



CITY OF
Portland, Oregon

Official
Minutes

June 16, 2021

Date and time

June 16, 2021 at 9:30 a.m.

Council recessed at 12:45 p.m.

Officers in attendance

Keelan McClymont, Clerk of the Council; Karen Moynahan, Chief Deputy City Attorney

Consent Agenda

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

Date and time

June 16, 202 at 2:45 p.m.

Council adjourned at 3:39 p.m.

Officers in attendance

Keelan McClymont, Clerk of the Council; Lauren King, Deputy City Attorney

MARY HULL CABALLERO

Auditor of the City of Portland

Keelan McClymont

By Keelan McClymont

Clerk of the Council

**PORTLAND CITY COUNCIL AGENDA
City Hall - 1221 SW Fourth Avenue
WEDNESDAY, 9:30 AM, JUNE 16, 2021**

Those present by videoconference were: Mayor Wheeler, Presiding;
Commissioners Hardesty, Mapps, and Ryan, 4.

Disposition:

City Hall is closed to the public due to the COVID-19 Pandemic.

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

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

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

The deadline to sign up for the June 16, 2021 Council meetings is June 15, 2021 at 4:00 p.m.

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

COMMUNICATIONS

448	Request of Liliana McDonald to address Council regarding Domestic Violence Services for African Americans (Communication)	PLACED ON FILE
449	Request of Bri Condon to address Council regarding the macro importance of continuing to direct funds to Domestic Violence work (Communication)	PLACED ON FILE
450	Request of Matt Glazewski to address Council regarding City climate priorities (Communication)	PLACED ON FILE

451	Request of Ana Johns to address Council regarding public safety (Communication)	PLACED ON FILE
452	Request of Meghan Doughty to address Council regarding the inequitable impact and administrative burdens created by Portland's new rental laws (Communication)	PLACED ON FILE
TIMES CERTAIN		
*453	TIME CERTAIN: 9:45 AM – Adopt the Supplemental Budget for the FY 2020-21 Over-Expenditure Process and make budget adjustments in various funds (Ordinance introduced by Mayor Wheeler) 30 minutes requested for items 453-454 (Y-4)	190452
*454	Authorize temporary operating loans between various funds to provide interim funding to cover lags in federal, state, and other grant reimbursements and other negative cash and fund balances (Ordinance introduced by Mayor Wheeler) (Y-4)	190453
CONSENT AGENDA – NO DISCUSSION		
Mayor Ted Wheeler Office of Management and Finance		
*455	Pay settlement of Anne Hill property damage claim in the sum of \$37,000 involving the Portland Bureau of Environmental Services (Ordinance) (Y-4)	190445
*456	Pay settlement of Amanda Wiper bodily injury lawsuit resulting from a motor vehicle collision for the sum of \$10,000 involving the Portland Water Bureau (Ordinance) (Y-4)	190446
Prosper Portland		
457	Reappoint Gustavo J. Cruz, Jr. and William Myers to the Prosper Portland Board for terms to expire June 30, 2024 (Report) (Y-4)	CONFIRMED
Commissioner Jo Ann Hardesty Bureau of Transportation		
*458	Authorize a contract with the lowest responsible bidder for the SW Barbur Area Sidewalk Infill Project (Ordinance) (Y-4)	190447
Fire & Rescue		

<p>459 (Y-4)</p>	<p>Amend Harbors Code to revise usage of the Duckworth Dock Moorage and remove gender specific language (Second Reading Agenda 434; amend Code Chapter 19.16)</p>	<p>190448</p>
<p style="text-align: center;">Office of Community and Civic Life</p>		<p>190449</p>
<p>*460 (Y-4)</p>	<p>Authorize grant agreements for the four nonprofit neighborhood District Coalitions to support Neighborhood Associations and community engagement activities from July 1, 2021 through June 30, 2022 in the amount of \$1,470,994 (Ordinance)</p>	<p>190449</p>
<p style="text-align: center;">Commissioner Mingus Mapps</p>		<p>190450</p>
<p style="text-align: center;">Bureau of Emergency Communications</p>		<p>190450</p>
<p>*461 (Y-4)</p>	<p>Amend contract with Priority Dispatch Corporation to implement emergency medical, fire, and police call taking protocols to extend the term four additional years for a total not to exceed amount of \$2,372,748 (Ordinance; amend Contract No. 30006755)</p>	<p>190450</p>
<p style="text-align: center;">Commissioner Carmen Rubio</p>		<p>190451</p>
<p style="text-align: center;">Bureau of Planning and Sustainability</p>		<p>190451</p>
<p>*462 (Y-4)</p>	<p>Accept a grant from the Bullitt Foundation via the City of Seattle to provide funding to Portland State University to support research on community-sourced displacement data to inform analysis and accountability in the Anti-Displacement Action Plan in the amount of \$10,000 (Ordinance)</p>	<p>190451</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Mayor Ted Wheeler</p>		<p>PLACED ON FILE</p>
<p>463</p>	<p>Proclaim June 19, 2021 to be Juneteenth (Proclamation) 30 minutes requested</p>	<p>PLACED ON FILE</p>
<p style="text-align: center;">Office of Management and Finance</p>		<p></p>

<p>*464 Ratify a Letter of Agreement within the Seasonal Maintenance Workers Collective Bargaining Agreement to reflect the Janus Supreme Court decision requiring employees to consent to having Union dues taken out of their paycheck (Ordinance) 15 minutes requested</p> <p>Motion to amend paragraph four to read, 'In negotiations in 2018, the City and the Union agreed to a Cost of Living increase, but did not know which Consumer Price Index (CPI) to use.' The rest of the paragraph remains the same: Moved by Wheeler and seconded by Hardesty. (Y-4)</p> <p>(Y-4)</p>	<p style="text-align: center;">190454 As Amended</p>
<p>Commissioner Dan Ryan</p>	
<p>Bureau of Development Services</p>	
<p>465 Temporarily modify or waive portions of City Code titles Original Art Murals, Signs and Related Regulations, and Planning and Zoning to assist businesses, organizations, and entrepreneurs to adjust and continue operations during and through the COVID-19 pandemic (Ordinance; modify or waive portions of Titles 4, 32, and 33) 45 minutes requested</p>	<p style="text-align: center;">PASSED TO SECOND READING JUNE 23, 2021 AT 9:30 AM</p>
<p>Commissioner Jo Ann Hardesty</p>	
<p>Bureau of Transportation</p>	
<p>*466 Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the NE 97th Ave Phase II and NE Couch – Davis Local Improvement District Projects through the exercise of the City's Eminent Domain Authority (Ordinance; C-10067; C-10068) 10 minutes requested</p> <p>(Y-4)</p>	<p style="text-align: center;">190455</p>
<p>Office of Community and Civic Life</p>	
<p>467 Increase fee schedule for the Office of Community & Civic Life Noise Program for noise variance applications in the amount of 5 percent as permitted by Title 18.14.020.B (Ordinance) 15 minutes requested</p>	<p style="text-align: center;">PASSED TO SECOND READING JUNE 23, 2021 AT 9:30 AM</p>
<p>Commissioner Mingus Mapps</p>	
<p>Bureau of Environmental Services</p>	
<p>468 Approve findings to authorize an exemption for a class of public improvement contracts from the competitive bidding requirements and authorize the use of the alternative contracting method of Price Agreements for construction services (Ordinance) 15 minutes requested</p>	<p style="text-align: center;">PASSED TO SECOND READING JUNE 23, 2021 AT 9:30 AM</p>

<p>Commissioner Carmen Rubio</p> <p>Parks & Recreation</p>		
<p>469</p>	<p>Authorize one-year extensions for seven grant agreements with youth servicing organizations in support of the Teen Collaborative initiative, for an additional per grant increase of \$15,000 and a total increase of \$105,000 for the seven grants (Second Reading Agenda 440; amend Contract Nos. 32001978, 32001979, 32001980, 32001981, 32001982, 32001984, 32001985)</p> <p>(Y-4)</p>	<p>190456</p>
<p>470</p>	<p>Authorize Architect/Engineer design services contract for Mt. Scott Community Center Seismic Retrofit and Expansion Project for amount not to exceed \$3,566,328 and add the Mt. Scott Community Center Expansion Project to the Parks & Recreation System Development Charge Capital Improvement Plan (Second Reading Agenda 441; amend Ordinance No. 187770)</p> <p>(Y-4)</p>	<p>190457</p>
<p><u>WEDNESDAY, 2:45 PM, JUNE 16, 2021</u></p> <p>Those present by videoconference were: Mayor Wheeler, Presiding; Commissioners Hardesty, Mapps, and Ryan, 4</p>		
<p>471</p>	<p>TIME CERTAIN: 2:45 PM – Amend the Comprehensive Plan Map and Zoning Map for properties at 2636 NE Dekum Street, 6705 NE 27th Avenue, 6623 NE 27th Avenue, 6325 NE 27th Avenue and 6305 NE 27th Avenue at the request of the Concordia University Foundation (Ordinance; LU 20-204990 CP ZC) 1 hour requested</p> <p>Motion to tentatively accept recommendation of the Hearings Officer: Moved by Hardesty and seconded by Ryan. (Y-4)</p>	<p>PASSED TO SECOND READING JUNE 23, 2021 AT 10:45 AM TIME CERTAIN</p>
<p><u>THURSDAY, 2:00 PM, JUNE 17, 2021</u></p> <p>DUE TO LACK OF AGENDA THERE WAS NO THURSDAY 2:00 PM MEETING</p>		

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Closed caption file of Portland City Council meeting

This file was produced through the closed captioning process for the televised city council broadcast and should not be considered a verbatim transcript. The official vote counts for council action are provided in the official minutes.

Key: ***** means unidentified speaker.

June 16, 2021 9:30 a.m.

Wheeler: Good morning, everybody. This is the Wednesday, June 16th, 2021 morning session of the Portland city council. Good morning, Keelan, please call the roll.

Clerk: Good morning, mayor, members of council. [roll call]

Wheeler: Here. Under Portland city code and state law, the city council is holding this meeting electronically. All members of council are attending remotely by video and teleconference and the city made several avenues available for the public to listen to the audio broadcast of this meeting. The meeting is available to the public on the city's YouTube channel:

Egovpdx, www.PortlandOregon.gov /video and channel 30. The public can also provide written testimony to council by emailing the council clerk at cctestimony at Portland Oregon dot gov. The council is taking steps as a result of the covid-19 pandemic and the need to limit in-person contact and promote physical distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, your understanding and flexibility as we manage through these challenging circumstances to conduct the city's business. We'll now hear from legal counsel and rules of order and decorum. Good morning.

Karen Moynahan: Good morning mayor. Good morning commissioners. To participate in 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 on resolutions or the first readings of ordinances. The published council agenda is at PortlandOregon.gov/auditor contains information about how and when you may sign up for testimony while city council is holding the electronic meetings. Your testimony should address the matter being considered at the time. When testifying please state your name for the record, your address is not necessary. Please disclose if you are a lobbyist, if you're representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to

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testify unless otherwise stated. When your time is up, the presiding officer will ask you to conclude. Disruptive conduct such as shouting, refusing to conclude your testimony when your time is up or interrupting other's testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given and further disruption will result in the person being placed on hold or will be ejected from the remainder of the electronic meeting. Please be aware that all council meetings are recorded. Thank you very much.

Wheeler: Thanks, Karen. First up is communications, Keelan, if you could read the first individual's name, 448 please.

Clerk: Request of Liliana McDonald to address council regarding domestic violence services for African Americans.

Wheeler: Good morning.

Liliana McDonald: Good morning. I'm Liliana McDonald. I work for Bradley Angle, the housing coordinator. I just wanted to say that because of covid a lot of services have been diminished in the community. And Bradley Angle is the only culturally specific domestic violence provider for black survivors in Multnomah county. You know, black survivors don't trust the system because they haven't been fair and equitable. They stay in homes where they are not safe and their children are not safe because they have nowhere to go. And Bradley Angle wants to be able to answer the call when they call for help. And we want them to know that they've come to the right place and we can help them. And I think what I wanted to do was to ask, and I don't know if you guys have the power to do this, but I was going to ask if the, the council would fund three, full time-culturally specific domestic violence advocates for Bradley Angle. I would say that this has to be specific because dollars get lost and black people get grouped in with everyone else. And in the end, we're at the bottom searching for the crumbs. We at Bradley Angle provide culturally specific housing services. So survivors come to us when they are wanting to flee domestic violence. And you know, when the covid dollars came out that was you know, nice and everything and we were able to reach a lot of people. But the second time it came out, we weren't able to assist people because we didn't have anybody to do the work. So the money was there but there wasn't anybody there to do the work. And also we need not just like one-time assistance, we need ongoing assistance. That's what I was asking for. But when they come to Bradley Angle, you know, we meet them. They get to meet somebody that looks like them. Knows where they come from, understands the barriers they might face. And we provide wrap-around services that are culturally specific as well. We just started a new program for the children of the survivors we serve. And you know, I know that the city has been real hot and there's a lot

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of gun violence and stuff happening. I wanted to say violence is all connected. Right? So it's really important when mothers and heads of households are seeking safety that somebody is there to provide that and we do that at Bradley Angle. Thanks for listening.

Wheeler: Thank you. We appreciate you being here. Commissioner Hardesty.

Hardesty: Lilian, I want to thank you.

McDonald: Good morning.

Hardesty: Good morning. I also want to thank you for being here and thank you very much for your powerful testimony this morning. And you may know that I am the co-chair of the gateway domestic violence center, with chair Deborah Kofori. And I will say -- I'm sorry, not chair Deborah Kofori, with commissioner Jalapa. Let me just say that she and I are absolutely committed to ensuring that people who are escaping domestic violence get the support they need. The city of Portland does not fund social services, that is a sole goal of Multnomah county. I would be happy to work with you and have you come to the gateway domestic violence committee meeting and make your case for why you need this kind of support. And I will be there advocating right next to you. I know during covid domestic violence calls have been up between 100 and 300% a week. I also know that people are staying longer with their abusers during covid because there were no options of being able to safely leave with their kids. So I know the folks doing the kind of work you are doing, Liliana, have been overstressed by all the crisis that we have experienced over the last year. And I just want to say, thank you and I hear you. And I am going to stand next to you to help you advocate at the right door for this supports that you need. I think the joint office should also be making sure that they are providing the supports so that as women come to you seeking shelter, that there is a safe place that the joint officers making available. And I don't know how involved they have been in actually helping you provide those wrap-around services. So we have work to do to make sure that we're living up to who we say we think we are. And again, thank you for being here. And I will work with you to make sure that you're asked. Do you have a dollar amount with that ask?

