



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **4<sup>TH</sup> DAY OF NOVEMBER, 2015** AT 9:30 A.M.

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

Commissioner Fish left at 12:43 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lory Kraut, Senior Deputy City Attorney; and Jason King, Sergeant at Arms.

Item No. 1132 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

	<b>Disposition:</b>
<p style="text-align: center;"><b>COMMUNICATIONS</b></p> <p><b>1124</b> Request of Peter Natsios to address Council regarding the Middle-East refugee crisis (Communication)</p>	<b>PLACED ON FILE</b>
<p><b>1125</b> Request of Charles Johnson to address Council regarding review divestment, #BDS and the @350_PDX goals; save trees and Department of Justice U.S.A. vs City (Communication)</p>	<b>PLACED ON FILE</b>
<p><b>1126</b> Request of Mia Reback to address Council regarding climate change (Communication)</p>	<b>PLACED ON FILE</b>
<p><b>1127</b> Request of David Kif Davis to address Council regarding targeting of activist, Copwatchers and interfering with Civil Rights (Communication)</p>	<b>PLACED ON FILE</b>
<p style="text-align: center;"><b>TIMES CERTAIN</b></p> <p><b>1128 TIME CERTAIN: 9:45 AM</b> – Proclaim November 2015 to be Public Art Month in Portland (Proclamation introduced by Mayor Hales and Commissioner Fish) 30 minutes requested</p>	<b>PLACED ON FILE</b>

<p><b>1129 TIME CERTAIN: 10:15 AM</b> – Adopt the recommendations contained within the Tryon-Stephens Headwaters Neighborhood Street Plan as the guiding strategy for Portland Bureau of Transportation and Bureau of Environmental Services efforts to complete the transportation networks and stormwater system within the plan area (Resolution introduced by Commissioners Novick and Fish) 45 minutes requested</p> <p><b>Motion to adopt the recommendations:</b> Moved by Fish and seconded by Novick. (Y-5)</p>	<p><b>37162</b></p>
<p align="center"><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p align="center"><b>Mayor Charlie Hales</b></p> <p align="center"><b>Office of Management and Finance</b></p>	
<p><b>1130</b> Create a new nonrepresented classification of Accounting Manager and establish a compensation rate for this classification (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING NOVEMBER 12, 2015 AT 9:30 AM</b></p>
<p><b>1131</b> Create a new represented classification of Accountant IV and establish an interim compensation rate for this classification (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING NOVEMBER 12, 2015 AT 9:30 AM</b></p>
<p align="center"><b>Commissioner Nick Fish</b></p> <p align="center"><b>Position No. 2</b></p>	
<p><b>*1132</b> Authorize a grant agreement to Concordia University in the amount of \$500,000 in FY 2015-16 for use in the construction of the Faubion/Concordia Early Childhood Development Center (Ordinance)</p> <p><b>Motion to add emergency clause because of the educational achievement gap:</b> Moved by Fish and seconded by Novick. (Y-5) (Y-5)</p>	<p align="center"><b>187417 AS AMENDED</b></p>
<p align="center"><b>Water Bureau</b></p>	
<p><b>1133</b> Accept contract with Tapani, Inc. for the construction of the Carolina Pump Main-Phase 2 Project as complete, release retainage and authorize final payment (Report; Contract No. 30003841) (Y-5)</p>	<p align="center"><b>ACCEPTED</b></p>
<p><b>1134</b> Authorize an Intergovernmental Agreement with the Board of Governors of the Colorado State University System for Laboratory Services for Cryptosporidium Wildlife Scat Analysis (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING NOVEMBER 12, 2015 AT 9:30 AM</b></p>

