of that site? Is that accurate?

Kienholz: Well, so the proposal for this before any proposal of change of use could come in, this has to be removed. There's no uses associated with this review. That's important

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for a couple of reasons. One is that we're just taking the condition off but two, if we evaluated it for a specific use, if there were conditions of approval associated with that use they would then be tacked on to this comprehensive plan change and map amendment and any changes would have to come back through this entire process.

Hardesty: Is it the entire property? What about the open space that's already designated as open space? Are you recommending we remove that designation as well?

Kienholz: No, i'm not, the zone will change. That's why this is unique that we're here. The zones will not change, overlays will not change, it's simply the condition of approval will be removed and it's just like any other parcel in the constituent subject to the zoning requirements.

Hardesty: Thank you.

Kienholz: You bet. That's the conclusion. There's not a whole lot of approval criteria. The bulk of it is of course the 633 comprehensive plan policies but again the hearings officer and staff found that they were on the whole equally supportive of that so they recommended approval. So if you have any other questions i'm happy to respond.

Wheeler: Commissioner Fritz.

Fritz: Thank you for sending the hearings officer's decision and the council's report from 1989.

Kienholz: It was a while ago.

Fritz: I was interested you highlighted you sent me your pdf, the same concern that I have about housing. Is housing required in the cm3 zone?

Kienholz: It's not required. It can be completely commercial use or it can be solely residential use. Generally speaking when we see these projects they come in with mixed use. We changed the zone a couple of years ago to offer more robust allowance of uses.

Fritz: It could be completely office or commercial.

Kienholz: Theoretically.

Fritz: Did you consider a recommendation of approval that there be 168 units of housing to preserve the current capacity?

Kienholz: We did not.

Fritz: Thank you.

Wheeler: Thank you. Appreciate it. We might see you again later. Next up is the applicant. I'm sorry, yes, the applicant. Welcome, name for the record, 15 minutes. I should say up to 15 minutes.

Allison Reynolds, Stoel Rives: Thank you. I'm alison reynolds, the applicant. I doubt that I will need 15 minutes. But we fully agree with the recommendation from the hearings officer and are hoping that the council will adopt that. The only other thing that I would like to add is that we would not support a condition of approval that commissioner Fritz was noting, not because we don't intend to redevelop this with housing, in fact that is part of the plan, but I think that we when we were looking at the client that i'm working with was looking at the site it was very frustrating that there was a use-specific condition that I did ensure that what we thought we wanted to do with the site would force us to go back through this process, which is fairly robust and time-consuming and so we just in general think that removing a condition that currently prohibits housing on this site is clearly more supportive than a situation like it is today where no housing could be built so allowing the possibility for housing we think meets the approval criteria. The only other thing I will add is that we would be happy to take any additional questions that the council might have about how this proposal meets the approval criteria and we also have our traffic engineers in case there are traffic related issues.

Wheeler: Commissioner Fritz.

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Fritz: Thank you for your testimony. In the zone change it was contingent upon two things, one has extended stay and the other was to change another property to compensate for half of the housing that would otherwise have been allowed under the rh.

Reynolds: Sure.

Fritz: I don't understand why you would be averse to a condition that said that you have to develop at least 168 units of housing on it if that's your intent.

Reynolds: So the current intent that the client i'm working with has is to develop this with some housing. I do not know that it will be a whole entirely 168 units. I believe they are considering that now but there may be some other changes that occur on this site. So I think our key objection to this is that we do not want to have this property further conditioned with specific use types. I believe that the cm3 zone because it allows housing and encourages that, having the cm3 without restriction is currently more supportive of development of housing than the condition that currently bans housing on the site.

Fritz: I'm not quite understanding that. Last week we heard from the same hearings officer that living in one house to be an office would significantly impact their statewide planning goal. I don't understand why if we do away with certainty that there will be housing especially since your client is looking to do some, you made me nervous saying it may not be as many as 168 units. This is a prime site where a lot of the comprehensive plan policies say put more housing on transit, in centers, near commercial, et cetera.

Reynolds: Yeah. I completely agree with you that we are supportive of housing in this area. The change we're asking for is simply to remove a condition that currently does not allow a single housing unit on the property. So I am simply asking an additional condition not be placed on this property. We do not feel that it is necessary for that condition or that the condition is necessary in order for our proposal to meet the criteria for approval. Those criteria as are outlined in the hearing officer's report finds that simply removing a restriction which currently says that on this fairly large site not a single housing unit is allowed that removal of that is more supportive of policy to have adequate housing in the city than having that condition there. So that is what we are proposing. We're not proposing a specific condition that requires housing. As I said at this point the current client i'm working with does intend to develop that as housing. I don't know what the actual plan will be for the site because we do not have a proposal currently moving forward.

Hardesty: I have a question for staff when we get back to that.

Wheeler: Any more questions for the applicant? Very good.

Reynolds: Thank you.

Wheeler: Appreciate it. Next up are supporters of the applicant, three minutes each, name for the record.

Karla: No one else signed up.

Wheeler: After that would be opponents of the applicant.

Karla: No one signed up.

Wheeler: Followed by any rebuttal from the applicant which we don't need. Council discussion. Staff, I guess, why don't you come back up. Commissioner hardesty would like to ask you a couple of questions.

Kierach: Hello.

Hardesty: Hi. Thank you. Following commissioner Fritz' question, this is an area of the city that has a very robust public transit systems in place, easy accessible, walkable neighborhood. Wouldn't we all love to have a walkable neighborhood? My question is why not have a restriction on it that it actually just be for housing and did you consider that as you were making your recommendation?

Kierach: Well, I should probably clarify one thing. Then answer your question. So to clarify, kind of follow up on what the applicant was discussing, the nature of the condition right now housing is prohibited. There's zero units even though the hotel is designed as

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what could be construed as apartments or housing units, it's only there for stays below 30 days. So that's the code requirement. Lifting this condition of approval opens it up to everything that's allowed in the cm3, which is mixed use zone, typically retail sales, service on the bottom, possibly offices and the upper floors residential units. It's a very robust zone with one of our highest height allowances of the commercial zones and it's a very large site so it's not restricted by number or density it's restricted by floor area ratio so there can be a gamut of how they design that. We did not -- condition of approval requiring a minimum amount of housing units. There used to be in the old commercial codes -- I take that back. There's minimum density. When you do develop household living you have to have a certain amount of units based upon the site area. But again, typically because this is so far close into the city the size of the site, the amenities and infrastructure around it, I don't think I can recall a project where we had the minimum. Which we would have to calculate what the minimum was when I find out what that number is. The 168, that's the extended stay hotel units, if you will.

Hardesty: I got that. That's helpful.

Fritz: I'm skeptical trusting we're doing the right thing, in particular we all know there's a housing crisis, that developers have been trying to avoid building housing that is subject to inclusionary housing. So I'm very reluctant, and if you read the decision as to how they got the zone change in the first place, yes, they are just taking off the condition but the conclusion of the hearings officer in 1989 was two -- one was changing as a block to provide half of the housing potential, and then the other is the specific character of the development proposal. Extended motels are a fairly recent innovation, the design shows many of the characteristics of multifamily development. This is an important factor in whether the proposal is consistent with the plan neighborhood goals as they request this specific development.

King: Council, the applicant's attorney has indicated that they would be open to a condition of 100 units. Would you like to hear from the applicant again? That's not the normal procedure but I wanted to make sure that information was passed along to you.

Hardesty: I would. Please.

Wheeler: Yes.

Reynolds: Sorry to interrupt. Thank you for letting me be heard. I just conferred with my client, the folks doing the development. They agree, they do fully understand the concern that all of you are raising that we don't want to have a situation in this site that doesn't have housing on it so that is the intent here. The issue is that because of the current configuration with how these are set up as hotel rooms we don't know that we can commit to 168 housing units, but 100 units sounded fine to everyone we were talking with. So that would be a condition that we would be okay with accepting. I don't know that that addresses your concern but it is just a redevelopment issue on the site.

Fritz: The cm3 is one of the highest intensity. It allows a lot of development so I don't understand why only 100 units would be envisioned there.

Reynolds: So I think we would say at least 100. We would not want to be hamstrung to only build 100. The current plan is to take the existing structures, which function somewhat and look somewhat like a garden apartment style, and they are planning to do an internal conversion of that. So that is why the 168 unit number we're not sure that with the plan for the internal conversion and how they would like to set up the rental, number of bedrooms, that 168 would work out here. That's why we're asking for that.

Hardesty: It sounds like we could say a minimum of 100, right, so we don't want to limit your ability to build more, right, but I certainly would support having a minimum of 100 housing units. I used to live in that neighborhood so I know that this area that went straight down to the freeway where nothing was for 25 years all of a sudden now has sky rise apartments or condos, right? Which freaks me out. This is like right in the middle of that

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block area so I know it's important because we have lost some new housing that was supposed to go in that area and now it's not going, so I think we really have a commitment knowing what the transportation infrastructure is that housing be a primary part of that area. So sounds like we have an agreement.

Wheeler: I'll chime in on this. I was anticipating commissioner Fritz putting forward an amendment for 168 units and to be honest I was prepared to oppose it. The reason is the lot is currently -- the parcel is underdeveloped. High value developable parcel in the central city in an area that's experiencing a lot of dynamic change and growth. So now that the applicant is prepared to commit to 100 units of housing I will certainly take that. It sounds like they are prepared to give their word that they are willing to do that, but the thing I want to just remind people, in the context of a land use hearing, the question is what's being offered superior to the status quo in terms of meeting the council's established development plans. The answer from my perspective is unequivocally yes and I suspect that's why there's no opposition so they are willing to commit to a certain development mix on that parcel which I think also happens to comport with our desires around increased housing in the central city. Great. I'm all in.

Reynolds: Mayor, I would just respond by saying I think we would still prefer to have this be an unconditioned situation, not add an additional condition, however, to the extent that a condition is needed to ensure that housing is developed on this site we would prefer the 100 to the 168 that commissioner Fritz was asking for the reasons that I outlined, but we still do think as I stated before that removing a ban on housing is clearly more supportive of housing policy than having the ban.

Wheeler: This is a great compromise and it meets a bunch of goals. Commissioner Eudaly.

Eudaly: I would have supported this with or without the condition. We don't have lack of housing, we have lack of affordable housing, so presumably if you're building 100 units you will probably be required to provide 20 of them or 10 to 20 of them at 60 to 80% of median family income. I understand how expensive and time-consuming these processes are and the nature of the market that you're developing client or partner is working within. That deals fall through and any condition placed on the property may impact your ability to develop or sell in the future. So we have had hundreds if not thousands of units built in that vicinity, and there's an overabundance of market and luxury rate apartments. So it's just less of an issue for me.

Hardesty: Mayor, I move we approve the hearings officer's recommendation with the amendment that it would be a minimum of 100 housing units would be required for this property.

Fritz: Second. Subject to findings coming back at a time certain.

Wheeler: Thank you. We have a motion from commissioner Hardesty, a second from commissioner Fritz with all the appropriate language inserted that we are required to insert. Anything else?