McDonald: I'm sure my executive director does. She's going next.

Hardesty: She's on next. Okay, good. All right then. I will ask the appropriate person that question. I know she will have that. Thank you so much again for being here.

McDonald: Thank you.

Wheeler: Thank you. Item 449, please. Next individual, Keelan.

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Clerk: Request of Bri Condon to address council regarding the macro importance of continuing to direct funds to domestic violence work. We received a request from Bri that they were canceling their request to address council.

Wheeler: Very good. We'll get that information if Liliana can get that to commissioner Hardesty and connect later. Item 450. Next individual please.

Clerk: Request of Matt Glazewski, to address city council regarding city climate priorities.

Wheeler: Good morning, matt.

Matt Glazewski: Good morning, Mr. Mayor, commissioners. Matt Glazewski, north Portland. I want to speak briefly to this this morning about something you have all committed to work on, which is climate change, mitigation and adaptation. When you all first met earlier this year as a new council and discussed the council priorities for the year, I thought it was a terrific idea. However, during the sessions not one of you acknowledged climates change should be one of your priorities despite the facts there is literally an emergency declaration on the books in our city as a result by the city council. Climate change isn't taking a break while we deal with the other major issues facing the city. Mayor Wheeler, sir, you approved of an amendment way back when that I suggested during the energy ordinance hearing in 2017, you may remember. That amendment added the impact statement section on the staff summary relating to renewable energy goals set by city council. Yet as city hall staff myself, I saw with my own eyes, how little analysis or thought was ever put in that statement box by most city staff. And in the short time I have I want to give examples how everyday business brought before this council has not been vetted with the true climate lens. Commissioner Ryan, sir, housing is very important. We all agree. And you've done great work so far. But, sir, I beg you to help enhance the development of new housing to ensure it is climate resilient. There is a city chart amendment that prevents weatherization for housing, it's literally in the city charter, which is ridiculous. While our current housing crisis is more severe, it will not be long before more climate migrants begin to push into our city and region. That housing crisis will be far worse, and it is much closer than you realize. All you have to do is look at the droughts to the south. Commissioner Rubio, who's not here, hopefully her staff will relay this, the healthy climate fee needs to live on. Otherwise people have no incentive to decarbonize their operations. Taking a page from Multnomah county's book is a good idea. By beginning to ban natural gas infrastructure in all public builds. Bps has good people working on the climate action plan but they have no influence over the other bureaus to actually meet the goals. Commissioner Hardesty, an electric fire truck will not make the pfnr's carbon footprint smaller. The truck is made from newly minded metal, powered by lithium

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batteries, whose ore was taken from the earth, in poor places like Bolivia. Look into refurbishing the existing fleet to run on renewable fuel source locally before we spend \$850,000 of taxpayer money for each new fire truck. That company is doing something that we call green washing. And ask Derek to call me if you want to know more. And also, please, commissioner, follow-up on your promise to close more streets to traffic. We're losing the window to do this as we come out of the pandemic. Commissioner Mapps has a renewable programs filling up the Columbia boulevard. Use this opportunity to look at how we can power more of the city fleet with the fuel like commissioner Hardesty's fire trucks. Mayor Wheeler, you were the only person during the firetruck hearing to say we need to look at general efficiencies internally as well. You're so right, sir. Use your office to create a climate czar that will lead this effort for the whole city. Partner with your seatmates on this nonpartisan issue. Remain true to the climate emergency declaration. Climate change is an economic issue. Climate change is a health issue. Climate change is an immigration issue. Climate change is an education issue. Climate change is a gender issue. Climate change is a human rights issue. It is the issue. Thank you.

Wheeler: Matt, first of all, you got a lot of in and you did it in exactly three minutes. Thank you, I was taking notes as quickly as I possibly could. It was great testimony. And you are right to hold us accountable. Thank you. Commissioner Hardesty.

Hardesty: That was not 30 minutes, mayor, do not encourage that.

Wheeler: I'm sorry, no, that was three minutes. If I said 30 -- [laughter]

Glazewski: I know commissioner Hardesty likes people to keep to the three minutes. So I did my best for her.

Hardesty: Matt, you know, I appreciate you. You should push us to do better. I want you to know we had this conversation about where climate change fit into our priorities. And as a council, we agreed that every area that we listed as a priority has a climate mitigation strategy attached to it. I want you to know and I want to say this clearly, that I had asked the same question: Why did we stop with climate change. And the response that I got from my colleagues was that everything that we do is about climate mitigation and racial inequality, eliminating racial inequality. Those are the two top priorities, at least on my agenda, and I will say from all of my colleagues in conversations, all of us are committed to climate mitigation. We don't have time to the not be. And we're going to try a lot of stuff. Some of it will work. Some won't. Guess what? We know that diesel fuels don't work and we've got to do better. Thank you for being here, matt.

Glazewski: Thank you, commissioner. If I may offer a suggestion, I know you are passionate about contracting equity. Of course, and I agree with that. I would offer a challenge to any

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members of the council to [multiple speakers] emphasis, oops, someone else is chatting.

Emphasis that question whenever anything comes up before council and say that how is this effecting climate change. Ask the question of city staff. Because the more they hear from you, the leaders, the more they will begin to think about it critically.

Hardesty: Great point. Thank you, matt.

Glazewski: Thank you, commissioner. Thank you, Mr. Mayor.

Wheeler: Thank you, matt. We appreciate your testimony. Next individual, Keelan. Item is 541, please.

Clerk: Mayor, Bri Condon, item 449 has joined us. Would you like to go back to 449?

Wheeler: Go back to 449, please.

Clerk: Thank you. Request of Bri Condon to address council regarding the macro importance of continuing to direct funds to domestic violence work.

Wheeler: Good morning. Commissioner Hardesty, do you have your hand up? No, okay. Good morning, Bri.

Bri Condon: Good morning, mayor. Good morning, commissioners. Sorry I'm late. We had a van break-in for our cargo van. I was working with our office manager this morning on that. But I'm here. Apologies for keeping everyone waiting. Thank you for passing the mic, Liliana. I'm glad you got to hear from Liliana this morning. I wanted to address and I have follow-up answers also, commissioner Hardesty. You had asked for a dollar figure, it's about 91,000 for a single, full-time position that offers full-time benefits, healthcare, and retirement for our staff. That would be times three for what Liliana was requesting this morning. I think that it's important to just raise awareness that the history in Portland, and this isn't strictly for you, mayor, this is in general for decades, we've had inadequate policy. We've had some uninformed policy, inequitable policy. When that happens, nonprofit services providers, we step in and we cover the gap. And those gaps if we have informed policy moving forward that centers and prioritizes race and marginalized populations, we will be able to offer extended services and nonprofit and the critical abilities that our team and members of our staff that work with Liliana are able to extend to domestic violence survivors can be handled in a efficient way and sustainable manner. It's important to address why we all, no matter what city, state or county we're talking from, we're advocating services are delivered in nonprofit agencies that are supported by funders. So we can't just keep hoping and praying that those dollars checks come in and that eventually that's going to add up to enough of a salary for Liliana to have a teammate, another one in place because of some issues with policy in the past. And because of this, it's actually our responsibility

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to do this better. And to do this different. And in her ask, Liliana works a lot. She runs a team of a total of four people, three housing advocates. And they are buried in work. And with the pandemic, you know, my background is in risk management. It is not acceptable in society today to meet a crisis by serving someone while you are in crisis also. It is acceptable to hold a safe container that is grounded and to be able to offer these services that we have removed from certain classes of people, certain colors of people in our policy creation. So the need to sustain 501(c)(3) nonprofits as we work overtime, everyone on the time is critical. And I appreciate people on this call today taking that and holding that in mind while we work in multiple departments across multiple agencies in this city to do this better. Because that's really what we're tasked with and the only option we have is to do this better. Thank you for everyone's time. Apologies for being late.

Wheeler: Thank you, no problem. We're sorry to hear about the van.

Condon: Thank you.

Wheeler: Commissioner Hardesty.

Hardesty: I was going to say, no apology necessary. And yes, I'm glad that the van issue has been resolved. Bri, you are absolutely right on time. And I am so grateful that in spite of everything else going on, we were able to get your voice into the public record today. I look forward to working with you and your team. And with the gateway domestic violence center leadership to make sure that we are uplifting the incredible work that you are doing on so many multiple crisis taking place simultaneously. You are a treasure. I'm looking forward to getting to know you and figuring out how I can be ongoing support for what is really, really difficult, heart-felt work. Thanks for what you do.

Condon: Thank you.

Wheeler: Thanks, commissioner Hardesty. 451 please.

Clerk: Request of Ana Johns do address council regarding public safety. It looks like Ana hasn't joined us yet.

Wheeler: All right. 452 please. Next individual.

Clerk: Request of Meghan Doughty to address council regarding the inequitable impact and administrative burdens created by Portland's new rental laws.

Wheeler: Good morning.

Meghan Doughty: Good morning. Hello, my name is Meghan Doughty. I am a professor of public administration and public policy. A local university in Washington. I am also a life-long resident of Portland, Oregon. I want to thank you for the council's time and consideration. This is

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addressed in particular to commissioner Ryan. I support the intent of helping marginalized communities and those rental regulations have normal a discriminated against. The equality rather than equity approach of first come first serve has deep unintended implementation consequences that are hurting those that the regulations were indented to help. The 72-hour and first come first serve mean unless you have a job where you can sit on the computer, you will miss out on all rental opportunities posted during working hours due to the 72-hour requirement. For example, my fiancé works an hourly job outside the field doing environmental restoration. He could not apply for a single one of the rentals that we did. Additionally -- and I did all of our rental applications because I'm lucky to have that kind of job. Additionally, because we applied together be got penalized because those sort of applications must be united on online applications. If you are two people applying, you get penalized and pushed down because both applications have to be in both they count as a complete application. Additionally, we sent out over \$200 in rental application fees. The majority of which of those were returned but not all of them were. And I don't have so much money floating around that this was not a burden to have that much cash frozen at a time when I was also trying to wind up everything with my previous rental. In administrative policy, which is what I study, we have the concept called administrative burden. And there are three aspects: Learning, compliance and psychological. What we have here is unintended compliance cost of this particular policy. It is not working. It is hurting those who it was meant to help because it was easiest for those who have a white collar job to apply for these rentals. If you have anything that might cause you not to live on the computer, you will have so much more trouble and miss out on so many applications. The solution to this, as I see it, you have three options. The longer option and the one with more of an outreach, is to partner with one of your wonderful local universities and study if what I'm saying is true. Is this actually having an inequitable effect on those applying? The shorter and I think easier solution would be to revisit the implementation guidance you are giving rental applications and companies and help find solutions to minimize the burdens. It could be a simple i.t. To help fix and achieve what they are intended to. Or the council can do nothing as the affordable housing slips out of more and more residents' reach and homelessness crisis continues to get worse. Thank you for your time and consideration.

Wheeler: Thank you, appreciate it. Keelan, does that complete communications this morning?

Clerk: Yes, it does.

Wheeler: Very good. To the consent agenda. Have any items been pulled off the consent agenda? I'm sorry, commissioner Ryan has a comment.

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Ryan: I was late. I'm sorry about that. I wanted to let Meghan know; we'll be in touch with her. It's often the case -- it's not often, it happens a lot when you pass really good policy, when it's implemented, there is kinks and you have to work them out. Her testimony was very helpful and our office will be in touch.

Wheeler: Megan, did you catch that? Hopefully she's still on. Either way, you will reach out.

Ryan: We'll follow-up.

Doughty: Great. Thank you.

Hardesty: Excuse me, mayor. Commissioner Ryan, to that point, there is an application called one app, that the mayor has knowledge of. Early on the city was looking at whether or not to use that. That actually allows people to apply wants. And get a list of apartments they qualify for. It sounds like it would be cheaper for the city to actually figure out how to provide access to one app. Because I actually think the protections that are put in place absolutely benefit renters. And I don't want to start tinkering with a system that at this moment when the eviction moratorium is about to expire, this is not the time to deal with that. But I think maybe reaching out, I can't believe I'm blanking on the gentleman's name, mayor, do you remember his name?

Wheeler: I don't off the top of my head, commissioner.

Hardesty: I'm blanking on it at the moment. It'll come back to me. I'm having a senior moment. You should have a conversation with him. I think it might be very enlightening and might be helpful, commissioner Ryan, as you're thinking about how to support folks being able to keep a roof over their head as we recover.

Ryan: Thank you, commissioner Hardesty, I'll look into that. Thanks.

Wheeler: Very good. Does that complete our communications?

Clerk: Yes, mayor, it does.

Wheeler: All right. Have any items been pulled off of the consent agenda?

Clerk: No, received no requests.

Wheeler: All right. Very good. Please call the role on the consent agenda. [roll call]

Ryan: Yes. I just wanted to call out, Gustavo Cruz who is rejoining and William Meyers from prosper Portland. I just wanted to acknowledge their service. I vote aye.

Hardesty: Aye.

Mapps: Aye.

Wheeler: Aye. And the consent agenda is adopted. Next, to the -- 453 please.

Clerk: Adopt the supplemental budget for the FY 2020-21 over-expenditure process and make budget adjustments in various funds.

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Wheeler: Colleagues, before us we have the over-expenditure ordinance, also known as the o.e.o.. The o.e.o. is very narrow in focus on preventing over expenditure at the bureau, fund or appropriation level. As usual, there is also a companion ordinance authorizing temporary operating loan to prevent temporary negative cash balances at the end of the fiscal year. This morning, budget director Jessica Kinard will walk us through the current o.e.o. Ordinance, and we will consider any amendments, take testimony and call the vote on the o.e.o. We will then have our city's treasurer, Brigid O'Callaghan, provide an overview of the loan ordinance before considering and voting on that item. I'll turn it over to director Kinard to review the o.e.o. Good morning.