<p style="text-align: center;"><b>Commissioner Dan Saltzman</b> <b>Position No. 3</b> <b>Bureau of Development Services</b></p> <p><b>*1135</b> Authorize a temporary entertainment event and site preparation work by Spiegelworld (Ordinance; waive Title 33 Timelines) (Y-5)</p>	<b>187416</b>
<p><b>REGULAR AGENDA</b></p> <p><b>Mayor Charlie Hales</b> <b>Bureau of Planning &amp; Sustainability</b></p> <p><b>1136</b> Adopt a Waste Reduction Plan and accept and authorize an Intergovernmental Agreement with Metro to receive Metro Waste Reduction Challenge Funds of \$283,408 and \$336,189 for the Recycle at Work Program in FY 15-16 (Second Reading Agenda 1107) (Y-5)</p>	
<p style="text-align: center;"><b>Bureau of Police</b></p> <p><b>*1137</b> Authorize an Intergovernmental Agreement with TriMet and City of Forest Grove for transit police services (Ordinance) <b>Motion to vote on items 1137-1144 as a package:</b> Moved by Fish and seconded by Fritz. (Y-5) (Y-5)</p>	<b>187419</b>
<p><b>*1138</b> Authorize an Intergovernmental Agreement with TriMet and City of Gresham for transit police services (Ordinance) (Y-5)</p>	<b>187420</b>
<p><b>*1139</b> Authorize an Intergovernmental Agreement with TriMet and City of Lake Oswego for transit police services (Ordinance) (Y-5)</p>	<b>187421</b>
<p><b>*1140</b> Authorize an Intergovernmental Agreement with TriMet and Multnomah County for transit police services (Ordinance) (Y-5)</p>	<b>187422</b>
<p><b>*1141</b> Authorize an Intergovernmental Agreement with TriMet and Oregon City for transit police services (Ordinance) (Y-5)</p>	<b>187423</b>
<p><b>*1142</b> Authorize an Intergovernmental Agreement with TriMet and City of Tigard for transit police services (Ordinance) (Y-5)</p>	<b>187424</b>

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<p><b>*1143</b> Authorize an Intergovernmental Agreement with TriMet and City of Tualatin for transit police services (Ordinance) (Y-5)</p>	<p><b>187425</b></p>
<p><b>*1144</b> Authorize an Intergovernmental Agreement with TriMet and City of West Linn for transit police services (Ordinance) (Y-5)</p>	<p><b>187426</b></p>
<p><b>*1145</b> Accept a grant in the amount of \$373,569 and appropriate \$168,460 for FY 2015-16 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Fiscal Year 2014 Intellectual Property Enforcement Program Competitive Grant to address intellectual property criminal enforcement in the Portland-Metropolitan region (Ordinance) 10 minutes requested (Y-5)</p>	<p><b>187427</b></p>
<p style="text-align: center;"><b>Office of Management and Finance</b></p> <p><b>1146</b> Accept bid of Emery &amp; Sons Construction Group for the Piedmont Sewer Rehabilitation Project for \$3,098,500 (Procurement Report - Bid No. 00000089) <b>Motion to accept report:</b> Moved by Fish and seconded by Fritz. (Y-5)</p>	<p style="text-align: center;"><b>ACCEPTED PREPARE CONTRACT</b></p>
<p style="text-align: center;"><b>City Budget Office</b></p> <p><b>*1147</b> Adopt the FY 2015-16 Fall Supplemental Budget and make other budget-related changes (Ordinance) 15 minutes requested <b>Motion to adopt Fish amendment to include \$51,766 from General Fund contingency for the Age Friendly Cities initiative:</b> Moved by Fish and seconded by Fritz. (Y-5) <b>Motion to adopt Fritz amendment to add language to directive d "and \$700,000 from General Fund compensation set aside" to fund FY 2015-16 personnel cost increases associated with the Portland Parks and Recreation arbitration agreement:</b> Moved by Fritz and seconded by Hales. (Y-5)</p>	<p style="text-align: center;"><b>CONTINUED TO NOVEMBER 12, 2015 AT 9:30 AM AS AMENDED</b></p>
<p style="text-align: center;"><b>Office of Management and Finance</b></p> <p><b>*1148</b> Authorize a participating agreement with Office Depot, Inc. for the purchase of office supplies for an annual not to exceed amount of \$1,500,000, Project No. 118557 (Ordinance) (Y-5)</p>	<p style="text-align: center;"><b>187428</b></p>
<p style="text-align: center;"><b>Commissioner Steve Novick Position No. 4 Bureau of Transportation</b></p>	