King: We'll come back at a date and time certain to adopt with findings and the applicant will prepare some updates. What's your timeline?

Reynolds: We are happy to get that done as quickly as you think you can review it. So we could be back with that in three or four days.

King: What's the next date and time certain available?

Karla: I would say the 19th unless you want to come back next Wednesday.

King: Next week is not possible for our office.

Karla: The 19th commissioner Fritz is gone but we should be okay.

Hardesty: We need three affirmative votes. From the conversation it looks like we're all in agreement with this amendment. Looks like the 19th will be fine.

King: We'll do 9:45 time certain.

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Wheeler: We'll take the tentative vote. First with the amendment. Call the roll. I stand corrected. It's actually now the main motion with the condition.

Karla: Motion as stated by commissioner hardesty.

Fritz: Thank you very much for your willingness to compromise. We all have the same goals, I just having had the condition before that required housing I want to make sure that we do get housing so I think this looks like it will be a really good development. Aye.

Hardesty: I'm always appreciative when amanda Fritz pulls something out of her back pocket that is old and dusty and she's reviewed it and brings it into the current conversation. I think this is a good compromise and i'm very grateful to the proposers that they were willing to accommodate this request. I vote aye.

Eudaly: Aye.

Wheeler: I want to second what commissioner hardesty just said. I will miss commissioner Fritz when she is no longer on this council because she has a long view to the history of a lot of the arcane planning processes of this city and codes. It actually is important to remember that history, and I appreciate the role that you play bringing it forward. While I would not have perhaps supported the entire amendment that you originally put forward this is a fabulous compromise and i'm appreciative that the applicant is willing to agree to this. I think this is a win-win-win for the community. I'm really excited to see what happens on that parcel in years ahead. I think it could be really a tremendous opportunity for you and for the community and I look forward to supporting it. I vote aye. The motion carries. This is a tentative vote. The final vote will be taken on wednesday, february 19, time certain 9:45 a.m.

King: The record is closed.

Wheeler: The record is closed. Next up, 112.

Karla: That is time certain.

Wheeler: We'll come back at 3:00 p.m. We're in recess.

Wheeler: Thank you.

Hardesty: Thank you.

Council recessed at 2:38 p.m.

Council reconvened at 3:01 p.m.

Wheeler: We're now back in session. We have a 3pm time certain

Item 112.

Wheeler: Commissioner

Eudaly: Thank you, Mayor. It is my pleasure to bring this report to council. PBOT has been hard at work over the past year on Portland's roads due to our local ten cent gas tax and heavy vehicle use tax. As we will hear this afternoon, projects big and small are underway across the city and there is more to come as we move into the construction season. Fixing our streets has transformed communities through a range of projects like safe routes to school, creating a new crosswalk in front of a school to all-encompassing street scape project in Gateway. We are wanting to get all Portlanders where they need to go safely and efficiently. I am particularly proud of the work PBOT has done to prioritize disadvantaged minorities women, emerging small businesses and service-disabled veteran businesses. In the first three years of fixing our streets program 40 percent of all contracting dollars were awarded to cobid certified firms, doubling our goal.

Chris Warner, Director Bureau of Transportation: Thank you for the opportunity to present the Fixing Our Streets report. I will share a quick overview of how we got here today. The fixing our streets program has been made possible by voters and city council. In May of 2016, voters put their trust in us and passed measure 26173, that same month city council passed the heavy vehicle use tax. Together these two measures created

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Portland's first ever locally funded source for maintaining our streets. As mandated by the voters, fixing our streets dedicates 56 percent of the funds to maintenance projects and 44 percent to safety projects. In 2019, the city ombudsman took a look at our program and offered suggestions for improvement. We took those suggestions to heart, here is a couple of things we've done to implement these changes. First, we have improved project delivery by enhancing our system, including new software that allows for better collaboration and shared information between engineers, project managers, construction managers and others. We have also improved our reporting and auditing program.

Millicent Williams, Division Manager Bureau of Transportation: I'd like to share from scoping to design construction, our team has worked diligently to make fixing our streets projects successful. We have addressed street failures in 377 locations throughout the city, fully improved 58 intersections to make them safer for travelers, completed forty lane miles, constructed 300 ADA routes and completed safe routes to school. Even routine fixes on our streets project like this paving project on southeast 50th avenue can encounter unexpected challenges. In this case that allowed us to do a deeper fix. Instead of paving over the old, buried rails our team devised a more comprehensive solution and completely removed these hazards. By doing so we will extend the life span of the roadway and no longer have the risk of exposed rail tracks which can be extremely dangerous, especially for pedestrians and people biking, and we will save money on future maintenance work in the process. The fixing our streets program is about more than just projects. You mentioned this earlier, commissioner, but it bears repeating, we have invested fixing our streets funds to support participation of firms certified by the certification office for business inclusion and diversity or cobid. The bureau is intentional in its efforts to engage disadvantaged, women owned and service-disabled veteran business enterprises. In the first three years of the fix of our streets program 40% of all contracting dollars were awarded to cobid certified firms. Double Portland citywide goal of 20% participation.

Warner: I want to add more about the important role that public participation played in this program. Our work is only as good as the feedback we receive from community members who live, work, play and use our streets every day. The \$8 million allocated in fixing our streets for school improvements was not identified by specific projects. Fixing our streets taxed our safe routes to school team to find out what changes Portlanders would like to see around their schools and prioritize the list for safety improvements. With over 100 schools throughout the city we knew we needed to go deep and learn as much as we could about the routes families take to school or want to take to school for them to be successful. With the support of fixing our streets we completed historic outreach efforts for safe routes to school. We met with families from all of five Portland school districts. They told us where they needed safer crossings, better sidewalks and other infrastructure and as a result we have a comprehensive list of projects that will improve walking and biking for students in the city's 12 high school clusters but we're not done building. We built the first 79 projects on the list. We'll continue to have these outreach efforts guide our future round of fixing our streets.

Williams: There's still more to do and this year we'll have another big construction season as we break ground on the final round of projects in the fixing our streets portfolio. Here's a sample of what's coming this construction season. Once again we will have projects across the city. A couple highlights include extensive paving, sidewalks and ada ramp improvements and lighting on 136th avenue. Paving and ada ramp improvements on alberta between 15th and 30th. Bike lanes and more on southwest capital highway from Multnomah village to west Portland. We'll finish up the multiple safe routes to schools projects building a new greenway in east Portland and more. Here's a closer look at our fixing our streets dashboard. As you can see we have completed a lot of work over the past few years. Our team is ready for the final push to complete these projects and we're

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excited about the opportunity to deliver them to Portlanders. This slide shows our progress on projects by type. This slide shows our progress on projects by category. For your reference .5 indicates first or second phase of a project.

Warner: So that concludes our presentation. We would like to turn it over to Jennifer and Ashton for them to give you remarks and we'll be happy to answer any questions.

Hardesty: Can I ask a question before I lose it? I'm old and I forget. You mentioned there was 40% of the contractors were COVID companies. Can you do the breakdown about who those COVID companies are?

Williams: Yes, we can. It's 40% of the contracting dollars, not 40% of the contractors. So 40% of the dollars.

Hardesty: Of the total dollars?

Williams: That were available to be contracted. I can provide that in a follow-up. We do have the breakdown. Our contracting specialist who works on equity issues has all of the breakdown for your convenience, but we were pleased to report that the majority of the firms that were selected through the competitive process, through the low bid process that utilized -- that were certified firms most of them were minority owned or women owned. We did not have any emerging small businesses. There are several that have if not singularly owned but partially owned veteran owned businesses. I will be happy to provide that for you.

Hardesty: You know I'm always going to ask that question, so I'm surprised you didn't bring it.

Williams: Thank you.

Hardesty: I look forward to getting that information. 40% sounds good, but of course everything depends on whether or not we're really helping small businesses actually be successful. I know you're both committed to that, but devil is in the details. Thank you.

Eudaly: While we wait for our next speakers to come up I'll share I have an artifact from tearing up the tracks, proof that I proudly display in his office and will be handed over to the city archives once I'm gone. Unless I have to use it on a vampire or something. Spike.
[audio not understandable]

Ashton Simpson, Oversight Committee: Thank you for the opportunity to come speak to you. I'm Ashton Simpson, co-chair of the Fix Our Streets Oversight Committee. I acknowledge this is Black History Month and I would like to take a moment to thank Commissioner Hardesty. She is the city's first African-American woman elected to city council and that must be recognized.

Hardesty: Thank you very much.

Simpson: From one Black veteran to another, thank you for continued dedication to service and may your leadership be inspiration for future generations of women of color.

Hardesty: Let's hope so. Thank you.

Simpson: I began serving on the Oversight Committee in February 2019 and I'm happy to report that projects are being completed on time and that our dollars are being utilized strategically and effectively. East Portland has benefited from projects such as the Halsey Weidner paving project that slows down traffic, sidewalk infill that allows for pedestrian movement along a busy corridor and safe routes to school in my community so our kids can get to schools and parks safely. The initial steps are bumpy as pointed out with the auditor's report, but with the leadership of Commissioner Eudaly and Director Warner the program is operating as expected. The PBOT staff has also been outstanding in answering our questions and providing monthly reports to review in between our scheduled meetings. As Commissioner Eudaly stated, I want to drive it home, 40% of all contracting dollars have been awarded to COVID firms representing more than \$11 million invested in these companies. Diversity and inclusion mattered and these companies completed projects. I expect that when we do our next annual report, 65% of all contracted work is completed by

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cobid certified firms. Fixing our streets is an awesome opportunity for these companies to grow and expand their portfolio so they can bid for more extensive projects in the future. The program has been great. But we all know there's more work to be done, especially in east Portland. With that i'll pass it off to jennifer rollins.

Jennifer Rawlings: Thanks. Thank you, commissioners, for listening to me once again on this topic. Not getting sick of hearing from me. It was just about exactly four years ago this month that I sat here and made a passionate plea to the council to do something, anything, about the streets and maintenance, and i'm really proud to be here today. There have been some rough starts in the program, but I am just thrilled with where we have come in those four years. I had to serve three take-aways when I presented the city club's research and that was just to do something to be courageous and take a political risk and support a new tax or fee of some sort, but also to be cautious and used the opportunity to build trust and prove the city and pbob could be responsible with those dollars because there had been a long history of money allocated for things like maintenance and it being shuffled to other things, all important, but we felt there was lack of trust. Like I said I feel there was a rough start but i'm really excited. We hit the ground running. When I said do something and be courageous you took it to heart and I was a little bit surprised to get a call to ask to take part in the oversight committee, and I bear some of the responsibility for those audit findings. I had no idea what was involved with chairing an oversight committee or was it my job to call the commissioner and say I want to report to the council. I didn't know. So we learned a lot from that audit, and I think we have addressed those glitches along the way. I feel like the pbob staff is giving us much more information. I have this amazing co-chair who knows so much more about what's going on on the grounds. I'm a lawyer, he's got all kinds of background that I lack. We're a great team. So I will take this opportunity to not only tell you that i'm thrilled with the way the current program is going but to urge you to support a second round of fixing our streets. I think it's been a drop in the bucket and I would love to see it continue.