Jessica Kinard: Good morning. Thank you, mayor, and good morning members of the council. My name is Jessica Kinard. I'm the city's budget director. And I'm here virtually with Michelle Ruben and Robert Cheney, who are our budget process coordinators. Robert, can you pull up the slide show please. Thank you. And go ahead and go to the next slide. Today before you as the mayor mentioned, there are two items that are part of the final budget monitoring process of the fiscal year. First is the over-expenditure ordinance or o.e.o., and I will briefly review the purpose of the o.e.o. And highlight changes included as filed. Please feel free to ask questions at any time during this overview. We will then have time for discussion, hear amendments, take public testimony and final voting. As the mayor mentioned, we'll then consider a related ordinance that authorizes a one-day loan in the city's grant fund to ensure we don't end the year with a negative balance in that fund. Next slide please. The over-expenditure ordinance or o.e.o. is our third and final supplemental budget process of the fiscal year. We complete this ordinance at the very end of the fiscal year to ensure that expenses do not exceed current budget appropriations. The o.e.o. is different from the fall and spring bump processing in that it is shorter and more narrowly focused, which typically does not come include a council work session. This chart shows fall and spring bump often take place over a two month or more timeframe. While the o.e.o. is typically conducted with bureaus in just over two to three weeks. Next slide, please. Again, as we've mentioned, the o.e.o. is typically narrowly focused on technical true-ups and ending the year in balance. As a result, only bureaus that are making changes that are required to submit materials to the city budget office. So not everyone submits materials. Because of the late timing in the fiscal year, general fund contingency resources are typically only allocated for technical true-ups or prevent yearend over-expenditure in bureaus. Any resources allocated in the general fund would need to be spent or encumbered by June 30th as we begin with the new budget that you all just adopted last week on July 1st. Next slide

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please. While primarily technical in nature, there are several budgetary changes that are occurring in the o.e.o.. In total across all funds, the o.e.o. increases the city's current appropriations by \$85.1 million. In the slide, I briefly highlight some of general fund changes. There is one request for new resources, allocating \$3,351 for general fund contingency resources for a true-up of the city's payment to metro for Portland 5's operation. This is required under the terms of the inter-governmental agreement. There is a net change of \$616,000 in general fund revenue in the o.e.o. As filed. This is primarily due to a \$500,000 increase in intergovernmental revenues in Portland fire and rescues general fund budget, which is funding that is coming from Multnomah county for the vaccination efforts. The budget also includes \$108,473 in charges for services within the Portland parks and recreation bureau. For primarily for tennis center and parking fees, being reinvested in maintenance activities such as tennis court resurfacing. The parks bureau and the housing bureau are both making transfers out of the general fund into other funds to reserve funding for key expenses. Park's bureaus transferring funding for in-process fleet purchases. And the housing bureau is transferring funding to the housing investment fund for supportive housing risk mitigation pool funding. Additionally, several bureaus in the general fund are moving budgeted funds between different types of spending categories to better reflect anticipated actual expenses. Next slide please. There are some large dollar value changes in non-general fund bureaus, which reflect recognizing I trueing-up the budget to actual revenues and projected expenditures. The water bureau is recognizing \$76.7 million in bond and note proceeds aligning with the May 2021 bond sale and refunding. And the bureau of environmental services is trueing-up what had been a conservatively forecast revenue picture to account for \$4 million and above system development charge revenues. The office of management and finance is drawing upon non-general fund contingency accounts to conservatively ensure that we end the fiscal year in balance and the insurance and claims fund and the city fleet operating fund. And then the facilities operating fund is recognizing a little over 400,000, increase inner agency revenue, promoted to external materials and services in the facility's operating fund contingency account. Next slide, please. Within the office of community and civic life, the bureau is recognizing beginning fund balance in the recreational cannabis tax fund. There is also a small accounting true-up of cannabis fund resources in the housing bureau. Also in the housing bureau, there are a number of changes and allocations of grant funding and other non-general fund resources that true-up to actual and projected project and program spending across fiscal years. Finally, the bureau of transportation is drawing upon contingency resources primarily to support the one-day loan that you will authorize following this legislation.

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And they are also drawing upon contingency to protect against over expenditure and managing of multiyear contract. Next slide, please. The second item you will consider today is related to the over-expenditure ordinance again, is the one-day loan. The city's treasurer, Brigid O'Callaghan will be available to speak to this when it's time to consider that item. For now, as the relate to budget changes, I highlight this is a technical ordinance that is brought every year to address the particular nature of the grants fund as a reimbursement fund. Because expenses happen before the reimbursement of revenue, the consistently runs a negative balance and state budget law in general -- generally accepted accounting principles do not allow for negative ending balances. This is why we authorize a one-day loan from bureaus with grant expenses to make sure we end the year with a positive balance. Next slide. That concludes my overview. Are there any questions at this time? Great. Seeing none, I will turn it back over to the mayor.

Wheeler: Sorry, my screen kept moving around on me. Keelan, can you also read 454?

Clerk: Authorize temporary loans between various funds to provide interim funding to cover lags in federal, state, and other grant reimbursements and other negative cash and fund balances.

Wheeler: Thank you since we're doing the presentations together we might as well read them both. If there's any amendments that council would like to propose to the over expenditure ordinance, we'll hear any amendments you have. Any testimony for the oeo.

Clerk: No one signed up for this item.

Wheeler: Very good, please call the roll on 453.

Clerk: (roll call).

Brigid O'Callaghan: Good morning mayor and commissioners. For the record I'm the city's treasurer. Joining me today is the bureau and finance grants director. The purpose of this legislation as referenced earlier is to authorize two temporary interfund loans to the city grant funds. One loan of approximately 25 million from the transportation operating fund. Another loan from the general reserve fund. The total is not to exceed 35 million for both loans. As director mentioned, this is somewhat of a routine fiscal routine year end action to remain in compliance with state budget law. It requires that we not have a net fund balance at the end of a fiscal year. Some background information, let grants fund, home fund, and community development block grant fund. These are reimbursement funds; they are expected to be reimbursed by entities outside the city of Portland. Typically those would be federal and state and other grant programs. It creates a lag for expenses and revenues. This can result in temporary negative balances. We find it necessary to have this one day interfund loan between

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those programs typically over the year end so that we remain in compliance with local budget law and generally accepted county practices. This is a considerably conservative estimate. We expect the amount to be much lower than this. The grant receivables and tax payments associated with the grant's programs. With that, I request approval of the ordinance and thank you. I would be happy to answer any questions.

Wheeler: Very good. Colleagues. Any questions for Brigid. Seeing none. I would ask if anyone has any amendments to the loan ordinance. Seeing none. Any testimony?

Clerk: No, mayor.

Wheeler: Please call the roll.

Clerk: (roll call).

Wheeler: Treasurer, we appreciate it. Thank you so much for your presentation. With that we'll move to the regular agenda. Item 463.

Clerk: Proclaim June 19th 2021 to be Juneteenth.

Wheeler: I would like to invite the executive director of Juneteenth Oregon. She is the granddaughter of Laura Peoples. Her work led to Juneteenth being recognized here at the city as well as the state. She is part of the leadership of Juneteenth Oregon and been a truly tireless advocate for celebrating Juneteenth and what it stands for. I want to welcome them. I want to thank you Jenelle for your work and advocacy around Juneteenth. It's long overdue in Oregon. It's appropriate that in Oregon Portland we properly commemorate the holiday both now and in the future. I'm keeping my remarks fairly short today but before I finish speaking let me make one more plug here. You'll here this again, for the 49th Juneteenth annual event. Live performances by local musicians as well as special appearances such as figures such as governor brown and united states senator jeff. The live event starts at 1:00 p.m. You can watch online at Juneteenth or.com or pdx jazz.com. Thank you all for those of you who are here today. With that, we will -- late breaking news. Yesterday, the united states senate unanimously passed a federal holiday for Juneteenth. The bill is now headed to the house where I think all of us hope it will pass record has the updated language in the proclamation that I'll read shortly. With that we'll hear from our guests. Good morning.

Heather Colekman-Cox: Good morning. I would like to apologize. Jenelle was unable to attend this call. I'm Heather Colekman-Cox. You have my former name, mayor. I'm the media relations director. I'm pleased to be here in front of you. As you all know Juneteenth is the celebration of the emancipation of slaves in the opposing states. It wasn't until the 13th amendment that all slaves were free in America. We celebrate here in Oregon, we start with a freedom parade

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honoring the mother. We have a community event and a location that we are constantly looking for each year to hold our event. Our ask today of the council is that you please consider funding a permit for us to hold our celebration, our annual celebration on a portion of the water front as well as fund a permit for our parade. As the mayor indicated the senate did pass the bill yesterday and we are ecstatically excited about it. The entire country will recognize Juneteenth as a federal holiday next year. We would like to expand our celebration to incorporate a large space that we can count on every single year as well as parade permit to allow our parade every single year. Thank you.

Wheeler: Thank you. We really appreciate you being here. At this time I'll ask our commissioners if they have remarks they would like to add. Commissioner Mapps.

Mapps: Thank you. I want to encourage Juneteenth Oregon to reach out to my office. I don't know about the details for the permits but we certainly would love to work with you to make progress on that important issue. Also thank you so much for your work on Juneteenth here in Oregon. The other thing I'd like to say is that I'm delighted to join you in proclaiming June 19th, 2021 to be Juneteenth. The people of Texas are informed with the proclamation from the executive of the united states, all slaves are free. In other words Juneteenth commemorates the day that black Texans learned that the war was over and slavery has come to an end. You might notice something odd. Juneteenth commemorates June 19th, 1865. Most Americans think slavery ended two years earlier. Those days are a reminder that slavery did not end overnight. It receded slowly at different times and in different places. At that time those states were in open rebellion against our federal government. The emancipation proclamation did not free slaves, it was the promise of the civil war. Lincoln made it clear that the point of the civil war was to end slavery in these united states. However in the real world slowly receded slowly an unevenly over time almost county by county. Juneteenth is both a liberation story and justice delayed. This tension is the defining characteristic of Juneteenth. It's not just an opportunity to celebrate black liberation. The work of dismantling exploitation continue it this day. Colleagues on this day we would be remiss if we did not remember Clara Peoples. She was a beloved community member and mother. In Oregon the celebration of Juneteenth began in 1945 when Clara Peoples a black woman who worked at the ship yards noticed that they did not celebrate Juneteenth. She asked if they could first celebrate on their break. For me, it is truly an honor to play a small role in continuing the tradition this people started in Oregon. I would like to call on all Portlanders to observe Juneteenth. Please take a moment to celebrate black liberation and please take a moment to recommit yourselves to ending racial discrimination in the city of roses. Thank you.

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Wheeler: Thank you commissioner. Commissioner Hardesty.

Hardesty: Thank you, mayor. Commissioner Mapps I'm annoyed at you because you actually did such a thorough job of putting the entire history out. I want to start by really appreciating miss Jenelle Black. Your mother would be so proud of you of the strong vision and moving her work forward. One of the first people I met when moving to Portland was your grandmother. You know what she did when she saw me, she opened her arms wide. Come here baby, give me a hug. That is how I was introduced to your grandmother. I honor her. I honor you. A legacy that are you continuing. I just want to make this about just remembering that heavy black coat that she wore whether it was hot or not. I didn't know why. I never asked. But I just want you to necessity that she made me feel like I was in my grandmother's arms. I was safe and whatever silly idea I had had, oh, baby. That's a good idea. I applaud you. I applaud you continuing this legacy. I want to challenge you. You gave us a good challenge. If you've been paying attention over the past year, there's a lot of businesses that have taken up the fight about creating a more racially just city. I think you should be having conversations is the Portland business alliance and chamber of commerce of all stripes. What you have asked for is something that you could get a lot of support behind. Because you'll be just asking people to live up to their words and keep the commitment they made to centering black voices and ensure that we're undoing a harm that past policies have done. Your grandmother never got tired. She has you now to continue. You are asking the right questions and asking for support. People think we have bucket loads of money at the city but we have to balance our books. It doesn't mean we can't highlight the work your family has done to bring this historic recognition long before the country was talking about Juneteenth. You are a good lesson for young people that we don't get to change what we want overnight. Sometimes it takes decades. Sometimes it takes passing the work to the next generation. Thank you so much for being here. Thank you for continuing your grand spirit.

Colekman-Cox: Thank you for your kind remarks commissioner Hardesty and Mapps.

Wheeler: Thank you, commissioner Ryan.

Ryan: We will work together for permits and parks to make sure that's something that is ongoing and easy. We'll work with you on that. I want to pause for a moment with my colleagues. Thank you commissioner Mapps for laying out the history so well. We can't look at this historic issue as voter suppression. This horrible thing is intentional. When we can't vote, we can't vote for anything from historical elections to school board. We cannot simply stand by on this injustice. We've learned to think of Juneteenth of Emancipation Day. In this moment in time there are more freedoms we need to protect for people of color. There's so much more space for

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change and growth. I said with all my colleagues in the city today an in reflection to take action to make change happen for a more just society. Thanks.

Wheeler: Thank you commissioner Ryan. With that, I have the honor of reading the proclamation on behalf of Portland city council. Whereas the first enslaved people brought over from Africa to the continental united states. Whereas slavery became an economic driver in the united states by 1860 one in eight Americans were enslaved Americans. Constantly billing this country's infrastructure. Whereas, on January first, 1863 president Lincoln signed the emancipation proclamation setting in motion the end to slavery in the united states. This news reached Texas on June 19th in 1865. People of Texas are informed in accordance with the proclamation of an executive of the us all slaves free. The celebration of the end of slavery which became known as Juneteenth. Whereas, Juneteenth commemorates African American freedom an achievement celebrating the fundamental truth that all people are created equal while encouraging continuous self-development an respect for all cultures. A considers our nations states counties and cities. It reminds us each of the fresh promises of freedom an opportunity which are the core of the American dream. In 1997 the united states congress passed resolution 11 and 56 officially recognizing June 19th Independence Day. We call on the federal government to rectify this and enact legislation that would officially recognize Juneteenth as an official holiday. The Oregon assembly recognized Juneteenth as a state holiday. More residents as people across Oregon, the united states and around the world are still facing systemic racism proclaiming that black lives matter. In order for all lives to matter, black lives have to matter too. Whereas, recognizing the social economic and racial disparities still in place more than one hundred fifty years after the end of slavery, we call on the federal gft to pass reparations legislation. I ted Wheeler, mayor of the city of Portland Oregon. City of roses do here by proclaim June 19th to be Juneteenth and encourage all residents to observe this day. Thank you so much for being here. Thank you for your testimony. Colleagues, thank you for your heart felt remarks.

Wheeler: The next item is 464

Clerk: Ratify a seasonal agreement within the collective bargaining agreement for union dues taken ow of their paycheck.

Wheeler: The public sector union sector employees will no longer have union dues automatically deducted from their pay. Employees must give affirmative consent to have dues automatically deducted from their pay. This changes languages to a lean our practices with the supreme court ruling. I would like to offer an amendment to the ordinance in paragraph four,

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the first sentence as follows: In negotiations in 2018, the city and the union agreed to a cost of living increase but did not know which consumer price index to use. Can I get a second please?

Hardesty: second.

Wheeler: We'll keep that on the table. Jamaal Anthony is here to present the ordinance.