Eudaly: Thank you.

Wheeler: Thanks.

Eudaly: I move to accept the report.

Hardesty: Second.

Wheeler: Motion from commissioner eudaly, a second from commissioner hardesty. Any further discussion? Please call the roll.

Fritz: We have done what we said we would do and we've done what we promised to the voters, and I encourage everybody to look online and see this report because it details in far more information than we just got in an overview all the work that's been done, and I appreciate jennifer's mentioning that everybody has learned a lot along the way including the oversight committee. I agree that the committee has responded to the audit's findings and that this is a program we can all be really, really proud of. So thank, director warner, previous director leah treat, former commissioner steve novick and also commissioner eudaly for your leadership of this. It's something we can all be proud of, and I certainly am. Aye.

Hardesty: I want to share my appreciation. As an east Portland resident I feel i'm a beneficiary of many of these traffic improvement projects as is my community, and there may be people that think, well, how come east Portland all of a sudden has all this investment taking place? It didn't happen overnight. In fact we spent 12 to 14 years advocating with our local government that they needed to invest in east Portland, right? I gotta tell you i'm loving what i'm seeing, and what I know is that change is scary for people, and so the fact that the streets are narrower, that requires cars to drive slower, and it's a good thing, right? So don't think that what you're doing is not having an impact. It certainly is having an impact on behavior, on people's understanding of why those changes are

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being made, so well done. I'm glad to see that we are exceeding goals of ensuring that the beneficiaries of public dollars is spread broadly and widely than we're helping our community members, many of them from east Portland, grow their small businesses, so I happily vote aye.

Eudaly: Well, I am almost speechless. [laughter] I think my work here is done. Commissioner Hardesty is happy about what we're doing in east Portland. No. I want to thank Director Warner and Millicent as well as Jennifer Rollins and Ashton Simpson for presenting today. I would say from one of the lessons I hope we have learned is that when we are planning on setting up a program that's contingent upon a ballot measure passing we need to give ourselves an ample runway to stand that program up and launch the projects. I'm really proud of the progress that we made and the ways we have addressed the concerns of the auditor. Just want to commend everyone for their hard work. I vote aye.

Wheeler: Great work. Really appreciate it. Appreciate the work that the committee did. You're volunteers. You don't get paid for you do. There was a long path between where you started and where you ended, and I think it sets us up well for the conversation we're about to have. I vote aye. The report is accepted. Thank you. Can you please read items 113 and 114 together, Karla.

Items 113 and 114.

Eudaly: Thank you, Mayor, now we will move into the second part of our time certain asking voters to renew the fixing our streets 10 cent local gas tax and heavy vehicle use tax for another four years and refer it to the May 2020 ballot. As we learned from the previous presentation, fixing our streets is having a tremendous impact on our city and I'm proud to bring this before Council as your transportation commissioner. Staff will go into details shortly on the projects and services the program will fund as well as outreach that we have conducted. Following the staff presentation we'll move on to invited testimony from community groups and then public testimony. Mayor, we do have more than the requested four invited guests. We have planned this for a long time. We have asked them to limit their comments to two to three minutes each. After public testimony, Council can ask staff to answer any questions that come up during testimony, and finally we will vote on the resolution to refer the resolution to the May election and first reading of the ordinance that will advance the heavy use tax.

Chris Warner, Director Bureau of Transportation: Thank you. Really thank you for your leadership. I think as we have talked about it's been a long road, but your leadership has been steadfast and everybody at Pbot really appreciates it, so thank you. Thank the City Council for all your support. This part of presentation will really describe more in detail about the proposed fixing our streets for an additional four years. We feel confident it incorporates several important improvements. The core principles remain the same. This program is focused on basic maintenance and safety. Although Portland has been successful at receiving regional, state, federal funding for new projects we constantly struggle to find adequate funding for basic maintenance and safety. The local gas tax and heavy vehicle use tax has been essential to funding some of the core maintenance and safety needs that we have. Streets are like the roof of your house, deferred maintenance allows water to get below the surface causing damage and exponentially causing increases to repairs in our streets. Engineering studies and Portland's own experience clearly document the cost of inaction. It's estimated that for every dollar spent in early preventive maintenance we can save \$10 on costly reconstruction of existing streets. We also pay incalculable cost in cost of life for every fatality we have. This underscores the need for continued safety improvements. The following slides show the name and address of Portlanders killed on our streets in the last three years, in 2017, 2018 and 2019. Over this period 131 people have died in transportation related crashes. Pbot is committed to

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vision zero, funding for fixing our streets is essential in funding critical safety improvements and is also known to save lives. This slide also highlights another factor that is driving our investments in safety improvements in the renewal of fixing our streets. Fatalities continue to be concentrated in east Portland and on the high crash network. Of the streets currently lack adequate lighting and crossings and those are prioritized in this program. In addition the need to focus resources recent crash data continues to highlight the need to improve safety for pedestrians over the last five years 40% of fatalities occurred to people walking and rolling in our streets. Our investments in providing adequate street lighting is one of the focused efforts to improve safety for pedestrians. For the moment I would like to turn it over to you that segal from pbot who is going to give you an overview of the fixing our streets o2020-2024.

Noah Siegel, Interim Deputy Director: Thank you, mayor, commissioners. I'm noah segal, interim assistant director of pbot. Really pleased to have the opportunity to provide an overview for the proposed program for the years 2020 through 2024. This proposal represents the good work of our community and bureau in developing a complete proposal ensuring the best return on our investments. Pbot we just heard about fixing our streets, the first rounds, and we've done a number of things to improve upon the initial program in this fixing our streets program. First of all the commissioner eudaly was saying previously, the last time we did it was the first time so getting out of the gate we had to do a lot of project developing and scoping and that took about a year before we were out there building the projects. That won't be the case this time. We have already begun developing and scoping the projects and will keep rolling into 2021 if the measure passes. Also, the auditor pointed out that the split of 56-44 on safety maintenance was very hard to track. All of our projects tend to have components of both safety and maintenance in them. It became quite confusing so we focused this while we maintain the focus on those core values of safety and maintenance we focus this proposal on specific out comes and we'll be walking those through with you in this presentation. We believe these combined will allow us to speed up delivery and focus more on responsive projects, allow us to respond to Portlander more quickly. In addition we have improved on our reporting and incorporated independent financial audits to ensure oversight. We just completed our first of these annual financial audits. We do other auditing on project delivery and the like but specifically it's up online on our website right now. We worked with the auditor's office to develop this practice and shared it with other bureaus and i'm happy to say we got a clean financial audit for this past year as well. All our projects will include full ada commitments under the law and have them incorporated into the cost estimates to reduce surprises. I'm proud of our ability to deliver on that. So moving forward this chart lays out how we're approaching fixing our streets 2020 through 2024. So you'll see the bottom two slices of the pie smoother streets and safer streets are both comprehensive lists of projects on both maintenance and safety side. You can see the full list in exhibit d of the materials attached to the referral. But just to give you general examples on smoother streets side you're looking at paving projects and street preservation projects which will be on a lot of our greenways as well. You can see the lists of safer streets projects on the right there. The third category above that we created are community transportation services and these are not defined by specific project but rather lists of things that frankly never end, and we're going to go as far as we can through them and make progress and be responsive. Things like potholes and larger potholes which become sections of road repair called base repair, speed bumps, improved intersections and the like. We're really confident in the way that we have laid out this new program.

Hardesty: Why did you name that community transportation services? It doesn't feel like transportation services. It feels like basic maintenance for the most part.

Siegel: As opposed to people moving through mobility?

Hardesty: Yes.

Siegel: We think of mobility and right of way service that we do together as transportation. So we're looking at the things that enable good transportation. And we are focusing on things that are responsive to community so the word transportation that we -- do differently.

Hardesty: It's the community transportation services that i'm just struggling with the title. Not a big deal, but it feels like that.

Warner: We struggled, but we wanted to emphasize it was services, not necessarily specific projects. So for the pothole, base repair, so it's things we do normally but this money would enable us to do more.

Hardesty: Are these services that are like community led like the community said these are things we want, or are these things prioritized because this was work you knew had to happen?

Warner: A lot of it is based on the planning and outreach we currently do.

Siegel: That actually transitions nicely. We didn't have any of these plans in place when we did the first one, so we did our best to select projects and priorities that were responsive to the community, but frankly, we hadn't done all that work and through these projects, these plans and reports that you are familiar with here such as pedestrian pdx, southwest in motion, we've talked to thousands of Portlanders and that allowed us to draw from the reports on the highest priority projects and services and to design fixing our streets around those, so it is a huge advantage going in this time. And, in addition to that, all of these reports allowed us to work through the equity may t-rex for pbot investment, which didn't exist also the last time so they've been, the projects have been -- we have more projects than we could build in four-years, so we take all of the great projects that we have both on the maintenance and safety side and then we have a scoring through these plans that looks at income, concentrations of communities of color around the city and need in marginalized parts of the city and that shows up here on the map. So the projects have been run through that additionally as part of the selection and that's how we arrived at the final list so all that is new to the final round of fixing our streets and a real improvement for us, earning. The outcomes we're looking for are to reduce the backlog, save money, as the director was saying previously, to improve our pavement condition score, the grade we get on the pavement around the city and where every we can to get double wins, triple wins out of our projects. If we're out there paving, it should be good for other modes, as well. Same is true for other safety projects, when we go out and get the maintenance win at the same time. So this program, this breaks out into the two areas, paving our busy streets, a really focus on the most heavily-used streets and preserving the neighborhood streets most at risk of tipping over and becoming liabilities, so by intervening quickly we save ourselves a lot of money, and like I was saying earlier, we overlaid this with the greenway map so we got a twofer out of it. On the savings side, we look at outcomes that address the highest-priority crossings, the highest number of blocks of sidewalks that we can address. And this is new in fix are our streets too, this has been a high priority for all of us working together, an investment in providing adequate lighting in the high-crash network, primary flee east Portland and expanding our bike network through is a series of improvements. These are the outcomes we will be looking at and you can see the investments here are broken out by those categories, you can see also in that second column as we were mentioning earlier the plans that undergird those project selections which is one of the things we feel is one of the greatest improvements in this round of fixing our streets. Again in exhibit d, you can go down and see which projects are in which neighborhoods and so on, and we shared those project lists broadly with community, as well. And finally in perhaps misnamed community transportation services, the outcomes that we are looking for are safer intersections, really slower speeds all

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around our nab streets. Being response offensive and reinvolving permanently around the gravel streets throughout our city. Here you can see it again, broken out by dollars and the plans that are supporting, as you were saying, commissioner hardesty, supporting those services.