Jamaal Anthony: I apologize for not having something as glamorous and impactful as the Juneteenth proclamation. What I have today is extremely cosmetic. There was a supreme court decision, we had to amend the contract where dues automatically came out of an employee's check. The reason we were just getting around to this, in 2019 there were some layoffs in the bureau that local laborers wanted to give their attention to that rather than this. In 2020 we didn't bring any seasonal workers on board because we were dealing with COVID. This is to reflect a practice that is in place at the time.

Wheeler: Thank you. Commissioner Mapps has a question.

Mapps: Can I get some background on mayor's amendment.

Anthony: That's on me. I hadn't used the filing system before. I put a typo in there. I said that we did not know something that we did know. Yesterday just for procedure they asked that the mayor would start off and edit it. That's on me. The mayor is doing me a solid.

Mapps: My office is still figuring out the system as well.

Wheeler: Any further questions. Is there public testimony on this item?

Clerk: No one is on call for this item.

Wheeler: Very good, please call roll for this item.

Wheeler: I wish all such problems were so easily solved. The amendment is adopted to the main motion. It's an emergency ordinance, please call the roll.

Clerk: (roll call).

Hardesty: I really appreciate the fact that we were thoughtful and we worked together to do it at a time where people weren't stressed about other issues that were impacting the conversation. Excellent work as always Jamaal. I vote aye.

Wheeler: Happy to vote aye. The ordinance is approved as amended. Next up 465.

Clerk: Temporarily modify or waive portions of City Code titles Original Art Murals, Signs and Related Regulations, and Planning and Zoning to assist businesses, organizations, and entrepreneurs to adjust and continue operations during and through the COVID-19 pandemic.

Ryan: As we know the pandemic has had an adverse effect on many Portlanders. Cherished restaurants have struggled to stay afloat and others have closed completely. Particularly BIPOC communities have experienced setbacks and losses. Work from home is shifting increasing to

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the hybrid model. People are beginning to shop and travel more. We've seen a incredible trade of response to the pandemic. Throughout this time bbs created a rapid transition to an electronic system. It's important to look towards solutions. Today's ordinance addresses a variety of codes. With that, I turn it over to bds planner Matt Wickstrom. He is getting on now. This just in.

Hardesty: That's the fun of being live. The things that aren't supposed to happen, normally do.

Wheeler: We need a city council band that we can queue up when this happens.

Hardesty: We need a theme song.

Ryan: Can you imagine, what would it be?

Wheeler: I don't want to know. That was the best entrance anybody has made in the last couple of weeks.

Matt Wickstrom: That's good. It's nice to be here today. I'm sorry. The item came on sooner than I thought. I didn't have time to change clothes or anything. I can begin.

Wheeler: You're a picture of grace under pressure.

Wickstrom: We'll see how long that lasts. I'm trying to go figure out how to make this a full screen. I will start by sharing my screen. I'm sorry. Here we go. Good afternoon city council. I'm a senior planner for the bureau of development services. I'm here today to present an ordinance for relief and recovery during and through the covid 19 emergency. This is the second of two ordinance that's we're bringing to city council. The first was adopted by city council back in March. That ordinance related to safety and security measures for businesses. Next slide. This is just some background on covid 19 emergency. Mayor ted Wheeler executed a state of emergency. It's been extended every two weeks sense then. This slide is about the approach to the ordinance. First I'll give a presentation where I talk about the different time lines for items in the ordinance and reasons for those time lines. There's ten items total. I've try today group them so we can save time. These items relate to reduced and modified operations. Air circulation. Non-conforming upgrades. Entrepreneurial -- entrepreneurs. Boarded up windows and temporary murals. Please interrupt me if you have questions during the presentation. Some details it's designed as a menu. If you don't agree with an item that can be modified or eliminated. Timelines can be flexible. All items are temporary and covid-19 related. The ordinance has not been foiled as an emergency yet. The time lines assigned to different items. Some items are related to the state of emergency, so once it's no longer declared, then those items would expire. There is one item related to modifications proposed by the DOZA project and that's expected to go into effect on August 1st. Just speeding up the adoption of that item. Another

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item is related to obtaining a land use review or building permit. So the timeline for that item is generous for completion of those processes. Most items are related the OR economic and revenue forecast with the state of Oregon, who estimates full-recovery will occur March 31, 2023. Typically with BDS ordinances, they move so fast.

Hardesty: Excuse me. Mayor, if I may. Matt, when you say full recovery will be achieved by March of 2023. Full recovery for who?

Wickstrom: Full recovery only as estimated by state of Oregon.

Hardesty: When you say full recovery what does that mean?

Wickstrom: The economy should be functioning in same way it did before covid 19.

Hardesty: Is that what we want?

Wickstrom: Perhaps not. We did want to tie it to a verified date. I wouldn't typically mention city staff as outreach. I want to note that we got a lot of good ideas by reaching out to city staff for issues they identified as part of covid. We shared the information and asked for additional input with the design review advisory committee with the boma group. An organization of building managers and building developers. We shared the co-op with the mayor's action table. Bipoc and vulnerable businesses and the next action table meeting, we shared the information with a different break out group called small businesses. The ordinance has also been shared with the Portland business alliance as well as Oregon smart growth.

Hardesty: Leave that slide, please. I didn't realize I was going to have so many questions on this. I'm unfamiliar with the mayor's action tables. I don't know how representative it is of the business community. I don't know how the bipoc community has been represented. Is there a list of the people that are actually informing this ordinance?

Wickstrom: We can absolutely -- I'm sure the mayor's office can provide a list -- of those that attend those action tables.

Hardesty: I'm asking you today as the person presenting the ordinance. So I can vote on this next week.

Wickstrom: Point well taken. We can collect that information for you and my apologies. I thought the action table was well known but all offices, but that is not the case.

Ryan: That's a fair request. Mayor, we're asking that you can send that information.

Wheeler: That's fine. We will do that. I wasn't aware that this was going to be a conversation about the action tables. We're -- I have Sam on the line. I don't think it's fair to put him on right now. Let's go ahead and do that if you want to withdraw the ordinance we can do it next week.

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Hardesty: I'm just trying to go get information to see who are the voices that inform this. I don't have that information.

Wheeler: We can easily get that to you.

Ryan: It's not an emergency it's a first reading. That's why we're having first reading.

Wheeler: Sam says he's happy to do that.

Wickstrom: The first two items have to do with reduced and modified operations. The first is about allowing retail sales and services uses to occur outside. Last spring when bds was getting info out to restaurants and bars, we were surprised the code already allowed that. Over time, what we've realized, there are other uses that have asked to operate outside, like hair cutting and gyms, and code is not clear about that. This would allow other uses to operate outside. The next item, we've been encouraging outdoor operations and a lot of tent structures have been utilized. Here is a picture of a business using a tent and how important that tent has been. These tents after 180 days require a permit. Some of these permits require a design review for the tent. It's expensive and time consuming and difficult to approve. These tents are temporary and these design reviews are about long term items. The intent of this item is to allow outdoor businesses to occur. The pros are they address business to have modified operations. The cons are that when the timeline expires, the tented structure is functioning well for the business, then that business may want to continue it's use beyond the date allowed. At that point the review process would need to come in. The next time is tied to DOZA adoption. The project concludes exemptions for certain facade and rooftop venting. One of the things realized in covid is that air circulation can impact employees and customers and so we the thought is to allow for early implementation of ventilation. To implement allowances for DOZA before adopted. Pros allow business to improve ventilation without design review. The con is that the project has not yet passed through city council.

Wheeler: I'm sorry, commissioner Mapps has a question.

Mapps: Finish your thought, then I'll ask.

Wickstrom: Really the only con is that this item is at city council. If council disagrees we would implement something that wouldn't be passed.

Mapps: I'm not sure I intuitively understand what this amendment does. Can you give me one example?

Wickstrom: Absolutely. Buildings right now require a facade vent and require design review. The proposal creates an exception for smaller facade vents so they can be installed and not

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require approval for design review. The same is true for roof top mechanical equipment. There's greater allowances for smaller equipment without going through design review.

Mapps: It does to some degree, maybe I'm just not understanding what's happening here. I'll meet with staff to understand more before the next meeting.

Wickstrom: Next item waves non-conforming upgrade requirements. They have to do with things like when a permit is valued at a dollar threshold, there are requirements to add additional amenities or bring them up to a current code. That could be parking lot landscaping or bicycle parking.

Wheeler: Commissioner Hardesty has a question on that.

Hardesty: Sorry. Can you go back to the previous slide, please. Are you -- if we -- if this was approved. Are you saying that we would have no standards under which landscaping would be done until after march of 2023.

Wickstrom: We would still have the standards in place. We want to have the requirement that if a parking lot wasn't meeting the current standards then that parking lot wouldn't be required to upgrade to current standards.

Hardesty: Some of the parking lot improvements that need to be made are because of safety issues about how driveways flow today. Are you telling me that we would allow somebody to build in a place that we would be requiring them to make those improvements? We would say no, not now because we want you to make money.

Wickstrom: The non-confirming standards don't relate to things like where the driveway is. Or where the driveway is located. They -- with respect to parking lots. It specifically only refer it the amount of landscaping in that parking lot. This is definitely a larger item. The pros and the cons are larger related to this item as well.

Hardesty: Thank you.

Mapps: Let's get to the pros and cons and I'll put my questions on the table.

Wickstrom: The intent here is to reduce customer an applicant costs as well as permit and land use review time lines. This really is to move permits through the process at a faster pace and save applicants and customers the time and expense of putting together the plans as well as implementing the upgrades. The pros are it reduces the time line for city staff to renew and permit and land use, it reduces the complexity of the plans submitted. The cons is they only a ploy to projects valued over \$300,000. We're looking at the larger projects here. The other con is upgrades such as parking lot landscaping or additional bicycle parking may be deferred for a

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longer period of time whereas they wouldn't be allowed to without this item. This is -- of all the items. The pros and the cons weigh heavily here.

Mapps: I don't have an intuitive sense of the relationship between non confirming upgrades and covid. Can you give me an example of a non-confirming upgrade that's covid related.

Wickstrom: That a really good question. The way we made the connection here is more about the complexity of plans and the speed of getting a permit through as well as the decrease in the building permit applications during the covid 19 pandemic.

Wheeler: Commissioner Hardesty.

Hardesty: We've seen a drastic decrease in commercial requests building permits for commercial buildings. Is that an accurate statement?

Wickstrom: Yes. In a six month period we had 625 building permit applications. In 2020 we had one thousand building permit applications.

Hardesty: How would this change, put us on a better path for recovery?

Wickstrom: The theory here's that it would encourage building permit applications would be submitted that otherwise wouldn't. It would save businesses are struggling. It would save money in terms of making upgrades as well as putting plans together.

Hardesty: I get the thinking behind this. Knowing that Portland itself is a city of 95% small businesses. We already struggle for making money available for minority and women own businesses in Portland. Based on our prioritizing justice and climate mitigation, how does this fit into those core values that we say we have as a city.

Wickstrom: Because non-conforming upgrades apply to contracts upwards of \$300 million. It may not very enough relationship too small businesses. Sometimes they may be doing a project valued over \$300,000. That is why this is listed as a con. For this item as well as why the ordinance is structured as a menu. If there's items that city council doesn't agree with. Items can be removed from the ordinance.

Hardesty: Thank you.

Wickstrom: Okay. The next item has to do with entrepreneurs. I really struggle to say this word. I'm going say entrepreneurs. The next item has to do with entrepreneurs. One proposal is to waive additional requirements for convenient stores that are currently in the Portland zoning code. It's fair to say because of covid we haven't had a rush of convenience, we haven't seen an increase or decrease in convenience store billing applications. However, the additional code requirements that are applied to convenience stores aren't applied to other business with a similar type of impact. Such as a late night restaurant or a bar. It just really didn't seem

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appropriate to have these additional requirements for convenience stores. Especially considering that 60% of convenience stores are independently owned and the bulk of those convenience stores in Portland are owned by immigrants or people of color. We're putting an additional barrier for the startup of a type of business that is one that we do see businesses and people of color beginning. Commissioner Hardesty.

Hardesty: Are they owned or franchised?

Wickstrom: Independently owned. 60%. 40% which then I assume is more like your planned pantries and seven eleven's. The mom and pop convenience stores where it's one business, one owner. Commissioner Mapps.

Mapps: Can you give me an example or two of the additional requirements we have for convenience stores?

Wickstrom:: Absolutely. Do you mind if I get to that in the pros and cons. The next item came from our small business liaison on our empowering communities' team in bds, she focuses on the small business bipoc owned businesses. She has a lot of ties to the small business bipoc owned businesses. She is hearing a really increase desire to among the pie pok community to begin it startup businesses. One of ways that at home or startup businesses are able to do so is by starting as a home occupation because it saves overhead costs as well as the cost of renting a separate space. Currently zoning code requirements allow a home occupation with a nonresident employee, or it allows up to seven cuff meres per day. The proposal is to allow home occupation it have one nonresident employee and up to 15 customers per day. I'll point out, I wasn't able it find any research that was related to this being a Portland phenomenon. There's a great deal of information out there about how black women in this country are leading the effort in starting businesses. We thought that opening up these allowances would encourage that effort. The intent is to encourage greater entrepreneurialism. A greater home occupation capacity. Reduce regulatory barriers by opening up the -- allowing an either or to be an either and. Commissioner Hardesty.

Hardesty: Thank you mayor, thank you, mat. Here is an area that I'm really interested in. I think prosper Portland has done some phenomenal work on how you engage racially specific business types and whether it's my people's market, which I have to tell you has over two hundred independent vendors. Every time they show up, you can't walk through it because there's so many people starving for it. As you were thinking about how it make it easier for these entrepreneurial opportunities it to create and engaging enough masks to be successful. Did you think about the other way are there other way it relax code so we can have one hundred of these

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tiny businesses in a building downtown that otherwise would be empty because there's no store front activity there. Are you thinking about what is now or what we can be building towards if we're think being how we're going to on an ongoing basis create spaces an opportunities for creative spaces. Whether it's small businesses, artist space. That part of this overall thinking about how we relax code so as we start recovering we're creating a city we want or is this something else?

Wickstrom: This is -- what this ordinance is doing is looking at current zoning code regulations and proposing modifications to those regulations. BES has zeroed in on those components of this ordinance and will track and monitor them closely and will look to expand on those. They could absolutely develop proposals to what you are proposing commissioner Hardesty.

Hardesty: I'm sorry these changes would allow something like I've described to be developed in a tamely matter.

Wickstrom: These changes are only to modify current regulations in the Portland code. They don't create new code. That would be a legislative project from the bureau of planning and sustainable. They are proposing an equity package as well as recovery package. What you are describing would fall into that new code development and new programs whereas this ordinance really focuses more on modifying the code that we've already got in order it temporarily make it work better.