Warner: Consistent with cost responsibility, Portlanders feel it is important heavy vehicles pay their fair share of the road improvements. Pbot developed a methodology for the cost. 56% of the streets program should come from heavy vehicles. We mentioned two changes to the existing heavy use tax program. First our forecast indicates the heavy vehicle use tax rate needs to be increased from 2.7% to 3% of the statewide weight mile taxes. In addition, we've included an automatic adjustment at the end of the second year to ensure that the revenue remains consistent between the 10 cent fuel tax and heavy vehicle use tax. And the fixing our street oversight committee continues our support to ensure the best use of these resources. The resources that are generated by the heavy vehicle use tax. The following is a proposed allocation of resources developed with the assistance of the street advisory committee and this funding will allow the city to maintain the most important streets in the committee. Follow the map we have, and hopefully we will have a bigger version of that, it shows the impact of the fixing our streets program. The information is on our website, we have a summary of Portlanders to see, we've translated many of these materials into the 10 most spoken languages. The past several months, to bring this proposal back to you, i'm pleased to support we have a strong endorsement from a number of the groups that support the council's refer to the may primary ballot. I guess, just in ultimate closing, I would really, I think that these are the council steps that commissioner eudaly outlines, so that's what we're asking for today. I want to take a moment and really thank the pbot staff. It has been a long journey and everyone from engineering to project delivery to project maintenance to communications, everyone has worked so hard to make this program successful and i'm really proud of the work we've done. I want to especially recognize a few people, you leave some people out, I apologize to the people i'm leaving out but I really want to thank noah what spearheaded the effort to the next round. I also want to thank mark lear. Mark was 22 when we started this effort. We've aged him a little bit but it has been a successful run, I appreciate that. Worked in the last several months in terms of bringing all the communities together. In our communication, i'm so proud and happy of the work we've been doing and i'm thrilled to be here with you today. We'll answer any questions now but turn over to the invited testimony so we're here for you.

Wheeler: Commissioner hardesty has a question.

Warner: Okay.

Hardesty: Thank you. I'm curious when your response would be, so this will be our second round with this temporary tax. What would your response be, i'm getting a lot of letters from people saying this is supposed to be temporary and now you're making it permanent. Are we making this a permanent tax?

Warner: No, this will be another four-years.

Hardesty: And at the end of that four-years do we anticipate that we're going to be going back out to renew or do we think we will have a bigger handle on our maintenance needs and we will make some changes? I'm asking you to look into the future and I know it is an estimation so I promise not to hold you to what you say to the letter but i'm curious what you think is.

Warner: I think the voters will be the judge whether we're successful in terms of implementing this program. I can tell this 10 cents will not solve the maintenance backlog needs, not going to solve our safety needs, a infrastructure week and we will have a whole bunch of new money from the federal government, until then, we have to work with the

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tools we have and we look forward to having a conversation in four years on whether or not the Portlanders think this is a successful program.

Hardesty: I appreciate that response and that's probably the best response I can possibly get. The bottom line is that we will be judged based on what we do with the resources we gathered this time, just like last time, so I appreciate that, thank you.

Eudaly: Mayor.

Wheeler: Commissioner Eudaly.

Eudaly: I wanted to add a couple things with any luck, the gas tax will diminish returns because we need people to stop driving so much. User fees are too low to keep up with demand and our backlog of maintenance is a billion dollars and this is only about \$75 million every four-years. So that would be a lot of renewals if we're only depending on the gas tax to catch up on that backlog.

Siegel: Well said. I think the only thing I might add to that, commissioner, while the need is great and the funding is insufficient, every one of these projects makes a tremendous difference in people's lives so we sort of look at it on a project by project basis and get going on the work.

Eudaly: Can't be all or nothing. Thank you. All right, I'm going to invite up our first invited guest panel, we have Jess Thompson from Oregon Walks, Ken Marks from the Rosewood Initiatives and Richa Podol from the Street Trust. Welcome, everyone, and please make sure to state your name for the record when you begin.

Jess Thompson, Executive Director of Oregon Walks: My name is Jess Thompson, I use she, her pronounces, I'm the executive director of Oregon Walks. Oregon Walks is on the Vision Zero Task Force and partners with Safe Routes to School. We fully support the work that has been done by fixing our streets and support extending fixing our streets in the future. We know walking and using mobility devices to get around are health, climate and transportation solutions. What we learn from everyone we talk to in Portland is there is a need for accessible, well lit sidewalks that connect folks walking or using mobility devices to transit hubs, parks, community centers and each other. The problem is too many people in Portland lack access to too many sidewalks. Not only that but we are in desperate need of speed bumps, high visibility crosswalks and signage. We need solutions on high crash corridors to make it easier for pedestrians and cyclists to see one another and pedestrian refuge islands. Fixing our streets will be the stuff of Portland a dedicated funding stream to use towards these critical investments. We are encouraged, I want to focus on this as I close, we are encouraged by PBOT's commitment to equity and would like to specifically highlight it at PBOT. We know communities east Portland have been fighting for decades to have equitable structures realized. We know by the community engagement process that prioritized investment in east Portland and PBOT is committed to use an equity lens when deciding where to allocate fixing our street funds moving forward. Thank you and walk on.

Kem Marks, Director of Transportation Equity Rosewood Initiative: Good afternoon, Mayor Wheeler and councilmembers, my name is Ken Marks, the director of transportation equity in outer east Portland. Four-years ago, I, too, was at this table urging council to refer a measure to the voters for the original fix our streets. I did that, even though I personally was dissatisfied with the percentage that east Portland received as part of the measure. For the -- and I did that because I thought we would -- I was looking at the long game. I was looking at PBOT would have an opportunity to demonstrate their ability to deliver these projects and that we would be looking at a fix our streets 2.0. And we would have the opportunity to work with PBOT and the commissioner's office to make 2.0 better. I am here today to say that I believe that that has happened. I believe PBOT has demonstrated that they can deliver what they promised, it didn't start off smoothly, but it is definitely improved. And as Commissioner Hardesty said there are a lot of good projects going into east Portland, projects that in 2014 we would have never believed were going to happen. Those

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were in the dark days of pre-hb 2017. Pbot has done an amazing job of delivery. Pbot has also in this proposal and the commissioner's leadership, increased the percentage of the funds going towards east Portland. That is very significant because, as you all know, the people who are primarily being impacted by the deaths through crashes and through injuries are in east Portland. So our position at the rosewood initiative is in support of this particular measure, we encourage you to refer it to the voters. Thank you.

Wheeler: Thank you.

Richa Poudyal, Advocacy Director Street Trust: Good afternoon, mayor wheeler. Commissioners. Thank you for the opportunity to speak today. I'm the advocacy directors at street trust, an education advocacy organization, improving conditions for walking, biking and taking public transit. We at the street just want to see all residents, especially those historically under served, regardless of race and income, i'm here to ask you to approve extending fixing our streets revenue for another four-years. While this funding is definitely not going to single handedly 10678 our traffic fatality crisis, we're trying to reach zero fatalities in 2019, we saw 49 traffic fatalities in Portland, highest number since 1987. We're failing our communities. Unsafe conditions for walking, cycling and accessing transit. People are die, children and elderly are dying, this is a crisis and we need to treat it as such. Fixing our streets has funded many crucial investments in our transportation system. Sidewalks, safe routes to school and street lining. Basic road maintenance like pothole repair does help the safety of pedestrians and cyclists. It is all connected. If they are better light they might see and avoid the potholes that might still remain in their area. What i'm really here to say is this is a small fraction of investments that are truly needed for us to reach zero fatalities on the roads and create a multi modal system. So fixing our streets to the voters and exercise your leadership in securing funds for the larger vision of streets where people in our city are no longer bound by fear to walk or ride their bike to the places they feel they should feel free to go. Thank you.

Wheeler: Thank you very much. Thanks a lot.

Eudaly: All right. Now i'm looking for adi or william for best for a better Portland. Portland business developing group and protect 17. All right. It's william henderson.

William Henderson, CEO Ride Report: It is i.

Eudaly: Welcome. Please state your name for the record.

Hardesty: Everybody is looking at you.

Henderson: I guess i'm going first.

Wheeler: People really like to go in the order they're called.

Henderson: Great. Well i'm william henderson, the guy who just walked up here. I run a company called rider port, a local company that works with transportation departments all around the world. Also, was involved in getting started business for a better Portland, which has come out in support of rendering this funding source. I will tell you a little bit about my perspective on the first next our streets fund. We run the risk of falling permanently behind on fixing our streets. There is a lot of reasons for that, but revenue is one of the first things that comes to mind. We know there is ever increasing car traffic problems, we know we have continued loss of life and limb on our roadways and we have the mounting disaster of climate change and all of these threaten our city's economic vitality, the values that we hold as Portlanders and some of Portland's best qualities. But I also want to call out a particular thing that I think is more subtle but we also risk losing and that is our sense of optimism. We risk losing our confidence that we can actually come together as Portlanders and overcome these challenges. To me, that's why the passage of fixing our streets in 2016 was a breath of fresh air. A lot of people said it couldn't be done. And it affirmed we hadn't lost that spirit of optimism. So I can tell you, as a ceo, advocate, father of two, it is not always easy to see the progress and feel that sense of optimism. We get busy. When I hear for the second and third time of an employee who almost gets hit

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crossing the street outside our office, it is hard to feel optimistic, or if i'm reading over and over again about people dying or being injured on the streets of east Portland, it is hard to feel that optimism. It is hard to feel optimism at a personal level when i'm riding to school with a kid on my back and don't feel safe. I got to serve on the fixing our streets committee and I learned how much work goes into the delivery of every one of these projects. They had to hit the ground running, whether new capacity, deliver unbelievable number of projects to meet a huge needs, and i've also learned a lot about how much rigor goes into these projects and how much targeting for under served networks and that is accountability and data-driven decision making, as a business owner, I find inspiring. It is not always easy to see the progress, but it is in and i'm asking you, don't start now. I'm just -- don't stop now. We're just getting started. We now have the capacity to do a lot more, so let's reaffirm and feed the optimism that we have. Thank you.

Maurice Rahming, Professional Business Development Group: I'm the member of the professional business development group. We focus on minority issues as far as it pertains to women through the city and our state. Change is slow, and we are so impressed by what happened here, to go from 20% to 40% is truly amazing, and to continue to have that go forward, pbdg is proud to support this measure because we know that it takes a lot of work. It takes the work that will follow you up there and it also takes the work of -- excuse me, a little nervous. It takes a lot of your staff. Pbot has really changed the way they do business. We are proud of that change and we look forward to continuing to work for you. I agree that we can continue to look at the data, continue to have the movement move forward, to think about it, if we were to move 40% on all the projects in front of you, what amazing outcomes we would so we're supportive of this and we look forward to continue to work with you guys on these issues and we recognize that with pbot staff, they have really worked hard to communicate with the community to meet us where we are at and inform us of the opportunities. So again, thank you and you have our support.

Wheeler: Thank you.