Hardesty: How does this proposal address equity?

Wickstrom: This proposal addresses equity in two ways. The first is like we were talk being convenience stores in Portland -- independently owned convenience stores are predominantly owned by people of color. Putting regulations in place for those businesses seem to have a equity connection because we have additional barriers.

Hardesty: We have additional code on these 60% that we don't have on other established convenience stores?

Wickstrom: I'm sorry. That was really just to point out that not all convenience stores are your seven/elevens and your pantries. The code regulations a play to 100% of the stores. As far as Portland goes. A bulk of those are owned by people of color and immigrants. The other way, lacking at equity, has occurred with the home occupation item is the recognition of the role that black women in this country have taken in the reality of small businesses trying to open those allowances up. Often times it starts from a home occupation an expands from there. The greater allowances to do the home occupation. This is -- here is what we're going to hit on with commissioner Mapps question. The cons of this question, the home occupation item is going to

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need monitoring. That's something that the bureau of planning and sustainability is looking how to get data and research about current levels as well as future levels. How to mine that from bds website. The second con this is commissioner Mapps question. The convenience store regulations are really a regulatory way of requiring the convenience store owner to develop a good neighbor agreement. A regulation maybe agreement with neighbors. It's in the that there's bad intention in those regulations. It's just that we don't feel they are applied equitably because they don't apply to other businesses with a similar type of impact such as late night restaurants or bars in Portland. Those regulations are only applies to convenience stores. Does that answer your question? Okay. The next item has to do with temporary signs. We've seen a lot of these in Portland as businesses have -- actually if I can go back for just a second. One other thing I'd like to point out about the home occupations items, commissioner Hardesty. We've noticed that other cities in response to covid have also increased their allowances for home occupations. This includes the city of Seattle as well.

Hardesty: Thank you. I did see that in the attachments.

Wickstrom: Great. Other cities also in terms of temporary signs increased allowances for temporary signs. In the case of what we're proposing is just allow them to stay for a longer period of time. The intent here is to allow businesses and roa tail operations to signal change its operations for a longer period of time. The pro, it addresses the need to notify of business operations. Cons are some signs may end up sticking around for a longer period of time. That can be a compliance issue. If they stay for a longer period of time beyond what's allowed by the ordinance. The next item has to do with boarded up windows and much have been painted with pretty murals. Often times they are not meeting ground floor office requirements. There could be a lot of compliance cases related to, hey, you're not meeting your ground floor window requirements. Proposal would wave these requirements until the state of emergency ends. Again, these are based on a yes council decision. City council may not want bored up windows to continue until the state of emergency ends or city council may want win ohs to be bored for an extended period of time. Some of the proofed up painted windows have been painted with murals. We are proposing that if an application permit has been submitted those can stay. The purpose is to have more time to be relocated. Commissioner Hardesty.

Hardesty: Yes, I'm curious. I know -- I wish commissioner Rubio was here for this conversation. I'm going to go ask a question I think she would ask if she was here. Who owns the murals?

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Wickstrom: That's a really good question. I believe they are donated. Part of the research in -- that went along with the research client. Alliance of artists in Portland. That group is proposing to locate somewhere.

Hardesty: That was the apple store using a mural that was a painful reminder of George Floyd's death as a pr opportunity. By giving to a community based organization. I know there's artists looking for storage space because they don't want to lose their art creation. I think that's a paramount question because if the artist has signed their piece, I would suspect we have an obligation to not assume that the -- somebody else should be making those decisions. I do know those conversations are taking place. Unfortunately I'm in the at that table. I know commissioner Rubio is referring to go artists. Next week you may want to check in with commissioner Rubio's office and check in with that.

Wickstrom: That's sounds good. An assumption was made here that no business would use a mural of George Floyd as a pr.

Hardesty: Can we say apple. Apple computer store did just that.

Wickstrom: I didn't mean no store would do that. I meant that wasn't the goal here. I think an assumption was made that the store would just readily give the painted mural to the artist. That's a piece here that wasn't considered. Your suggestion to check in with commissioner Rubio's office --

Wheeler: I hate to always be the guy that sounds like he is sticking up for corporate America. I believe she was the director of retail operations a year ago. They would put blackout panels on their store. People started to do art. I called her to check in because I heard rumors that they did not intend to open their stores in Portland. That concerns me. I've followed up on numerous rumors I've heard over the last year. Rumors of employers threatening to pull out. The very first thing she said is we're not going anywhere. We want to protect those panels on the outside of the store. They engaged with the Oregon's historical society. I think they were in contact with rack as well. It was always about preservation of street art. I wanted to give commentary on that. I thought they were ahead of the curve in terms of seeing the value of this art. It's expressive at the moment. They didn't complain to me about litter or safety. We want to protect these, what can we do to do that. That is something I really appreciated.

Hardesty: That's information I did not have. I appreciate that. The only information I have is what I read in the paper. I did not hear the whole story. I look forward to hearing what you learn.

Wickstrom: Thanks. As far as these two items go. The intent is to if city council desires to set a dead lane for the removal of boards over windows. The deadline would then allow -- would

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signal when enforcement could occur. It would allow some to pursue a city mural application to be preserved. Pros would be a longer time line about board murals over windows. That windows may be boarded for a longer period of time if they have a mural on them. I don't think every mural is of worthy of being preserved. Some would be allowed to stay longer just by virtue of having submitted a mural by permit.

Mapps: I have a question about boarding eight to nine, if I could. First, your presentation makes me think that I probably don't understand the current rules that govern when and where you can board up your windows. Can you give me a quick oaf view of what the current regulatory landscape looks like --

Wickstrom: I can only speak from the perspective of the zoning code. You need to have a certain percentage of your ground floor need to be windows. They need to be transparent windows. The whole purpose there is to connect the pedestrian with the activity going on inside the prays of business or the store. When those boards disappear -- when those boards are located over windows. That connection between the pedestrian realm and inside is broken. The zoning code requirements related to ground floor windows that the pilling must have are no longer met. As far as the rules of who can board up their windows. Touring an emergency that may be allowed. Other than that the general rule about when and where and how you can board up windows. I don't think it's even clear. I think a will the of people saw bores over windows and decided to put boards over their windows.

Mapps: Thank you. It sounds like boarded up windows is a violation of code. I think the second piece I'd like to share here is more to my colleagues on council. I'd like to have a richer discussion about boarded up windows than I think we're going to have time to do today. I think that the proposal before us incentivizes keeping the boards up. My role on city council is to provide incentives to get the bores down. I'm in the sure if eight and nine actually move us in that direction.

Wickstrom: Thanks commissioner Mapps. The emergency declaration that was declared doesn't specifically call out and it's okay to put brs over your windows. If there was a compliance case because a business has boards over their windows. Our code compliance team would need to review that compliance case. The purpose -- the time line that was set, is really -- this is when we're real will he talking more about policy that council wants to set. Get the issue out there. Until the state of emergency is no longer declared.

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Mapps: Thank you for that and thank you for raising this important policy question. One of the hypothesis I'm working on right now is that getting those boards off the windows is an important step in our recovery process. It's a great topic for further discussion.

Wickstrom: I think you can find a lot of research that will support that exact hypothesis. The boards are don't create an inviting atmosphere it's in the friendly. The murals absolutely help. I've seen business where every window was covered.

Mapps: Maybe we can ask our businesses to seriously consider taking the boards down. It will make our city more inviting especially as you get closer to downtown. As I see Portland come back to life, the sooner we get the boards down the more vibrant our city will be.

Wickstrom: Thank you. If there's no other questions I'll move onto the final item. This is also related to mural board requirements. In particular when a mural is proposed there's a couple requirements that need to be made. There needs to be a sign and an offer of a public meeting. It doesn't mean that a public meeting needs to occur. No one has ever taken up a public meeting for a mural allowance. The issue here is public meetings are discouraged due to covid, the I know as far as the neighborhood contract requirements go in the zoning code those were modifies to allow those to happen online. As far as the mural meeting requirements go, those weren't modified. If somebody did request a public meeting relate today the mural, I'm using the word mural twice in this presentation meaning two different thing. These apply more to it the type that we see on the side of the building. The other issue is that a sign needs to be posted notifying that a mural is proposed on the side of the building. With the development services serve r center operating on a skeleton crew and not being fully open for sure -- being mostly closed, applicants aren't able to go and pick up those signs. City staff have been driving them to people's homes which doesn't seem to be a good use of city staff's time. The idea would be to waive --

Hardesty: You couldn't mail them the permit.

Wickstrom: Can with mail the permit. We cannot mail them the sign. Address changes to bds function and indoor gathers. The cons are an evaluation of whether regulations to post a sign and to potentially host a meeting may even be warranted in the long run especially considering what we've heard is that the -- no one ever gets taken up on the allowance to host a public meeting any way. Maybe one of those items that we look for when we try to reduce regulation is that may be time to go or isn't used so it may show that there's no point in have a having that regulation. Any final questions on this item? Otherwise I have a summary slide of the ten different items. We can wrap that -- .

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Ryan: We can see that. Thank you for the open dialogue. I know we have some testimony. Maybe we should move to that.

Wheeler: Does that complete the presentation.

Wickstrom: Yes it does. How many people do we have signed up to testify?

Clerk: We have three people signed up to testify.

Wheeler: Excellent. Name for the record. Three minutes each please.

Ryan: Could you get the screen cleared please. Thanks.

Clerk: First up, Michelle Schulz.

Michelle Schulz: Hi. Can you hear me? Great. Good morning. Thank you for your time and commitment to our city and hearing our testimony today. I'm representing both the board and board of directors. I'm providing testimony in support of waiving non-conforming upgrades requirements. Bds's effort to foster support for city's reopening. We're at a critical time for the city's reopen and recovery efforts. Nonconformance upgrades increase the amount of time it takes design professionals to complete drawings and application efforts to permit submittal as which cost owners additional time and money. Complexity and review time for city staff taking time away for staff's ability it work through the bag log for review that are hindering development. Increasing the cost of construction and scope of construction by an additional 10% at a time when could have are increasing and people are suffering from a year of lost rents and stagnant growth. Longer time lines to issue permits and complete projects. Many of the effected properties hit the hardest are smaller buildings outside of the downtown core are located by companies hit had the hardest by the covid pandemic. These families and businesses need our help to recover and roa open. The additional time effort and expense that are triggered once a tenant improvement hits threshold for nonconformance upgrades is not very much in current construction numbers. We're seeing tenant numbers stop looking at space in the city of Portland but instead look at surrounding communities where these triggers are not a factor. The city cannot afford to lose more local businesses. We need people to come back to the city an in the move to the suburb. Anything the city can do to make it more efficiently viable will be a huge boost to the economic recovery. Thank you for your consideration and support of this ordinance.

Wheeler: Thank you, Michelle. Appreciate your testimony.

Clerk: Next up we have Matt Shope.

Matt Shope: Hello everyone. Thank you for your time. Grocery shopping centers throughout the western united states. Our experience with the non-conforming upgrades. In theory small

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projects that can double the design effort and review resulting in a small impact upgrade, a detailed document is very intensive. Non-conforming upgrades can require design review even if the main project did not thus adding a layer of process. Add a three to four months of already lengthy process. Often additional separate improvements are required for all but can only be permits with one permit. This can be very difficult to plan for in leases of available pace spaces. In our business as you all know. Time kills deals. We continue to operate in a challenging leasing development. One example, at mall 305 we had a tenant looking to take a vacancy. The deal timeframes did not work out because of the time involved coordination for multiple phases and long permitting process at the city of Portland. We appreciate your time and thank you for your consideration of it.

Wheeler: Thank you, Mat.

Hardesty: Excuse me mayor. I forgot to ask that gentlemen if he was a lobbyist on behalf of his organization.

Shope: I'm not. I'm a leasing director directly involved in the leasing of mall 205.

Clerk: Mayor, that completes testimony.

Wheeler: Very good. Any discussion or thoughts before I move this to second reading. Wheel commissioner Hardesty and commissioner Mapps.

Hardesty: I have a hard time approving the bike lanes short term. We live here long term. To remove aesthetics or opportunities to have people bike throughout our city and actually have bike parking access, to me based on what I heard today is not a compelling reason at all to wave that regulation. I want to be clear, it's clear that it takes way too long to permit at the city of Portland. Based on what Matt presented today, there are a couple of good ideas in the package, but I am a long way from being able to vote on this. Based on what we say we want to do; matt has clearly said it's not helping small businesses who are the backbone of our city. It will not help us invest in our small business community and help them come back. Temporary changes should be focused on this population. How do we support the small businesses and help them come back, others will follow as well.

Mapps: Like Hardesty there are some I like and others I have questions about. I like that we have a serious of pilot projects based on small changes. The thing I'd like to see is at some point before the expiration of the weaver that we have some sort of an evaluation to see a before and after to see if they are working. If so, let's continue. If we change things and results are not so good, maybe that will tell us it's not the direction we want to go in. thank you to staff for going through a lot of material really fast.

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Ryan: Matt thanks for sticking in there. I know that staff at CAB was quite and now we have a lot of questions here. It's important that we are at a time when we need to help our businesses recover. Most cities are lining up to do some of this work. What we need to do is get questions and concerns answered and go back to CAB and see what we can move forward. Thanks for the testimony, it was good to hear your perspective. At BDS it's a two way street and we need to hear from you. Thanks Matt, I look forward to this coming back, even if modified. We need to move many parts of this forward.

Wheeler: I do have a couple of questions that I think I can resolve in the next week. I want to think about, but as a value, I think one of the most important things we can do is lead the way to economic recovery. Small business have been very challenged during the covid crisis. An entrepreneur in the city told us a story about renovating his business during covid and how challenging that was due to all of the unknowns. It really struck me that his story is not close to the first time I've heard this. I've heard this a lot over the past year about how mom and pop restaurants and others are really struggling. It's about the employees and neighborhoods and the community. A lot of the issue that's we have seen that we're all hearing a lot about whether it's safety and homelessness or the recovery from covid are related to getting businesses back into the business of business. Reactivating. I look forward to continuing the conversation. This is a first reading of a non-emergency ordinance. It moves to second reading. With that we'll move to item 466, emergency ordinance.

Clerk: Authorize. Bureau of transportation to acquire certain permanent and temporary rights necessary for construction of the northeast 97th avenue phase two and northeast Couch Davis local improvement district projects.

Hardesty: This item will be presented by PBOT staff. Did I see them on the line?

Marty Maloney: My name is Marty with pbot right of way. For this presentation I'm joined by Andrew who will start off the presentation by providing overview of the project before I go into the nuance of the combination ordinance. Andrew, take it away. I'll handle the slides.