Paul Koon, Pro Tax 17: Good morning, mayor, commissioners. It is good to see you again. My name is paul kune and i'm the chaplain for pro tech 17. Our union supports the referral of the fixing our streets renewal to the voters on the may ballot. As you know, we represent over 900 city of Portland employees, including many who work directly on the fixing our streets projects or those close to the project. We believe that fixing your streets has been an excellent example of the city successfully fulfilling promises to voters. Pbot has completed maybe important safety improvements across the city. That improved transportation quality access and importantly pbot has delivered the original list of projects proposed and able to leverage additional fund forget some of these projects to make higher level of improvements than initially designed. However, while fixing our streets has made suggest headway, as you heard already, into addressing the critical infrastructure needs, there is a lot more work needed. As an organization committed to addressing the economic and social justice issues, a fundamental thing with unions, we believe that equitable access to safe transportation is vital in our community. They've improved safety for all Portlanders and we applaud their work, giving attention to traditionally under served and disadvantaged communities. Our members are looking forward to continue to make progress towards a safer and more equitable transportation future for Portland and the voters should have the opportunity renew the funding for fixing our streets in order to move this towards these important goals.

Wheeler: Thank you.

Koon: Appreciate it.

Wheeler: Thanks to all three of you.

Eudaly: Okay. Our third and final panel is brett morgan.

Wheeler: Hand it to carla and she will make sure she gets it to all of us.

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Eudaly: From 1,000 friends of Oregon. Heather Williams, an east Portland resident, and Lindsay Dorham, also from east Portland. Welcome and please state your name for the record, and any of you can begin.

Brett Morgan: Thank you. Mayor Wheeler, members of the Portland city council, thank you for the opportunity to testify today in support of fixing our streets 2. My name is Brett Morgan. I work for 1,000 Friends of Oregon. We seek to create healthy, affordable, safe streets through land use and planning and we strongly believe this should be referred to the voters tomorrow. One of the most important considerations in fixing our streets is it intentionally seeks to address the decades of underinvestment in the communities with the marginalized groups. This intentional equity framing and investments in contracting is critical in ensuring all Portland is healthy, affordable, safe and liveable. We want to commend the city of Portland for continuing down this path to fixing our streets 2. It makes it safe for everyone, but the investment is beyond the roadways. Research shows when you offer a broad range of sustainable multi-modal transportation options, folks drive less, they bike and walk more and air is cleaner and children perform better in schools when they have a wide range of ways to get there safely just to name a few benefits. Investments in lighting, sidewalks, greenways, crossings all make up the transportation system that works for all Portlanders. But these benefits only happen when we prioritize and plan for divest and sustainable transportation options. Fix our streets is among the many priorities we need to continue, and others are up zone, increasing density along transportation lines, strong anti-displacement policies. Access to natural areas and many other priorities and policies you needed to realize what Portland can be. These investments demonstrate a vision for Portland for everything, where walkers can walk safely, and a Portland less dependent on cars in general. Every community in Portland deserves to have these things and Portland deserves fixing our streets, 2. Refer it to the voters so they can take action on the needs of the community now.

Wheeler: Thank you. Good afternoon.

Heather Jackson: Good afternoon, Mayor Wheeler, commissioners. My name is Heather Jackson and I'm here in support of fixing our streets 2. I'm here as a northeast Portland resident and a mom. Two-thirds of my family are so-called vulnerable users. My husband and I bought a house, got married, had a baby six years ago, all in the same year, and we bought in Madison South because it met our two main criteria, access to the MAX station and affordability. My husband is a white cane user and my 6-year-old son has learning challenges and likes to run. My husband has excellent orientation skills and is quite active, because I work full time, my husband takes Chester to school and picks him up. And they love going around the city together, my son's favorite things are pots and pans and buses and trains. Despite me having the confidence, I'm still a massive ball of anxiety while they're out on adventures. Like two of my vital organs are out walking around, like my heart and my spleen. Is the spleen even vital?

Wheeler: We don't know.

Heather Jackson: My husband has been hit by a car several times in the last few years, luckily not injured, but luckily my son was not with him either at the time but they often have to cross 89th Avenue, I'm sorry that is a sore subject, and thank you, I really want to, Commissioner Eudaly, for bringing that juggernaut into the city's jurisdiction, keep up the good work so regardless, the most convenient crossing from our house is, you know, on 82nd at a poorly-marked crosswalk where my husband routinely holds his hand up and said don't kill me until he gets to the safe island in the middle. You know, crossing aside, just walking to the MAX station on 8th Avenue from our house is an adventure all on its own as we encounter these 45-degree curb ramps that lead on to 82nd or sidewalks without curbs at all that just kind of slope on to 8th Avenue. And not to mention the fun street furniture, like scooters and shopping carts. So our choices are taking the

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so-called scenic route through the neighborhood verses the fast route up 82nd. The trade off no sidewalks on the streets or sidewalks that mysteriously dump you on to 82nd. They will have to cross 82 in years. Along other busy streets too, not just 82nd. These are the streets in our day-to-day landscape that connect us to our friends in our community, so this is these small improvements that make a difference in my family's life and we love the idea of the art and beautification projects but it can make a difference between life and death for my family. Thank you listening and for your support on fixing our streets 2.

Wheeler: Thank you.

Lindsay Dorm: Good afternoon, thank you very much for your time. My name is Lindsay Dorm and I'm here in support of fixing our streets 2. I have been a Portland resident the majority of my life, might be news some time living on the east coast. I always knew when my vision got worse I would come back to Portland because the public transit is great and the city has a grid layout. Three years ago, my husband and I decided to buy a house. We wanted to get the most for our money, which meant living in east Portland, but since I knew the transportation wasn't great and we were lit we decided to buy a very small house as close as we could get to the city, which is close to 82nd. It is not in the city's jurisdiction, but it is in my jurisdiction. In that three-year's time, I had a baby and quit my job and decided to be a stay-home mom, the hardest job I've ever had in my life. It is important for me to be independent and do activities for my child. Since I cannot drive, I take the bus and I take my 3-year-old daughter to school, to dance, to music, to whatever activity I can think of. The library. And our options are to 82 and at a very poor crossing. I find myself walking out towards the street first with her hand behind me, making sure the car will stop or walking up 82nd to the max, which is terrible. Or just like Heather had said, I could walk down a side street that has no sidewalks and has many potholes. It is really important for me to be in our city and to get to places that can connect me to people in my community and to get there safely. I'm not interested in fancy projects, I just want to feel safe when myself and my daughter walk through our neighborhood to get to the city, and I know there are many other people like me, a person with a disability, a mother, a person of color who wants to get to our activities and to be a part of our community safely. Thank you very much.

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

Eudaly: I want to thank everyone who came as invited to provide invited testimony today but I want to especially thank Heather and Lindsay, which balked at the nine people for invited testimony, the staff said they're great panels and you have to hear from these east Portland residents and I want to thank you for sharing your stories. The personal lived experience from members of our community is really the most compelling testimony we can hear. You may or may not know that my son is in a wheelchair, so I also have challenges navigating the city, and I know what it is like to feel that your heart is walking around outside of your body. And, don't ever shy away from criticizing 82nd Avenue or any other road in this city, I'm fully aware of the shortcomings of Pbot and Odot, but for everyone else, it is owned by Oregon Department of Transportation, and that means that we largely can have nothing to do with the safety standards, maintenance, or speed limit. And, as you know, for quite some time, long before I ever came here, we have been working with Odot to try to transfer jurisdictional transfer, which I hope will happen but they're going to have to invest a lot of money in that roadway before that happens. We have to understand the needs of users across the entire spectrum, and with transportation, unfortunately, we have largely just been serving the middle. And that means that our most vulnerable users are put at unnecessary risk, and it's absolutely unacceptable, and the beauty of designing the transportation system that meets the needs of those, the extreme of the spectrum of users is that it is better for everyone. So I want to thank you and I feel like I'm going to be camped out on 82nd Avenue making sure your husband and you and

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your daughter, now I have four hearts walking around. Just be safe out there, and we're really moving as fast as we can.

Jackson: Thank you.

Eudaly: Colleagues, before we move on to testimony, I need to ask you, will you please accept the substitute draft of exhibit a-1 which I think was provided to everyone.

Fritz: So moved.

Hardesty: Second.

Wheeler: We have a motion from commissioner Fritz, a second from commissioner hardesty to accept the substitution? Further discussion? Call the roll on the substitute. [roll call]

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

Wheeler: Substitute thank you. Public testimony, how many people do we have signed up?

Karla: 11.

Wheeler: We have to do two-minutes each because we have other items after this and I don't want to lose the quorum.

Eudaly: I'll be right back.

Wheeler: Okay, good. First three, please.

Karla: First three come on up.

Wheeler: Thank you, I know some of you are truncating your talking points as you're walking to the podium and I appreciate that. Thank you for your understanding. Terry, do you want to start? You are an old pro at this.

Terry Parker: Absolutely, thank you. Terry parker, speaking from the under and nonrepresented. The 10 cent gas tax to be collected as the good, the bad and the ugly. This starts with equity for motorists. One bus does as much damage to the streets as any car or truck alone. It would take over 267,000 cars in a 24-hour period to do the same damage. Motorists pay tax dollars and are forced to subsidize transit and paved way for those that escape paying user fees. The committees are noninclusive of motorist represent takes. Pbot has been making requests for plastic straws. Be the super sized straw like posts are popping up and littering the streets everywhere. The right of ways look like full-time disheveled construction zones. Narrowing full service traffic lanes on busy corridors. Doing so increases congestion, fuel consumption and emissions. It is an absolute mess. Transportation dollars have been wasted. Likewise, the lanes are so narrow, trimet buses cannot even stay within the lines, there by creating safety hazards for all drivers. Saving the best for last is the good. This includes better street lining to augment the led conversions that offer only shadow lighting, more paving to keep the streets well maintained, new signal systems and more crosswalks with the rand flashing beacons. Removing the financial burden from property owners from old and crumbling sidewalks. Here is the bottom line, more specific representation on all pbot committees. The ugly and bad should not be funded. The good must be the focus of renewal if it is to pass the must we are tax paying motorists.

Wheeler: Thank you. Very efficiently done.

Mike Albrecht: My name is mike albrecht, a member of the Portland freight committee and sat on the oversight committee for the first two-years. In every meeting I go to, I hear the word equity. Although i'm opposed to the heavy vehicle use tax, the trucking industry in Oregon is already the highest tax and feed business in any state in the union. But getting back to equity, the city council wants to impose this tax and this is no contingency on voter approval of the 10 cent a gallon tax. What i'm asking, no matter if it is 2.7% or 3.7% increase, please make it equitable and make it contingent on the voter approval of the 10 cent gallon tax.

Wheeler: Thank you, and thanks for your service on the committee. Good afternoon.

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Pia Welch: Afternoon. I'm here as the past chair and vice chair of the Portland freight committee, i'm employed by federal express. Because the transportation had not been passed we worked together to come up with a temporary way of severing additional monies for transportation projects and that's how the heavy vehicle user tax came into existence, it was easily administrative because it was a tax on another tax. This agreement has news come to its agreed upon natural and with four-years, with the passage of the 2017 transportation bill, the vehicle mile tax increased for trucks by 52%. The Portland bureau of transportation has already been a yearly recipient of monies and is in control on how the monies are spent. We are not aware of any in depth analysis or why the continuation of this tax is needed and why the tax should be increased, we continue to look forward and working in concert for sustainable and fair funding streams for the maintenance of city streets.

Wheeler: Thank you, appreciate it. Thanks all three of you. Next three, please, carla. Good afternoon, thank you for being here. If you would like to start, please.