Andrew Aebi: Before I start, commissioner Hardesty do have you any introductory remarks you want to make.

Hardesty: I'll let you take it away due the late hour.

Aebi: Okay. We'll try to be brief with that. The gateway district was launched in 1954. Here we are over sixty five years later, hazel wood has sidewalk coverage with three light rail lines being designated as a pedestrian district. Next slide please. One of the key aspects of this project is we're partnering with try met to improve the intersection. That's a less than optimal intersection

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there. Try met is helping with this project and we'll be improving that rail connection which is also a key link in the i205 multi use path. This is the street scape scene that you would see today. We don't have sidewalks or storm water management system. The neighborhood is severely blighted. I would note on the bottom of that slide, the gateway designated to be the most dense area of the city outside of downtown but it's not going to become that until we build this infrastructure. Transportation and water infrastructure. This is just a rendering of what we --

Hardesty: Would you go back one slide please. I just wanted to slightly correct a statement that you made. Just because I live in this maybe hood. Directly across the street from here. Beautifully maintained middle class homes. I don't want you describing my neighborhood as a blighted neighborhood. You're right about the street improvements that we want to make. That statement struck me because I walk this path regularly. I want to put on the record that gateway is a lovely mixed income community and we want to make it better.

Aebi: I appreciate that, commissioner. Your point is well taken. A better way to put it we have blight interspersed. We can set this up to take care of the homes that are pulling down the rest of the neighborhood. I appreciate your remarks very much. This is just a slide of what the neighborhood is anticipated to look like after full build out. It's not going to be built all at once. It's going to be built as property owners want to redevelop. It will be a phased approach to development. This had is a potential future park in the gateway area. There's been some thought in partnering with the park's bureau. We haven't had a lot of detailed conversations on that yet. We are think ago head not only to the street infrastructure but how we might be able to hold gathering places as well. This lid might set the stage for great thing it happen in gateway.

Wheeler: Can I ask a question about that. Can you go back to that slide please? Vi had this slide put in front of me for four plus years. It's a compelling vision. I love it, to be honest with you. It's a great location. I've got out there with some of the advocates. You may have been on that tour with me. I can't remember. It's a compelling vision an I believe it would be catalytic with that neighborhood. Where are we really with regard to that park. We just passed the levy. We have the bonding. Maybe there's a question for the park's folks and not you, I'm putting you unfairly on the spot as I often do. Is this in my lifetime? Where are we with this park?

Aebi: : Mayor, you ask a good question. I'm housed in pbot not in parks. I don't want to set parks up to a commitment here. I really appreciate your sharing the vision with us. I think what the vision here is that the development community would step up. I think there's a lot of interest doing a public private partnership. Something where the private sector can do the maintenance of the park when it happens. Those are all details to be fleshed out. The short answer to you

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mayor there's more to come. I do think it will be in your lifetime for the record. Here is the key ingredient that I think we've been achieving in gateway. The most successful area in the state of Oregon is now home to the private sector of intel. None of that happened until the city went around and acquired properties and fragmented ownership to make that happen. This is now happening at gateway. The city is not buying up the property. We've had had a relationship between half a dozen property owners and those properties are slowly starting to be assembled. They are big enough tracks of lands to get to the next steps to get to the outcome that's we want.

Wheeler: This leverage is off of prior lid's that we've already approved, correct?

Aebi: Absolutely correct, mayor. Right down the street we approved two lid's. You might recall I closed out an lid about a month ago. Similar result here for gateway. We finished up on the north segment of 92. We're calling this phase two lid. We're really designing and acquiring right of way and going to build these second and third lid's in gateway as a combined project. What I'm alluding to as the park and infrastructure. There's a shot in having a forth in gateway. I don't want to get ahead of myself but there's property owner interest.

Hardesty: I wanted to make sure that Andrew also talked about what's anticipated with the expiration of the ura. That traditionally is the city of Portland's development tool. If it's going away, how does this public, private partnership work out.

Hardesty: Very good question. I'm the city's lid administrator dress as pbob. 2 million has been approved before you today. It does the not impact the ability of those tiff funds. If we get to a conversation about a new lid in gateway, there's discussions about urban renewal and pbob revenue. That's a conversation for another day. If prosper were to be part of that mix, there would be an extension to the ura. I can't underscore the importance of these lid's moving along. There's a bunch of additional steps to get this development to occur. We're not go to go have the resources to do all great things we want to do in gateway.

Hardesty: I guess my only caution, I support this lid. It says something where you have a business owner that's on four of them. It's still a happy camper. That says we're making the right investments in the community. I hope though one assumes there's any extension of urban renewal dollars. Our budget projections are built into those return to go the general fund. We'll be having that conversation later this year. For our newer colleagues I want that conversation on the record so we're having context for future conversations.

Aebi: Commissioner thank you. Your remarks are points well taken. We're not banking on anymore prosper Portland dollars. I can't stress enough we're looking ahead to the next

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opportunity. We're just starting to have these conversations. I would stress the public partner aspect of this. Other aspects in mind because the day is long. I just want to get these projects successfully built. Marty just put up the slide now with the project goals. I'm not going to read through all those. Place making and just really making gateway a great new neighborhood. When I say new neighborhood, I'm talking about an inclusive neighborhood that includes market rate affordable, different family sizes. That type of thing. Before I turn it over to Marty. Do you have a slide that shows the property takes. My last slide, these two lid's combine the council approved about two years ago. This is a very large project area. They want to show you here is we have 34 properties in the combined two lid easements that we're currently designing. We've been thoughtful about minimizing displacement and takings of buildings. If you look at that dash line, that of the future Davis street. This street will be the first east west street. Of the 3 houses, 2 are currently vacant. Of those, one was recently destroyed by arson and needs to be taken out anyway. The other, is the only acquisition that will displace a current resident. Only one displacement out of 34 properties. We have one outbuilding on Couch street, that needs to be removed. The business will remain in business. We were very transparent with the neighborhood; we went over all the street locations and the impact of the property. This was all communicated before we formed the LID and we didn't receive any objection. With that, I'll turn it over to Marty.

Maloney: This item gives pbot authority to compensate property owners for the needed property rights associated with the project. Permanent and temporary rights from 21 properties have been deemed necessary. Permanent rights are needed from 9 properties. The project will also require relocation of one single family dwelling and a portion of a commercial business. Pbot will provide relocation assistance for the tenant and owner. The tenant and owner are eligible for replacement site, commercial reestablishment costs, and rent supplements. Pbot will work with the tenant to find decent, safe, and sanitary housing close to the location. Owners were invited to attend this council reading. This completes the presentation, thanks for your time and let me know if you have any questions.

Wheeler: Any questions? Any public testimony?

Clerk: No one signed up for this item.

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

Clerk: (roll call).

Hardesty: Thank you for helping us understand the process that we're going through. I'm happy to vote aye.

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Wheeler: Aye. The ordinance is adopted. 467 please. Non-emergency ordinance.

Clerk: Increase fee schedule for office of community and civic life noise program for the noise variance applications in the amount of 5% as permitted by the title.

Hardesty: I'm going to turn over the presentation to the office of civic and community life. This is a normal annual update fee increase. Catherine will tell us all about it.

Katherine Couch: Hello, everybody. I'm Katherine with the office of neighborhood involvement. I'm with civic life and the noise ordinance and livability. I'm here today to ask for the annual 5% fee increase. It's already included in the budget. It add it the general fund dollars to help us address no, is complaints by paying for noise variances. We sent it to the noise review board. They are okay with it. That is all I have to say unless you'd like me to share the numbers that I have. That's up to you.

Hardesty: Mayor, what's your pleasure? I have it in my packet.

Wheeler: I don't need it. Colleagues, anyone else want it? I'm not seeing rousing demand. Does that complete your testimony?

Couch: It really does. There's not much else to say about it. Unless there's any questions.

Wheeler: Let's see if there's any public testimony.

Clerk: No one signed up for this item.

Wheeler: Any discussion before I move this to second reading. This is the first reading of a non-emergency ordinance. It move it second reading.

Clerk: Approve findings to authorize exception to public improvement contracts to competitive bidding requirements and authorize the use of price agreements.

Mapps: It proposes a new and innovative approach to help this council meaningfully meet our goals for minority contracting. Environmental services manages storm water and waste water. Environmental services operates two water treatment plants and nearly one hundred pump stations. The ordinance before us today would create a new way to efficiently and equitably make repairs and modifications to environmental services waste water and storm water infrastructure. Three price agreements valued at \$6 million over a five year period for small scale plant and pump stays projects. My colleagues, this is the kind of ordinance that is fairly standard for a infrastructure repair plan. We approve projects like this on the consent agenda nearly every week. However this item is on the regular agenda today because I wanted to give you a heads up that there's something remarkable even revolutionary baked into the ordinance. The bureau of environmental services has heard the council's instructions on contracting with minority

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businesses. That new method is piloted in the ordinance before us today. Here with us today with a brief presentation is the engineering services supervisor.

Paul Suto: Thank you for the introduction. Good afternoon mayor and commissioners for the record I'm Paul bs chief engineer. I just wanted to add that last year we were ready to come to council to request approval for continuing with a we had been doing before which was a construction price agreement at the waste water treatment plants. These have been direct at the shelter market program. They were based on the traditional low bid approach and aspirational goals. We were ready to come before you about a year ago. We decided to pull it because we need to do something more with encouraging more minority contracting on our construction projects and to do something different. We he pull the item and regrouped with our partners in procurement and spent the better part of last year collaborating on a different approach. With that I'll hand it off to Darren who will walk through the presentation today. Thank you. Darin are you connected to the audio? All right. I don't have the notes that Darin has but I can do the walk through. Is there a call in number and I can flip the slides. We can hear you now.

Darin Wilson: You can hear me now? I must have hit the right setting at the right time. I'll start over again. My apologies. I've been the contract manager for our prior price agreements for the on call construction work since 2017. I'm hoping I can provide a little bit of background of what we've experienced over the last two years. Please feel free to ask any questions as they come up. It might be more efficient that way. As we were preparing to make this presentation. Before we get into the slide it's might be good to provide a framework of what we've learned on our prior agreements. We've heard loud and clear that council is expressing the desire that we think outside the box and engage with the minority contractors who are available rather than simply meeting covid aspirational goals. We thought it would be good to look at what we've already accomplished on our price agreements previously. On this slide just to give you a background on why we're doing this. This illustrate that's the utilization goals on our prior two price agreements far exceeded what we aspired to achieve. On the contracts we had eighty two percent and ninety two percent covid prime contractors. However, both prime contractors, neither one of them were minority owned. Additionally of the subcontractors used on our task order contracts forty two percent and fifty six percent were covid certified. We're meeting our covid goals but not one was a minority firm. On the other one only .2% was certified as a minority first. This illustrates that we're doing a great job meeting covid certified goals but not meeting our minority contract community. As Paul and the commissioner mentioned.

Mapps: I believe commissioner Hardesty has a question.

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Hardesty: Would you go back a slide, please. What are our goals when it comes to utilization? Our goals are not just that they are covid. We have a whole alphabet soup. I tell us the statement that we far exceeded our goals. The demographic of folks. I would respectfully disagree that you have far exceeded the limited goals that we have on paper. I wanted to put that on the record. I don't think that's an accurate statement to make.

Wilson: Thank you commissioner. I'm in the sure if Kathleen would like to clarify what our goals are since procurement helps manage that part of the process.

Kathleen Brenes-Morua: The goals that Darin is referring to here those set by our contractor equity program policy as currently written it does focus on covid certify. Asks for an aspirational goal of 20 percent. The current state of things but recognizing the way the policy is set the greater goal of providing access to all of our contractor community.

Hardesty: I know we will continue to have this conversation because procurement conversations are very necessary as we move forward. Let me just say that if our goals initially were not to ensure that we're covering the whole gam bit of people who fall into the covid category, the 20 percent of contractors who do, I think the goals are for the contracts. I'm concerned where we presented we're far exceeding our goals. Because we're not. This will be an ongoing conversation, I know.

Wheeler: Commissioner Mapps.

Mapps: I think we agree with the broad principle that commissioner Hardesty is trying to go under score here. That's why bes worked with procurement to develop the innovative solution to doing better on minority contracting that we're going to present to you over the course of the next several minutes.

Wilson: Our project objectives is we're going to try something different. Rather than go through a process of determining lowest cost, we're looking at the rfp approach to review a contractor's proposal on how they plan to achieve these other goals that we have relate today minority firms. Using them on our projects. As well the apprenticeship programs they are encouraging minority workers at a younger age. Some of those workers may become some of the next owners of our minority firms that we work with in the future. We'll be tracking their performances in the various areas. Basically as we review the proposals we'll be focusing on how to increase diversity and managing our costs and managing within a reasonable estimate but not lowest necessarily in every case. Again the price agreement overview is to negotiate with these diversity certified firms. They may be partners with the prime bidding as subcontractors. We establish not to exceed costs for each particular task order. We'll look at those task orders and identify what their

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participation is within the minority community as well as achieving goals and the apprenticeship program as well. The costs are established on a not to exceed. We pay on time and material with established mark ups, labor, and equipment rates within the contract.

Wheeler: Can I ask you a question. What are we looking at?

Wilson: I'm sorry. The photos in the presentation are photos of work being performed under the prior price agreements.

Wheeler: What is a wet weather clarifier.

Wilson: We have different clarifiers at the plant. Dry weather and wet weather. Dry clarifier -- some of them are back when the plant was originally constructed. They are coming in primarily during storm events.

Wheeler: How does it clarify the water. Is there a filter or something?

Wilson: We're try to go get the scum to float to the top and it's skimmed off. We're using these big chains to mix things up. Next slide, please. This is the high level of the two different treatment plants. This is basically a diagram of our pump station map. Bes has approximately one hundred pump stations where we're collecting and transferring the flows out to the two treatment plants. Some repeat photos here. Basically the overview of our projects, these are typically smaller projects considered emergency or urgent type of projects. We do things like structural repairs to buildings, tank replacements. Electrical safety and mechanical improvements. Critical infrastructure needs in order to keep our facilities maintained properly. As mentioned we've really partnered with procurement to establish this new concept of soliciting a rfp to select contractors for these price agreements. It's not enough to put it on the street for prime contractors. We're planning to go have two informational sessions if this is authorized by council on July 28th and august 5th. Ideally we'll be able to advertise the rfp in accept. We'll be contacting some of these organization that's are part of the covid certified date a base to help get the information out to the forms so they are aware of what we're doing. And hopefully team up with some of the other contractors and at least help build these relationships because we tend to see the same contractors over and over who get used to our work. They get proficient in it. The more proficient, they can make more money. Rather than focusing on low bid. That's part of our outreach.

Hardesty: If you have -- do you have -- how much more presentation do you have?

Wilson: Just a few minutes.

Hardesty: I'll hold my questions until he is done.

Ryan: Same.

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Wilson: Thank you. We have some of our staff that are mining the staff on the date a base and start to target some of the minority firms we think we could be working with. The database itself is huge. We have certain trades we tend to work with the most. Electrical is a huge one. Painting, welding, roofing contractors. Just wanted to make you aware of that. As far as our request in the proposed draft ordinance we'd like to hire up to three contractors based on their qualifications, ability to demonstrate diversity and inclusiveness not only in their firms but ability to hire subcontractors and provide reasonable costs. The contractors are expected to do that outreach not just to covid firms but the minority firms as well. It's across the gamut. It's trying to go increase our participation across the board. The key thing is how do we bring more minority firms in. Task orders we've been awarding those on a rfp basis. Which firm can meet our diversity goals. If one contractor doesn't have a sub available let's go to the next one to encourage those minor's ability to do some of the work. As far as the budget and schedule. We have a budget of \$18 million to award three contracts up to a five year period. Individual task orders. We're requesting to be up to a million dollars. I thought would be good to share what we've learned on prior price agreements. They were limited to 750,000. Our task orders are around \$400,000. We had a couple projects that hit the 750 mark. If we want to increase minority firms, apprenticeship hours and the fact that we're seeing huge inflation right now. We're concerned about that 750 cap. We think it's more prudent to target a 750 cap. There's no guarantee that any contractor is go to go get that much money. No guarantee that they get a million dollars per order. These are thresholds. I don't know how clear it was in the ordinance. Procurement approves all task orders before we approve the agreements. We're hoping to advertise in September to begin the task order work starting in January of 2023. That is my presentation if there's any other questions?

Hardesty: Thank you Darin for that very detail presentation. Let me start with this question. Based on your success the last time you did this program. Why would I authorize you to have \$18 million and come back five years from now to tell us whether you had any success at all. Why would I do that as a commissioner.

Wilson: A couple of things. We need to do better reaching out to minority firms. Following our model of low bid contracting. That's in the working. We have these goals. Those goals are part of our contractor's contract. By doing a rfp, it gives us more ability it help direct that towards minority firms. The other thing is we're also recognizing that because we're asking contractors to invest more in establishing relationships apprenticeship programs, it's prudent that we give them time to become successful.

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Hardesty: It is not our goal to build the diversity of these contractors. They either appropriately respond to our rfp or they don't. Right? I would be open to a one year pilot that would be open to be renewed only if the specific goals had been met the previous year. If it wasn't, I would put it back out again. I would go to another contractor. If I appear frustrated, I am. Because of the assumptions that we make going into this process. It should not cost us more to actually reflect the full work force in a city of Portland in our contracting. What we should be doing is holding people accountable for what we say our goals are. I have no interest in actually giving you \$18 million and having you come back in five years for something similar to what we have today. I'm interested in aspirations. I'm interested in outcomes. That's where I am at the moment. When you did it before it was not a priority that women and people of color owned contractors benefited. We gave you the opportunity then, you gave us the numbers. It was zero and .2%. I need proof. I can't take your word -- this is not outside of the box thinking. This has been done before with much better outcomes. That's where I am at the moment.

Ryan: Thank you for your presentation and the dialogue. I see you presented a plan about outcomes. I think your advertising is September of 21. This is relationship work. You listed organizations where it's necessary to build deep relationships and trust whether it's Latino built et cetera. I just want to hear about the relationships being cultivated between now and September so it's not a cold rfp but it's welcoming so we get the outcomes. Can you give me more detail on the plan and work for building the relationships between now and when the rfp is public?

Wilson: Sure I'll try to explain some of the discussions that we've had. Of course, we haven't begun anything because we need authorization to proceed. The key thing is that we have contacts with these organizations so we can communicate with them. They can distribute the communication out to their membership of when these informational sessions are. We realize the sessions should be held on different days of the week. We'll have one preferably in the morning, one in the afternoon to provide that opportunity for dialogue. Start to cultivate the information sharing and try to get them more interested in our work. We don't have anything more specific at this point. We recognize the need for council agreement to proceed with this.

Ryan: Okay. I think you'll get agreement that we want you to build those relationships. What I didn't hear but I think it's implied on the record. I hope you pick up the phone, visit their sites, that you really take time to develop relationships. My experience is that's the process. Just passing policy or putting out rfp's clearly there's been some obstacles that haven't got us the

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outcomes we need. I know this sounds really soft, but we want that grass roots focus and connection to get us the outcomes we need.

Wilson: That's really good you are saying that it makes perfect sense.

Brenes-Morua: If I could just add that procurement services will be partnering with bes to make sure we're leveraging the relationships to procurement services have. They also have in house assistance and support through a contracting team that we'll be working with as well that have established some relationships as well.

Ryan: Just continue to listen to what the option are.

Hardesty: Leveraging relationships that have led to the kind of outcomes that the city has had, clearly means that's we need new relationships and need to build different types of relationships. I don't have confident because you're partnering with procurement. We have the audits of procurement's outcomes. We have to radically think outside of the box we've been thinking in for the last 30 years. What I have seen proposed today, I have no confidence that you'll be able to achieve the goals you have laid out because you have not laid out a plan and how you're going to break through what the old outcomes have been. The innovation I was promised is not what I'm hearing. If we continue to do the same things we've always done, we'll continue to get the same outcomes. You shared your outcomes and they didn't impress at all for the last time we did this. That's where I am.

Wheeler: Thank you commissioner Hardesty. Any other questions before I ask for public testimony.

Clerk: No one signed up for this item.

Wheeler: This is a first reading, it moves to second reading. Next item.

Clerk: Authorize one year extensions for seven year agreements with youth organizations in support of the teen collaborative initiative for additional program increase of \$15,000 for the seven grants.

Wheeler: This is a second reading. We have heard a presentation and public testimony. Any further discussion? Seeing none. Please call the roll. [Roll called].

Ryan: I really appreciated this item and director long and the park staff. I enjoy the dialogue we had last week. I thought it was important to look at what was the void during the -- being shut in during the pandemic isolation. I hope the summer months will offer more flexible. I see Daryl. Rooting for you. It's an important summer of healing and opportunity. I vote aye.

Hardesty: I want to thank commissioner Rubio for her thoughtfulness in bringing this proposal forward. I vote aye.

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Wheeler: The ordinance is adopted. Item 470. Also a second reading.

Clerk: Authorize architect engineer design services seismic retro fit for amount not to exceed three million five hundred sixty six thousand five hundred twenty eight dollars an add the Mount Scott Community Center project. Capital improvement plan.

Wheeler: Colleagues any further business on this item. Seeing none, please call the roll.

Clerk: (roll call).

Wheeler: That completes our business for this morning. Colleagues please make note we're not reconvening at 2: 00 p.m. But 2: 45 p.m. We'll see you at 2: 45 p.m. Thank you.

At 12:45 p.m., Council recessed.

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Closed caption file of Portland City Council meeting

This file was produced through the closed captioning process for the televised city council broadcast and should not be considered a verbatim transcript. The official vote counts for council action are provided in the official minutes.

Key: ***** means unidentified speaker.

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Wheeler: All right. Thank you everyone. I'll be joining on my laptop in a minute. I'm on my phone for the time being. This is the Wednesday June 16th afternoon session. Please call the roll.

Clerk: (roll call).

Wheeler: The city council is holding this meeting electronically. All members are attending via telephone or conference. The meeting is available to the public on the city's YouTube channel. And channel 30. The public can also provide written testimony to council by e-mailing the council clerk at cc testimony at Portland Oregon dot gov. The city is taking these steps as a result of the covid 19 and promote physical distancing. The pandemic is an emergency that threatens the public health safety and requires us to meet electronically. Thank you for your patience and understanding as we manage through this situation to conduct the city's business.

Lauren King: Good afternoon. To participate in council meetings, you may sign up in advance for communications to briefly speak about any subject. You may sign up for any testimony on resolutions or first readings of the ordinances. Information about how and when you may sign up for testimony while the city council holding meetings. State your name for the record. Your address is not necessary. Please disclose if you are a lobbyist. The presiding officer determines the length of testimony. Disruptive conduct will not be allowed. If there are disruptions a warning will be given. Please be aware that all council meetings are recorded.

Wheeler: Very good. With that we have one item this afternoon. Item 471.

Clerk: Amend the comprehensive plan map and zoning map for properties at 2636 NE Dekum Street, 6705 NE 27th Ave, 6623 NE 27th Ave, 6325 NE 27th Ave at the request of at the request of the Concordia university foundation.

Wheeler: Thank you. First of all hear from the city attorney about some announcements for today's hearing.

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King: This is an evidentiary hearing. You may submit evidence for today's hearing. The staff report the city council will hear from the interested persons in the following order. The applicant. The council will hear from individuals that support the applicant's proposal. Each person will have three minutes to speak. Next we'll hear from people who oppose the council's proposal. The applicant will have five additional minutes to give a rebuttal. It will pass to a second reading. Council may make amendments or direct staff to return with amendments. For evidentiary hearings. I would like to make some guidelines for today. For submitting evidence into the record. Any letters or documents should be e-mailed after you testify. Similarly the original copy of drawings, maps, slides including power point presentations should be given to the council clerk to be sure they are part of the record. Testimony arguments or evidence you present must be directed towards the applicable criteria that you believe apply to this decision. The bds staff will review as part of their staff report to council. Issues must be raised with specificity. If you don't, you'll be precluded from appealing to the board use land of appeals. If the applicant fails to raise constitutional or other issues with enough specificity to allow the applicant to respond, they will be precluded from bringing appeals in circuit court.

Wheeler: Thank you. With that, first of all, do any members of council wish to declare a conflict of interest? Not seeing any, no member of the council is declaring a conflict of interest. Do any members of the council have ex parte hearings to disclose? I'm not seeing any commission raise their hand. Do any council members have any other matters to discuss before we begin to hear the hearing? I'm not seeing that. With that we'll start with the staff report, approximately ten minutes.

Marguerite Feuersanger: Very good. Good afternoon everyone. I'm the city planner with the bureau of development services. I have a short power point. And I'm not finding it. Is it possible for the council clerk to help me with the presentation?

Clerk: Yes, we can bring it up for you.

Feuersanger: Wait. Wait. Wait. I got it.

Hardesty: It went away again. Don't feel bad, I don't think anybody who shared their screen today didn't have some hiccoughs.

Feuersanger: Thanks for that. Do you have it now?

Ryan: Yeah. We see it.

Feuersanger: Unfortunately it's at the end. Okay. You get to see it twice.

Wheeler: I like this.

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Feuersanger: Sorry about that. I am here representing the hearings officer recommendation. This is a type three land use review. It's a little atypical from what you normally see, you as council. When there are requests to change the comprehensive plan map it requires two hearings. One with the hearings officer who makes a recommendation not a decision. The city council which is today makes the final decision. The request is for Concordia university which is the owner of the five individual properties. The comprehensive plan is the city's plan for the property for a 20 year time line. It's for the future development of the property. The zoning map is for what can happen today. Those are two separate reviews. My presentation summary I'll go over the proposal briefly, show you some photos of the site. Go over the approval criteria. The neighborhood comment and testimony that was received by the hearing officer at the hearing officer's recommendation. This is essentially a change from an institutional campus designation to a single dwelling five thousand designation. Residential five thousand. It's important to give a little history on these sites. The five sites purchased by the foundation. They were zoned r5 when the university foundation bought them. The plans were to incorporate them into a larger campus. As you probably know the university ceased its operations about a year ago. This large 24-acre site is vacant. There's a lot of questions about that. These properties were never formally brought into the campus. They were never redeveloped and continue to have residential buildings on them. Four of them do. One is vacant. The university is located just south of Lombard and Columbia boulevard. The western boundary generally is 27th avenue. These properties are all along the western side of 27th. The properties I'll be showing you today subject to this request are on the west side. The university, again, one hundred years in Portland, landmark institution. This is one of the original buildings at hole man and 27th. I found this campus map of the former university which is helpful to orient you. This is the main academic center or was of the campus. The properties we're looking at today are at the northerly block, three of them. And the southerly block, two of them. This here is not part of the request. It's developed with campus student housing. It's not proposed to be changed. It's in the campus institutional zone. This is the general lay of the land. It's a wash of r5 zoning. The university is shown, you can see how large it is, it's shown in the pink. Here are the outliers that were never purchased by the university. Over time the university grew and purchased individual properties along that west boundary. These are the site plans that show the foot prints of the building. The north one has a duplex. There's a house with a detached garage. Another house with a detached garage. On the southern block there's a house and a vacant lot. Those are located here. Just want to make a quick note, the zoning maps all have this lower case h designation. That's in the

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aircraft overlay zone. There's additional regulations because of the airport landing zone. Those don't effect this proposal at this time. The h overlay is not subject to be removed and will remain on the properties. Just quickly so you can see what the development looks like, this is absurd Dekum street. The first property, the duplex is on the right hand side. That's property of the group. Traveling southward on the west side there's one house, property number two. The third property, another house. The fourth property another house. Here we have the vacant piece that's right at the corner of hole man and 27th. The approval criteria for the comprehensive plan map is very rigorous. It will requires that comprehensive plan map show residential is equally or more supportive of the comprehensive plan as a whole. It requires that it's consistent with Oregon's state wide planning goals. The approval criteria found in zoning code section 33, ten-050a. The question here is whether public services are available. I mean the transportation system, sanitary, sewer, fire, police. Are those services adequate to serve the use which is residential. The hearing from the hearing's officer was held back in April. They did receive testimony from the public. The public did not raise objection it this specific map amendment requests. They did pose questions about what's going to happen with the larger campus and how will the properties that are subject to this review be sold. In particular the sole business district association, they expressed a strong interest in pursuing ways that home ownership for black households can be increased. Especially here in this area of northeast Portland which has been subject to gentrification and displacement. The hearing's officer recommendation for the five properties approval of the requested designations. This is returning the properties back to the prior zone. The strength of the proposal, I feel, is that the existing institutional campus zone prohibits housing. Returning it back will allow these houses to remain with the housing project that will be implemented in august and be placed on all of these sites. The land use pattern, you can see the r5 is combatable with the neighborhood. Here is the zoning map, just finishing up here the red hatched areas are the properties proposed to be rezoned to r5h. That's it.

Wheeler: Very good. Colleagues, any questions about this thus far. Not seeing any.

Hardesty: Thank you, mayor. Thank you very much for that presentation. I guess my question really has to do with what will happen with the university? And why are we doing this prematurely if the answer is we don't know what is going to happen with the university?