Christine Logue: Sure. I'm christine loge with the Oregon trucking association and i'm providing testimony written by the president of the organization she recollects was not able to be hear today. Thank you for the opportunity speak to you concerning extending the Portland heavy vehicle use tax. Since there have been some changes on the Portland city council it will be help 2068 have background on the development of this tax in 2016, as Portland was facing scrutiny from its citizens on the city trees, commissioner novac brought a proposal for the city council. Stated it has short-term next to address the most immediate issues since the legislature had failed to pass a transportation back in 2015 and the revenue Portland was seeing was not enough to address the problem. It was put on the ballot and citizens approved it. Heavy trucks do not pay gasoline or diesel taxes. There had been a work group and a variety of meetings including those from the trucking city but commissioner novac settled and premium of the weight-mile taxes they pay to the state. The rationale was the city had a cost responsibility to assess this because the state formula requires a weight-mile assessment, for the tax to be raised. There is no responsibility when they assess a local gas tax this plan was met with opposition from the trucking industry since there is simply no amount of correlation between the business done in the city. There is a four-year fix to an immediate problem. In 2017, they passed the largest transportation package in history it raises the weight mile tax burden 53% when it is fully implemented. Oregon has the highest tax fee burden of any of the 50 states and california has the second highest taxes. I have a chart i'll provide you. I'm done.

Wheeler: Thank you.

Logue: I'll provide this.

Wheeler: If you do, give that to carla and wreck get a copy of the full presentation, as well. Good afternoon.

Todd Schwenk: Good afternoon, i'm the regional safety manager with old dominion freight lines. I'm also here on behalf of my company i'm employed by and the Oregon trucking association in opposition of this tax. Plain and simple, we're being double taxed. We agreed to this initially with the trucking association as it was a short-term tax. As house bill 2017 did not pass. Has since passed there's \$17 until additional funding that came to the city because of that and I watched director, is it warner, he showed slides and his first slides whatever that money was used for there was no indication that that directly helped the trucking industry. We paid our fair burden and now we're being asked to be double taxed again. Commission Fritz, hardesty, you were talking about affordable housing. That goes directly to the cost of transportation. That goes directly to the cost of affordable housing. Those costs go up because transportation costs go up. That's it.

Hardesty: Thank you. That is so i've got a quick question. What do you say to our \$1 billion back log road repair?

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Schwenk: I say that we need to make sure that the funding for repairs is evenly split amongst users, clearly the trucking industry stays on heavy truck corridors. We don't generally go on all the streets in the city of Portland, being asked to pay for all those.

Hardesty: Actually, I disagree with that you're on the main streets which is we are we're doing a lot of investment of these dollars. You know, we can argue about whether or not 2.7 or 3%, whether one time for four-years or doing it again for 8-years is the right thing to do, but I just want you to know that, of course, trucks, big trucks, we have a lot of much bigger trucks, like 2 and 3 cars that are coming into communities now a days, we didn't use to have those size trucks. Those trucks have an impact on our roads and we're all in this together, and if we're all in it together, people are paying it, why wouldn't a trucking industry.

Schwenk: Mile and in the state is proportionate to heavy truck corridors. That's the interstate roads. Smaller trucks use the city streets. Absolutely, we have truck corridors that have to travel to get certain types of goods to locations, but as a percentage, heavy trucks are in heavy truck corridors. This' where all the mileage is at.

Hardesty: I guess we may agree to disagree for that but thank you. That's why I wanted to you answer that question.

Schwenk: No, thank you.

Wheeler: Thank you, sir. Good afternoon.

Lanny Gower: Good afternoon, mayor wheeler, council. I would like to thank you for the time to speak today. My name is lanny gaur. We're similar to old dominion. We've submitted this in writing so I will cover areas that may not be covered. I cooperating taxes for every state and in the united states and canada. My comments are on the taxing mechanism. This tax is an extremely difficult tax for the city to make sure taxpayers are designed to pay. The trucking industry is fragmented with thousands of very small one and two truck owner operator or small companies. There is no way for the city of Portland to know if a guy in Washington with two trucks and is making occasional deliveries in Portland is registering or paying any of this tax. May company, his company, other companies here today are reporting what is basically a voluntary tax. It is at a higher rate and it should be because or competitors are not paying it and the city has no way to ensure do they pay that, that we have seen. One other things on this tax I look at, I believe this, I am anticipate not with a lawyer but i've studied tax law throughout the night, I believe would fail a challenge under the commerce clause. Numerous other cities, states, they've been challenged and have failed and I believe this would because my company that operates 5 million-miles in Oregon and only 68,000-miles in Portland pays \$27,000 in this tax. Another company that operates in just Portland runs the same 4.5 million-miles in Oregon but all of them in Portland, pays the same \$27,000 that I pay for 68,000 miles in the city of Portland, and I believe it would not pass that challenge. I'll end my comments because my time is up.

Wheeler: Thank you, appreciate it. Next three, please, carla.

Wheeler: Thank you for being here.

Diane DeAutremont: Good afternoon.

Wheeler: Would you like to start please.

DeAutremont: Sure, I will. Mayor and councilors, thank you for listening to us today. My name is diane, i'm the president and owner of lyle international companies, where relocation and logistics company with eight locations in Washington and Oregon. We are also a second generation woman-owned business serve the Oregon market for over 60-years. Of our four Oregon locations, someone located into tualatin and serves the Portland area. With the current structure of the Portland weight-mile tax, we pay tax on all Oregon miles, all those less than 20% of our shipments have pick up or delivery locations in the Portland area. Coupled with our payment of Oregon weight-mile tax, then we're

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subsidizing Portland roads and bridges as a significantly disproportionate rate, compared to our usage, which I think is unfair. To come back at sunset to change to a permanent tax disingenuous and poor policy. We were told it was an emergency measure because the state failed to pass an adequate transportation package. Since then, the legislature has passed hb 2017 which provides, well has in the last several years provided between 10 to \$17.5 million and will continue to provide it going forward. It has been mentioned our industry pays the highest registration use and tax fees in the nation. 84% more than is being paid by the average in all 50 states. We've seen significant other increases in all our major costs associated with our business. And with an average operating ratio in our industry of 5 to 7% dollars left, these kind of increases are making it really, really hard for us to stay in business. Thanks.

Wheeler: Thank you, appreciate your testimony. Good afternoon.

Kristine Kennedy: Hi, my name is christine kennedy. I think I brought more personal to this. I wasn't prepared so i'll just talk about what we do. Then I got excited with commissioner hardesty's question. The people being hit by this tax is over 26,000. Perspective on that, I can put seven 5,000-pound excavators on one of my trailers and only have one truck on the road. If i'm the one that is going to be penalized then my competitors will go and put one 5,000-pound excavator on up with trailer and there will be seven smaller trucks with trailers on them on the road and within don't want that. They haven't gone through the rigmarole. I bring two perspectives to this. I am a trucking company owner and a small women-owned dpe, emerging business, and went through the process of getting a loan. I worked with pcc small business in 2013 and was successful in doing that. I went through all of the spread sheets and tried to figuring out the cost of a trucking company and could never have gotten to the point of understanding the taxes we would be hit with. I pay \$15,000 a month in puc and road use assessment fees. When I went into best, I paid myself 40,000 a year, so you can go and do some math on what i'm paying per year and the state of Oregon penalizes us for higher weight-mile tax, putting more excavators and things on up with truck. So I have a lot more to say but I will stop there. Thank you.

Wheeler: Thanks a lot.

Jeff Lorenzini: Thank you for allowing me to speak. Please tonight take the low turnout, the industry was torn between two places today but I will tell you that the mission that pbot has out layed for the fls initiatives is not dishonorable, but this is not equitable for our industry. We use 14% of the road and we're currently paying 30% of the revenue and that's going to become more disproportionate if this is raised, as well. And not to rehash but this was supposed to be a temporary fix. Hb 2017 is undoubtedly going to provide additional funds for transportation, and if well prioritized over a period of time, I believe can address the pressing issues that need to be addressed. One thing has not been stated in any of the presentation, and I haven't heard they comment on this yet, what is happening in our industry with ecommerce is, there is a greater amount of shipments that are being delivered by nontrucking companies, and right next to my business, the former Portland med dose horse track has been sold to a company for a large fulfillment center. That fulfillment center is going to have 1365 parking places, as proposed. And, it needs so many parking places because small cars and vans are going to be making deliveries instead of trucks. That's putting more vehicles on the road to do the same thing that lesser trucks would do and yet we are paying the greater burden of road tax.

Wheeler: Thank you. Appreciate it, thank you.

Karla: The last two who signed up.

Judd Calvin: Good afternoon, council. Thank you for hearing me. I'm here almost by chance. I wasn't aware this issue was on the agenda today, but as a concerned environmentalist I have to speak out. Sympathetic to the instrumentalities of the hard

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working truckers we heard from today. No doubt their tireless efforts supports the structure on which we all depend, but our dependence is flawed at its core. Our dependence on the planet is much more critical. Forward thinking officials must support this and any measure to incentivize -- make the alternatives attractive in comparison. As we heard from these hard working people change hurts sometimes, but we will not have a future if it's not fossil free. Judge calvin.

Wheeler: Good afternoon.

Tim Love: Mayor, council, thank you for listening to us. My peers have primarily said everything really there is to say on this. The only thing I would add is the company I work for, we have been in Portland since 1938, and we have branches and equipment throughout the state. In fact the vast majority of our equipment is outside of the city of Portland, but this tax is unfair. As it is we pay on all the miles we drive in central Oregon, in medford, across the state. I pled this case with commissioner novick back in 2016 when we were going through this, so really that's all I had to add.

Wheeler: Commissioner hardesty.

Hardesty: Say that again. Your company travels all over the state of Oregon? Specific tax and you're saying you're paying tax on all the miles that you drive in the state?

Love: All throughout the state we're paying on our weight mile tax. It's bulk numbers. 75% of my product leaves on state highways out of Portland. It doesn't run around the city. It leaves. Which many of these companies, many of these trucking companies have bases here. Get on the interstates and they are out. They are not running around on city streets. I think as our industry goes that's our biggest complaint is we pay our fair share, we're taking a 53% increase over the next five years I believe under house bill -- the highway fund for 2017. Already. We accepted that and we'll take it because that is -- we need to pay our fair share. We're not opposed to that but we want to pay our fair share. That goes for our share in Portland. It would be more tolerable if there was a way, and i'm not sure that there is, to tax us on the use of the city.

Wheeler: Thank you.

Hardesty: I appreciate that clarification.

Love: Welcome.

Wheeler: Thank you both. Commissioner eudaly.

Eudaly: Mayor, I would like staff to come to the table. I want to share some facts as we know them. We just heard a crunch of numbers that sound pretty alarming. You were around when this heavy vehicle use tax was developed. I wasn't. I rely on you for some historic context. The reality is Portland relies on funding from federal government, state and local sources and it is not keeping up with either the current demand or the massive backlog of maintenance and repair we have. It's true the legislature did raise revenues in 2017 but it still wasn't sufficient. I also understand there's no adjustment for inflation. So kind of diminishing returns. That's why fixing our streets as well as the heavy vehicle tax is needed. Can you speak to some of the concerns raised specifically we're paying taxes to use roads that aren't -- we're being taxed on all roads we're using, not just in Portland. We only use 14% the roadway but are paying 30% of the revenue. And how much of the impact are they creating because obviously trucks have a greater impact than single occupancy vehicles.

Warner: Right. I can try to piece together a little bit of that. I'm not sure the difference the 14 and the 30%. The state weight mile tax is around 30% of the state gas tax in terms of cost responsibility. In 2016 when we had an economist come in what they said instead of the 30% that normally they pay that they thought because there was less driving on the streets of Portland so that is where you get the 13%. So in terms of of the total kind of wear and tear on the roads instead of the 30 to 35% they pay at the state our economist said probably 13%. So that's why basically cars are paying in terms of the cost

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responsibility model 87% of what it would be and the heavy trucks are paying 13%. One of the things that we looked at in terms of trying to figure out a way to have some kind of fairness in terms of what the tax was was looking at perhaps a diesel tax for those trucks that it was discovered in the time there's really only one place that sold it so we would disadvantage that one big truck stop here. That's one of the reasons we look for other funding mechanisms. What council had communicated to us at the time is that they wanted trucks to also establish part of this within the city of Portland, lower level than they are at the state, so that's how we came up with this. In terms of saying this was a one-time thing, part of deliberations, I don't think that was the case that we were going to do that until the state came up with another package. I think it was more late to what the light cars were paying and whether or not there would be commensurate fee paid by the truck. That was my recollection of the discussion in 2016.

Eudaly: There's a requirement that each pay in a fair share, right, so what if we passed -- tried to pass fixing our streets and got rid of the heavy vehicle tax?

Warner: We could do that. We could only tax light vehicles. But that would be probably I think what we found in discussing and one of the things that we would like all users to pay, so that was from one of the reasons we brought forward -- want to make clear this is not a permanent tax. One speaker said this is another four-year heavy vehicle use fee, not a permanent renewal.

Mark Lear, Bureau of Transportation: Portland bureau of transportation, just a couple of quick thoughts on this. Oregon taxpayers, Oregon citizens, residents have twice passed a constitutional requirement at the state level the principle we're applying to the local level that said it's really important when raising revenue that they are willing to pay but it's been really important to Portlanders for decades that we're raising revenue we see some balance. The state constitutionally required it. We are requiring it on principal but it's been really important. A second thing I would put out there, one right now the biggest companies that are traveling a lot are paying significant amount of the but 85% of those that pay the fee, there's about 700 that pay, 85% of those that pay pay less than \$67 a month. So the relative cost to some of the smaller firms and they are paying and we appreciate those resources for these important services, is relatively small all things considered.

Hardesty: You can't see behind you but there are people about to pass out in their seats when you said that. I'm looking at the truckers and they are like all about to just drop over. They are not having the experience that you are articulating.

Lear: My numbers come from working with the revenue office, those numbers as well. There are a few companies traveling a lot -- a lot of weight mile paying a significant amount and a lot of companies what their 3% is a much smaller number. Happy to share that information with the freight community as well. The other thing is we have an appeals process. We worked with the freight community on this piece of it. For the companies that show their overall mileage if this were traveling a ton of miles in other places they have logs they can do this, then they have a 50% reduction in what they are paying. We don't want to give so many exemptions to one place we have to give other parts of the freight company more but we set up an appeals process to make that work the best we can. It's hard to find the perfect tax on these kinds of situations. We have been really open to the freight committee as director warner was saying. We tried a bunch of options before we got to this option. We consistently if you have a better approach for coming up with your 13% that we have been open to that we just haven't found a different proposal at this point as a way of collecting these revenues.

Hardesty: Commissioner eudaly?

Eudaly: I'll say one more thing. I would want to ask a similar question. Somebody has to pay to build and maintain roadways. We're not getting the funding that we need from the federal and state government. The next place to look to are users. Users are not fully

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funding our roadways. We're not asking them to do that. But we are asking for a fair share. I appreciate you clarifying some of the those issues. I was very surprised to hear that people were paying our local tax to drive on roads outside of Portland when I know our appeals process is in place to prevent that from happening.

Fritz: Did you want to say something?

Williams: No, I have a question.

Fritz: Could you address the issue that house bill 2017 already provides disparate funding from the trucking industry?

Lear: Maybe one quick thing. With cost responsibility in Oregon when truck taxes go up the reason that they are going up is because light vehicle taxes, gas taxes, registration fees and others are going up. It's hard and I get it. Hard challenges on the freight community. They are a central part of our economy, provides lots of middle wage jobs. It's important to get this right but the upshot is because taxes have not been increased for so long the increases are significant but the ratio that Chris talked about as far as cost responsibility between light vehicles and heavy vehicles is basically the same. When their costs are going up dramatically we're doing the same thing. That's part of what happens when you fall behind. It takes a lot more action to catch up. That's a little bit what you're seeing here.

Eudaly: Thank you.

Hardesty: Thank you, mayor. Thank you so much for that clarification. So do we get our fair share of transportation dollars from the state of Oregon? Even with the bill passed are we getting our fair share of those dollars? Do we get the appropriate allocation -- how is it allocated? What is it based on?

Warner: Commissioner Hardesty, it is based on actually I think the number of vehicles registered within a jurisdiction. So within Multnomah county they do the number of cars and there's the big pool of state money and they divide that by the number of vehicles in the city or your county and then we have another relationship with Multnomah county in terms of how the money is distributed in Multnomah county since we have virtually all the roads in Multnomah county. So we get much of that in the resolution a, so we get most of those dollars. Then the question, the big puzzle, of the state money which is both motor vehicle fuel and truck -- 50% goes to the state, 30% goes to the county then 20% to the city. That's the big how the pie is distributed on the state level. So 50% to the state, 30% to the county, 20% to the city. But it's based on the number of motor vehicles within your county.

Hardesty: Do we have trucking companies that are operating clean diesel vehicles and are they getting exemptions because they are helping us to reach our climate goals, our climate justice goals?

Warner: I don't have that information in terms of its not part of this program that we have done. We have been mostly focused on kind of the cost responsibility in terms of miles driven as opposed to the fuel that they consume.

Hardesty: Thank you.

Wheeler: We will take a vote on the resolution. Please call the roll on the resolution. 113.

Fritz: Unlike four years ago I didn't hear anybody say don't do the fixing our street program or the 10 cent gas on lighter vehicles. So it's really a testimony to Portland bureau of transportation, commissioner Novick, commissioner Eudaly, Chris Warner that it has been a very successful program. Thank you for community oversight committee and your testimony today. I certainly when driving or walking or taking the bus around I see lots of room for improvement pretty much everywhere. So we got so far behind for so long despite efforts under previous mayors to address this issue that I believe this is the right thing to do. I did my own testing once the gas tax went into effect. I was at a wedding down I-5 and I happened to check the Fred Meyer gas prices at three different locations, one in

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Portland, two outside of Portland. They were all exactly the same. In fact there's a difference between east Portland stations and the west Portland stations so I think that that in itself is telling. It tells me that the price at the pump is not necessarily related to what different jurisdictions tax. So i'm very happy to be here to support this program. Aye.

Hardesty: I think we have had some excellent results from this four-year tax. I certainly know in my neighborhood we are seeing finally some much needed street improvements and repairs. I am concerned about the difference between what staff has said about what the trucking industry pays and what the trucking industry has said being in the room.

Eudaly: This is just the --

Hardesty: Just the 2 cent one? Thank you very much. In that case I will delay those comments until we get to that. So let me just say that because I really appreciate staff, I want to start by greatly appreciating commissioner eudaly and her leadership around a, we were prioritizing the right locations, and b, I really thank chris warner for his leadership in making sure that the oversight committee really was committed to both making sure that our community was safer, a, and b, making sure that we had significant participation from our cobiders. It's as you know a vital vital importance to me that we actually do what we say we want to do when we talk to helping small businesses to grow in this city. So it's with great privilege that I support this measure. I vote aye.

Eudaly: I thank everyone who came to give invited testimony at city hall today. To show support for this referral and fixing our streets program. I want to thank my predecessor both in this seat and as the transportation commissioner, commissioner steve novick, for getting fixing our streets off the ground and helping win voter support in 2016. Also thanks to my incredible team at pbot for putting this presentation together. Director warner, internment director segal, millicent williams and every pbot and operations employee that has worked to develop and deliver on fixing our streets. As we heard this afternoon, now seen on our streets, these investments are vital for our community. I urge all voters to cast your ballots in support of renewing this gas tax. It's well worth the dimes we pay at the pump and will provide the tools we need to have safety and sustainability in Portland's transportation system. Aye.

Wheeler: So I want to also acknowledge the work of first of all people in pbot who worked so hard on this and worked with people in the community and have addressed the issues raised by the audit previously. I thank the citizen volunteers who engaged through the oversight committee for the tireless efforts they have put into this. And I think it's also important to remember the work that steve novick and former mayor hailes put into this effort. They got beat around a little bit as they worked on this issue, and it was a really important issue. I appreciated the fact that they stuck with it, they understood that there was a local problem related to safety, related to infrastructure, there was an acknowledgment that increasingly local jurisdictions are required to act on their own behalf even though historically that was not always the case when it came to investing in transportation and infrastructure. I was happy to have supported this four years ago when it came to the voters and i'm happy to support it again now. I want to just acknowledge what commissioner hardesty started to talk about since we won't be discussing the ordinance because we're not taking a vote on it but there were some questions that were raised. I think we have all acknowledged this is not completely perfect. It's much, much far more refined than it was four years ago. As I say, the purpose is absolutely a critically important one and I support it. But I believe we should continue the conversation and continue to work with all the stakeholders in this community to always ensure that we do the best that we can. On the resolution i'm very happy to vote aye. The resolution is adopted. To the ordinance number 114, this is a first reading of a nonemergency ordinance. It moves to second reading. Thank you very much. Now we're going to quickly -
- commissioner Fritz.

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Fritz: My colleagues know that I have been working a modified schedule on doctor's orders and i'm afraid I have to leave. I really apologize to the regulatory commission and open signal board. It's one of my favorite topics, the work that you do, but i'm going to have to leave.

Wheeler: Completely understood. We thank you for your participation today, commissioner Fritz. Karla, could you read items 115 and 116?

Items 115 and 116.

Wheeler: It's my pleasure to introduce my appointments into the mt. Hood cable regulatory commission, before hearing about our new commissioners I would like to acknowledge former mt. Hood cable regulatory commission commissioner sue disciple for her 23 years of volunteer service for the commission. That is an extraordinary record of service. The pay was never good. Her input was always outstanding and I want to personally thank her and I want to thank her on behalf of the city of Portland for dedicated service.

Unfortunately, she was unable to attend today but I would like to make sure her services and accomplishments are shared on the record. During her service as a Portland commissioner she was instrumental in creating the mt. Hood cable regulatory commission, community grants program, and the text mark initiative for student success ensuring cable franchises supported community benefit agreements reflective of our local needs and of course for mentoring new commissioners. Sue, thank you very much for all your dedicated service. I'll now turn this over to my policy advisor to hear more about these incredibly talented prospective appointees.