Feuersanger: I think that the applicant would be also happy to address that question. Right at this point in time, I don't know what's going to happen to the larger university. I'm not sure who does. The properties are owned by the foundation. There was never any physical changes made to them to incorporate them into the campus. I think this is suitable for a separate request. I

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would also like to note that even though there's this new zone the campus institutional zone created for the city's large institutions. It still has a requirement that certain facilities, sports facilities in particular such as amplification and number of seating if there are were to be a new user for this campus, it would require a conditional use review. It wouldn't be something that another entity would take it over a start operating without anybody being aware of it.

Hardesty: Okay. There are no plans for development today. I guess for me, my concern is if we don't know that we're go to go have an educational institution in that location. I'm concerned that we're making changes to a vision, it's a really good vision. A thoughtful long term vision about what was possible. Again, I'm just trying to understand the sense of urgency of doing this now than when the dust settles from the university. The foundation is connected to the university. For my mind, the two aren't separate. They are interconnected. Maybe the appellant will be the one to explain that for me. I don't see the difference between an institution and college.

Feuersanger: I imagine so. One is a fundraising arm, yes.

Wheeler: Why don't we turn this over to the applicant. They have 15 minutes. Commissioner Hardesty asks a good question. Hopefully the applicant will take some time to address that question as well.

George Thurston: Peter, do you want to first start speaking on behalf of our application. I can step in as appropriate.

Peter Finley Fry: So my name is Peter Finley Fry. I work for the foundation, not the university. We'll address the commissioner's question at the end of our presentation. I wanted to begin by pointing out that they are different in ownership and control. What we're trying to do is clean up the edge across the street basically. The main campus we're hoping will be addressed through bureau of planning. I know we have -- they have been in discussion to deal with the main campus the sports arena which is pretty substantial. I want to thank bureau services. This process has gone extremely smoothly and timely despite the challenges the virus has caused us in terms of communication and trying to move a land use through the city. This is very unique in that only comprehensive plan amendments require city council direct action. This is not in a po. We are here on an open error. This is a completely wide open. Only city council has the power to change Portland's comprehensive plan. We do not see this very often except when someone asks for a quasi-judicial amendment. We would like to restore the zoning. This isn't one block. These are scattered houses for the -- only a single, it was constructed with a duplex on one is an empty lot. This establishes a clean edge to campus. Dekum and Holman are basically one side of

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the neighborhood and the other side is the university. On one side you see the homes. The other side you see the campus. It's not enough, we want to clear that up so it's a clear boundary identical to the clear boundaries provided by Dekum. We have worked with the community quite intensely. I will express that small conflict in that, I worked for them on a plan with commissioner Hardesty, in fact. They were my client at that time. They're my friends. They have been invited to tour the properties. I would like to introduce gorge who is the president of foundation now. He can speak to that.

Thurston: Thank you, Peter. The primary mission was to provide fundraising opportunities for capital projects. The earnings could be used for student scholarships. With the closure of the university basically our mission has disappeared. We are in the process of dissolving. In that process of dissolving we have dispersed all by \$4 million ft restricted assets that we are responsible for as a foundation that are made up of the endowments of people who have made gift it the university with very specific restrictions as to what they are. Raying now the endowment balances that have yet to be dissolved or dispersed are a little over 4 million. Included in that 4 million are properties that we're talking about. Our objective and motivation is to liquidate those at fair market values as close as we can so that we can continue with the dissolution of the foundation. We have had conversations with Colliers international. These peripheral properties really have no way enhance the market value of the campus going forward. We feel comfortable as a foundation by saying we should be able to independently sell these and convert them into the financial resources we need to make the final dissolution of the foundation. The economic needs of foundation and meeting our objective of being a good neighbor. We're excited to start our discussions with the staff of the Portland community development initiatives as they are looking at the properties for maybe making it part of their progress one thousand plan to provide a means to provide low income rentals or low income residences to the people of color that they are representing. We are making in commitment this will happen. At the same time, it would be something of interest of the board in meeting what we believe the legacy of Concordia and being responsive to the neighborhood. We believe the foundation needs to move ahead quickly in order to follow through with the final resolution.

Finley Fry: In my opinion, these parties are really not part of the campus. Let's assume they were under the same ownership. These are three well-built affordable houses. They are better built than some of the new houses that are being built. The fourth structure is also well built. It's currently a single dwelling. It can be a duplex. There are other opportunities for the vacant lot and duplex lot to provide more housing. We believe we need to go forward one for fiduciary

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requirements and legal requirements. I'm not a lawyer. I would argue these are houses not potential university sites as I planner I would not have added these properties into the campus to begin with. I wasn't there for that decision. I can't speak to that. We need to clean this up. These are just, they are little properties off on the side. We need to clean it up. We collectively as a community need to push forward on what are we going to do with this huge large piece of property as an opportunity. That is something that I would hope the bureau planning can provide a context to. That's it. I'm sorry. I don't need to fill up all 15 minutes. Thank you for coming in just for us. That's just amazing. Thank you for that.

Wheeler: I think commissioner Hardesty has a follow-up question.

Hardesty: Yes. Thank you for your presentation. Peter, based on what you just said, has the issues of ownership been resolved around Concordia university. My concern is if we don't know who owns it a lot of things can happen. I'm unclear where that process is and whether any legal decisions have been made about that process. For me, the two are connected. I would assume there was significant cross over between your board and the university. We may say on paper we're separate organizations. In order to do my due diligence I need to know where we are in that process and whether or not there's any decisions and when do we expect decisions to be made.

Finley Fry: That question did come up a week ago. I don't know if it was your office. We received a call asking that question. I investigated that question. It is correct that there are board members on the foundation. Board members on the university. That's accurate. As any organization, there is clearly connections. What I understand based on talking to the attorney and who may be executor of the property. One is the disposition of the property itself and my most recent information is the property will be auctioned off this month. At a public auction. It's very likely that the Portland Lutheran group, if will you, will be the owner of it. In that case they would work with the bureau planning directly. Issues relating to essentially economic damages from what I've been told and did not relate to the property ownership at all. That case is ongoing. That doesn't relate to the disposition of property. It relate it the arrangements, if you will, the loans and money. George, do you want to add to that.

Thurston: We checked with the attorney that is watching litigation on behalf of the foundation. There's been no lien or any injunction that prevents the foundation from moving a held with the sale of these particular properties. On June 29th there's going to be a foreclosure auction. They have a first security are interest in that proper. That's just by looking over the fence to see what's happening. We'll know more perhaps by June 29th. That's just as to who will end up with the

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title. How do you find somebody who is a willing buyer and what will actually be the ultimate use of that. That's where the city planners to get involved.

Finley Fry: We're asking for a quasi-judicial change. Not a large legislative change. I would argue the university itself would be the legislative because of the size and complexity of that issue. We're asking to just clean up these five so they go away. The three houses, we don't want to tear houses down. I don't think anybody does want to do that. The vacant lot needs to be a house in my opinion not a new office pilling. We are trying to approach this from pint of view of the comprehensive plan and what is best for Portland.

Wheeler: Thank you for that discussion. That was excellent. Does that complete your presentation? You have said all you need to say for now.

Finley Fry: It does. We have no opposition so far. We don't need to have a rebuttal.

Wheeler: Wait. Just see. Peter, one thing that struck he me about this particular hearing and what makes it different, I guess I want it say this on the record. When we do what it effectively spot zoning changes, they tend to be very controversial. It's almost always the other way. We're usually going from residential to some commercial or industrial use. That as you well know creates a degree of uncertainty anxiety and consternation on the part of local residents. In this case ware going the other way to reflect and effect the status quo. We will have an opportunity for public comment. Would you agree that this is a slightly different scenario than some of the other discussions or debates we've had as city council.

Finley Fry: Absolutely. It's the second most complicated land use thing you can do. If people have raised questions as the commissioners raised, the support has been universal.

Wheeler: Good. Commissioner Hardesty.

Hardesty: The application is really straight forward. We have what used to be zoned residential. You're asking to go back. For me, it's not the issue. It's the other outstanding issues and how they impact the decision you're asking us to make at this moment. That's the nature of my question and concern. Because, you know, you're giving me more information today since the university closed. It gives me a little bit more confidence. I'll do some of my own resources. Housing is critical. Housing that people can afford to live in is even more critical. I don't want to make any quick decision that you ultimately we found out there some liability that wasn't actually articulated and are moving did you know a path that's not a good one. I have a high regard for both your work and integrity. That's my big concern. I wanted to make sure it was on the record and as much information as we can have. Before we end today, I would like to make sure our legal counsel addresses this concern on the record as well.

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Wheeler: That is fine.

King: Just to clarify. Your concern is acting before --

Hardesty: Before any conclusion has been made about liability who are the responsible parties how are those dollars going to be collected.

King: A couple things. This is a land use decision that will change the zoning and run with the land. Council's decision today will apply to any subsequent owner. In terms of who owns the property from a land use purpose and continuity. That's not relevant. What's happening. The other piece I just want to make sure I respond to is what you have in front of you is a quasi-judicial application. The council needs to act on whether it's consistent with the comprehensive plan. That's the scope of your review. If the concern is, we don't know what's going to happen to the larger site. We have top point to something in the comprehensive plan that requires us to consider that.

Hardesty: Does the foundation have the authority to come and make this request knowing that we're in the midst of a legal process. Is this the right party making the request? Is this a legal process that we're asking to weigh in on? This is the first one in three years that's been like this. All this other stuff is happening behind the scene and we're focused on four properties.

King: It was raised last week to our office about the ownership. We wanted to be clear who the owner was. We did not have any concerns.

Hardesty: Thank you. That's very helpful for me.

Mapps: This is my first land use hearing of this type. I'm trying to clarify my own role here. The question before me today is the proposal before us consistent with the comp. Plan. I think I heard in the presentation that we also have to make sure that the proposal is consistent with state wide planning rules. Just so it's clear and on the record, is this proposal consistent in staff's view with the comp. Plan?

King: Are you asking me? I'll leave it to staff.

Feuersanger: Staff made a recommendation to the hearings officer which the answer is yes, we found it consistent with the state wide planning goals. The hearing officer accepted it in its entirety.

Mapps: Do you have any concerns that you think council should explore?

Feuersanger: I did have concern about the ownership. I asked peter to verify that the foundation would continue to hold the properties throughout this process until the decision is final. He said, yes. That would be the case.

Mapps: Okay. Thank you.

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Wheeler: All right. At this point we'll hear from supporters of the applicant. That is as represented by George and Peter. If there are people who would like to testify in favor of what they hear interest. This would be time to testify. Gentleman no one sign up mayor.

Wheeler: Any opponents. At this point, we have council discussion. Commissioner Hardesty.

Hardesty: I just wanted to say that for the record, I think this is the very first land use hearing I've been to where there was no one speaking in support or opposition. I want the record to reflect that.

Wheeler: With that, would anybody object if I close the evidentiary record.

King: That's fine. Council can go ahead and close the record.

Wheeler: I'm close the record. The council will accept no more oral or written testimony. I feel like we can still have the discussion. Commissioner Mapps.

Mapps: I'd like to pose a question to George. I don't think you have to answer this question. I'm curious if you're able to share, that would be great. I think I understand what you're doing. The foundation is trying to go liquidate assets because the university is in the process of dissolving. Do you have a sense of how and what you're going to use the \$4 million for?

Thurston: Actually it's very telling. The current board is recognizing that one of the important programs that Concordia university that was involved in as well as foundation was the creation of the three to Ph.D. Program in conjunction of Portland public schools, Kaiser health services. Fabian became a model for wrap around services and enhancing the education experience for the students as well as care and concern for their families was such an important part of helping these young people become successful. We're currently studying work withing the northeast steam coalition. Way it provide resources to support schools in northeast Portland. These technical education skills are will take an important step for helping these young people. We are working actually work withing Nancy Davis in pulling together a road map to use those remaining funds. The big question we still haven't addressed is what happens after the 4 million is done. Do we get back into the fun raising business. We are hesitant to do that because of the amount of energy and effort. At least right now, our focus would be on using those funds, assuming that state attorney general would feel that's a reasonable repurposing for the endowments. Sorry for the long answer.

Mapps: I'm really glad I asked that question. I'm delighted to hear your vision. I want to thank the foundation for your work over the years. The constructive ways you have approached the situation.

Wheeler: Is it appropriate for me to ask if there's a tentative motion.

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King: If there's no further discussion with council, yes.

Wheeler: It does not appear so. This seems rather one sided.

Hardesty: So moved that we approve the recommendation from the hearings officer.

Wheeler: This is a tentative motion. We won't be taking final vote. Any discussion?

Ryan: Second.

Wheeler: Second from commissioner Ryan. We will take the tentative vote. Please call the role.

Clerk: Ryan

Ryan: When I'm in hearings I get confused on whether it's a yay or nay. I believed everything I heard an accept hearings officer recommendation. It's been a grieving process for many of news the city I'm aware of the three to Ph.D. Program. I trust that the main campus will be repurposed to something unimaginable in a really good way. I look forward to that dialogue. When I first saw this, I had the same thoughts. How do you decouple this amazing asset? It's really clear this is a necessary step to clean it up and get the borders cleaned up and clear. I vote aye after saying all that.

King: Yes. Aye.

Clerk: Hardesty.

Hardesty: I appreciate detailed presentation that you provided to us today. No questions about what was in writing. It was all those other questions in my head that I felt were really important to have on the public record as well as to make sure that we're moving in a way that was legally appropriate. And gave us as many options as possible. There's no questions that we need more housing in north Portland that people can afford to live in. Concordia is a beautiful neighborhood. They've been a fine community partner. You have been a model of quietly supporting and engaging the community in ways that help build the voices of those who are not affiliated with university activities. I'm talking to the foundation. The hard decision to close the university. You've been excellent community partners. Thank you very much. I vote aye.

Clerk: Mapps.

Mapps: Aye.

Clerk: Wheeler.

Wheeler: Aye. This means that we have tentatively voted to uphold the hearings officer recommendations to council. We'll be taking a final vote when?

Clerk: It's my understanding that this item will pass a second reading next week and be put on the agenda.

Wheler: This is a first reading, we've taken a tentative vote. It will go on the regular agenda –

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King: Can we get a time. Sorry. It will be a quick vote next week.

Clerk: We can probably -- let's see here. 10: 45 a.m. We can probably do a time certain.

Wheeler: That's Wednesday 23: 10: 45 a.m. Be there. Anything we forgot.

King: Nope. You did great.

Wheeler: Great job colleagues. We are adjourned.

At 3:39 p.m., Council adjourned.