Khan Tran, Mayor's Office: Thank you, mayor. Good afternoon, commissioners. I'm Khanh Tran, i'm the mayor's liaison to the office for community technology. I'm here to speak on the mayor's nominations for the board. For 36 years open signal formerly Portland community media, has provided media and technology training and tools to diverse communities. The mission to empower our community to make effective use of media for cultural exchange and civic participation. It's my pleasure to introduce Karim Hassanein. He's an artist who has served in different capacities. He spent most of his formative years in Egypt before moving to Orlando to study landscape architecture. Since then he's worked as a landscape designer and free-lance creative consultant. He's passionate about civic engagement particularly in urban environments. He loves cities and believes in the power of public media to impact the landscape. He's motivated to serve the open signal community to support citizenship as a visible, vocal and active process. I invite him to say a few words.

Karen Hassanein: Thank you. It's a pleasure to be here again, second time I have been in this chamber, always a privilege to hear my fellow Portlanders and citizens speak on the issues that are so important and meaningful to them and to also be able to observe the political process at play. All the really important information about my background has already been presented. But I will just add that part of what is so important to me about being an engaged citizen is empowering and advocating for those who may not be able to or be familiar with navigating the channels of making their voices heard. That is the fundamental reason why I believe in design as a problem solving methodology and why I believe that that intersects with community and civic media. We are ultimately working to constantly redesign the systems that we use and the tools we use to communicate with each other, community indicate with you and also ensure that that communication comes back into the communities in a meaningful, fruitful way. So often I get the question of why are you here serving on a community media organization's board if your background is not in journalism or media traditionally. My response to that is my background is in a different form of medium which is physical. The space that we occupy. And increasingly that space is digital. It's virtual. The communication tools that we have used to build community across geographic distance over time including books and newspapers and magazines

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and blogs and periodicals have also moved into the virtual realm, not only that but emerging technology such as virtual reality and augmented reality mean the physical is also moving into the virtual. The way we experience space online is to our bodies increasingly similar to the way we experience space physically in the physical world.

Hardesty: You're scaring me, you know. [laughter] just sayin':

Hassanein: It's scary. Honestly. I believe it's an incredibly important factor that not only spacial designers need to be considering but that media professionals and the designers of the tools that we use to communicate need to be considering. For those reasons it's been a privilege to serve open signals community up until this point and I look forward to continuing to do so with your approval.

Wheeler: Commissioner hardesty.

Hardesty: Thank you so much. It's a little different when you're doing a presentation, huh? [laughter] you were very good. I know it's your first time. You did well. I just want you to know how near and dear to my heart open signal is. It's probably one of the best kept secrets in the city of Portland and quite frankly, it is priceless when it comes to engaging people who don't have access to us, power, don't know what they don't know. And so being appointed means that we are putting a huge responsibility on you. Right? You and your other board members will need to figure out how you get young people and people of color and those who don't believe that media is for them to be engaged, involved and actually utilizing this enormous resource that we have. I heard you say just before you ended that you want to continue to serve open signal, so sounds like you've been doing the work already.

Hassanein: I have been on the board not in a mayoral appointee role, since 2018 which wasn't I believe included in my bio. As the board moves and grows and changes over time, my understanding is that that mayoral appointee role shifts. Different people come in and out of that position, but yes, I have been working with open signal community for a couple of years now.

Hardesty: What's the most exciting thing about working with open signal? If I didn't already give you the answer.

Wheeler: You can't use any words she already used. [laughter]

Hassanein: Okay, honestly aside from all of the incredible work that the organization has been doing the people at the organization have been doing, including our black filmmakers fellowship program and immersive media development, the most exciting thing for me is being able to grow with the community of open signal. Historically it has not always been as accessible or transparent in terms of board staff and community members communicating with each other. In the time that I have been there that has really radically shifted and continues to do so.

Hardesty: It was when I was there. I guess when I left they didn't talk to each other anymore. What a pleasure. Nice to meet you. I look forward to seeing what you do in your new role being an appointee of the mayor on open signal. It's near and dear to my heart and I think it's one of the best kept secrets that we have.

Hassanein: That means so much.

Wheeler: Does that complete your presentation?

Tran: No, first report.

Wheeler: I would be happy to entertain a motion.

Hardesty: So moved.

Eudaly: Second.

Wheeler: Please call the roll.

Hardesty: Aye.

Eudaly: Thank you for your willingness to continue serving. I vote aye.

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Wheeler: I am thrilled that you want to continue to serve. We really appreciate it. Thanks for bringing not only tremendous amount of talent but an important perspective and a good sense of humor. All of these things are important. So thank you. I'm very happy to support you again. I vote aye. The appointment is approved. The report is accepted. Thank you.

Tran: Thank you, karen. Cable service franchise agreements, manages public benefit resources and assets derived from the assets and advocates on the public behalf. It's my pleasure to introduce rich roche and kory murphy. Rich comes as a retiree with over 40 years experience working in telecommunications with pac bellingham and at&t. Working with nonprofits managing large budgets, local programming capabilities with local governments, communities, working with statewide franchise obligations and climbing telephone poles. These are -- [laughter]

Wheeler: And get down them safely.

Tran: His achievements include serving as board chair in glendale, california, new horizons was the first service to the latino community. cooperative after school programs with the police department. In recognition he was named glendale latino association's man of the year. Richard has been appointed by the city councils of burbank and glendale to chair the work force investment board where he led a board of business leaders and educators to build skills of the unemployed with a goal of building living wage careers. Kory murphy is a market organizational development leader who facilitates collaborative partnerships especially in technology infrastructure systems. [audio not understandable] he has over 20 years of experience in training, facilitating and coaching teams. He's collaborated with some of the best authorities other strategies with nonprofits, public and private organizations. During this time he's led system-wide improvements, facilitated community based chronic disease self-management courses through the african-american health coalition, trained hundreds of employees to use an equity lens at Multnomah county, helped kick off the black male achievement initiative in 2014 and has moderated several community feedback meetings. Currently he works as equity inclusion manager for the department of county assets including the information technology division. There he uses skills to create leadership and workplace culture where people work together in psychologically safe environment to provide support for Multnomah county services and those who use them. I would like to invite rich and kory to say a few words starting with rich.

Richard Roche: Mayor, commissioners, thank you for this opportunity. I retired from at&t 11 months ago and that's significant because I was told by many friends don't even consider looking for anything to do for 12 months. I almost made it. [laughter] this opportunity came up and I looked at it and said this is something that's right in my wheelhouse, I have a lot of background in the things that are important for this committee. The nuts and bolts type stuff from regulatory, I do know how to climb a pole, don't want to do it any more. But it's an exciting position because with this commission you're looking at how can you close the digital divide, how do you work on digital equity? I think people look at cable as being a mature product that has very little growth left but I think it can especially in underserved communities we can look for opportunities for change, and ways to close the digital divide. In addition just the community technology grants. During my time here I have only been in Oregon for six years, I spent most of my career with at&t in southern california, moved up here with the company but one of the reasons I did my wife is from Oregon and she always wanted to come home, so with kids out of the house and everything we were able to make this move. But one of the things I did with the company was look at grants. So within this community we have worked closely with chick tack, sei with work systems and other organizations to put money into the community looking for ways to close the digital gap. Looking at equity. Those things are important and I hope I can bring those same skills to the commission.

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Wheeler: We appreciate it. We're always so happy when somebody with your level of experience, your talent, your level of dedication fails at retirement. That just opens up so many great opportunities for us. [laughter] we're thrilled to have you. We are.

Roche: The other thing about retirement you get to a point where retirement is great. Don't get me wrong, but I was really looking for something to do outside of myself to give back to the community.

Wheeler: We're so thankful and grateful. Thank you.

Roche: You're welcome.

Kory Murphy: Good afternoon, mayor, commissioners. My name is kory murphy. I'm excited, even more excited now after hearing who i'm partnering with over here. Excited to serve on the cable regulatory commission. I guess i'll say partly because if I don't then i'm not sure who will from my community, I have been here for a while, and I didn't ask to be in the roles that i'm in, and i'm in them, and there's an incredible moment of radical acceptance that I have been through over the last several really years or months, particularly as I have been with Multnomah county understanding the future of our technology landscape possibilities. And as richard talked about that divide getting bigger and bigger if we don't do anything about it. There's a bill moving through congress called the digital equity act of 2019. It uses a phrase called full participation. Technological capacity to have full participation in our economy, our society, and our democracy. That's what i'm talking about. Full participation. Closing the gap with the device and the connection is one part of it. We're looking for full participation the mt. Hood cable regulatory commission has an opportunity to really set that bar. The ways specifically thinking about getting there is really simply creating an increasing awareness among black people, other people of color who remember 100 years ago weren't even wanted in this state, but now we have an opportunity to create a future together and I think technology is an incredible way to level that playing field so I want to be a part of it and with your approval i'll do the best job that I can.

Wheeler: Thank you, kory.

Eudaly: I also want to say because we're behind in time I thank you and karim for being with us, for sticking around. Not so much you, rich, you're retired. [laughter] always at the forefront of everything we do in the city. Karim is no exception. I hope you'll find all these individuals not only have the requirements for the job but offer professional experience in working with communities of color and underserved communities. They will be great assets and represent Portland in the best way. I'm here to answer any questions you may have. Thank you for your time.

Hardesty: Make a motion to approve.

Eudaly: Second.

Wheeler: We have a motion and second. Please call the roll.

Hardesty: So I want to thank both of you gentlemen for coming today and on a personal note, kory, i'm so grateful you've agreed to serve on the mt. Hood regulatory commission because I have been extremely disappointed over the years and the lack of diversity of that board. And quite frankly the arrogance of the people who were on the board really not engaging communities of color in a meaningful way. I really felt they were very dismissive. You two gentlemen are going to add so much to that. Both because of your backgrounds and your commitment. I want to encourage you to not be limited by the few organizations led by people of color that you know and ask a question about who else is out there, who else should we be connected to because I see the same two organizational names on everything and frankly to me we have a whole wealth of people out there that should be benefiting from these resources so I happily vote aye.

Eudaly: Well, thank you for your willingness to serve. Aye.

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Wheeler: This was great. I'm sorry we had to wait three and a half hours to have this conversation. I want to thank both of you gentlemen, kory and rich. It's honestly so impressive to me the quality of people that we get who want to serve on our commissions. The pay is not very good. But we so appreciate you bringing such expertise and such talent and enthusiasm and passion to what you're doing. I can tell you guys are just going to hit the ground running. I so appreciate it. Khanh is a dedicated member of the mayoral team. Thank you for the work you've put into these nominations and bringing us a very, very able slate of candidates. Thank you for that. I see elizabeth hiding in the background. Director of the office for community technology. Thank you for the great work you're doing and will do. I'm very happy to support these nominations. I vote aye. The report is accepted. Thank you all, and we're adjourned.

Council adjourned at 5:12 p.m.