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<p><b>1149</b> Declare intent to pilot the Community-Initiated Neighborhood Trails Process to allow community organizations to identify and improve undeveloped right-of-ways to trail standards (Previous Agenda 1108) 30 minutes requested <b>Motion to accept Bureau of Transportation proposed amendments in November 2, 2015 memo as updated November 4, 2015:</b> Moved by Fish and seconded by Fritz. (Y-5) (Y-5)</p>	<p><b>37163</b> <b>AS AMENDED</b></p>
<p><b>Commissioner Nick Fish</b> <b>Position No. 2</b> <b>Bureau of Environmental Services</b></p>	
<p><b>1150</b> Authorize contract with the lowest responsive bidder for the construction remodel of the Schmeer Pump Station Upgrade Project No. E07448 for \$1,800,000 (Second Reading Agenda 1115) (Y-5)</p>	<p><b>187429</b></p>
<p><b>1151</b> Authorize a contract with the lowest responsive bidder for construction of the Powell Sewer Rehabilitation Project Phase 1 Project No. E10476 for \$10,800,000 (Second Reading Agenda 1116) (Y-5)</p>	<p><b>187430</b></p>
<p><b>1152</b> Authorize a contract with Century West Engineering Corporation for professional services for the design of the Wheeler Basin Reconstruction and Green Streets Project No. E10219 for \$590,872 (Second Reading Agenda 1117 ) (Y-5)</p>	<p><b>187431</b></p>
<p><b>Water Bureau</b></p>	
<p><b>1153</b> Extend contract with Murray, Smith &amp; Associates, Inc. for the Fulton Pump Station Replacement Project in the amount of \$885,701 (Second Reading Agenda 1118; amend Contract No. 30001492) (Y-5)</p>	<p><b>187433</b></p>
<p><b>Commissioner Dan Saltzman</b> <b>Position No. 3</b> <b>Bureau of Development Services</b></p>	
<p><b>1154</b> Amend Chapter 3.30 to add administrative review of stop work orders; amend Titles 24-27 to add administrative appeal provisions, revise external Appeal Board provisions to conform to the State Building Codes, add term limits to all external Boards, delete obsolete provisions, and make other technical changes (Second Reading Agenda 1119; amend Code Chapter 3.30 and Titles 24-27) (Y-5)</p>	<p><b>187432</b></p>

At 12:58 p.m., Council recessed.

November 4, 2015

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4<sup>TH</sup> DAY OF NOVEMBER, 2015 AT 2:00 P.M.

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

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

The meeting recessed at 5:15 p.m. and reconvened at 5:30 p.m.

<p><b>1155 TIME CERTAIN: 2:00 PM</b> – Proclaim November to be Native American Heritage Month in Portland (Proclamation introduced by Mayor Hales and Commissioner Fritz) 20 minutes requested</p>	<p><b>Disposition:</b></p> <p><b>PLACED ON FILE</b></p>
<p><b>1156 TIME CERTAIN: 2:30 PM</b> – Adopt a policy opposing all project proposals that would increase the amount of crude oil being transported by rail through the City of Portland and the City of Vancouver, Washington (Resolution introduced by Mayor Hales and Commissioner Fritz) 2.5 hours requested for items 1156 and 1157</p> <p><b>Motion to amend third Whereas clause to delete “adverse health impacts of train noise”:</b> Moved by Fish and seconded by Novick. (Y-3; N-1 Fritz)</p> <p><b>Motion to amend first Be It Resolved clause to add “unless and until transport by rail is demonstrated to be as safe, and carries the same level of environmental risk, as transport by tanker ship and pipeline”:</b> Moved by Novick and seconded by Fish. (Y-1 Novick; N-3 Fritz, Fish, Hales) <b>Motion failed.</b> (Y-4)</p>	<p><b>37164</b> <b>AS AMENDED</b></p>

**1157** Oppose expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways (Resolution introduced by Mayor Hales and Commissioner Fritz)

**Motions made and seconded; carried over to November 12:**

**1. Motion to amend the eighth WHEREAS clause as follows: WHEREAS, extraction of fossil fuels through fracking and tar sands processing, which has become widespread throughout the Western United States and Canada, has especially damaging impacts to human and environmental health and fracking increases the potential for earthquakes; and:** Moved by Novick and seconded by Hales.

**2. Motion to amend the fourteenth WHEREAS clause as follows: WHEREAS, economic opportunities presented by expanding fossil fuel infrastructure are modest, with few jobs and little value added when compared to the related environmental costs; and:** Moved by Novick and seconded by Hales.

**3. Motion to amend the first BE IT RESOLVED clause as follows: NOW, THEREFORE, BE IT RESOLVED, that the City Council will actively oppose expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways, except for those infrastructure investments that improve the integrity of the current fossil fuel supply in Portland; and:** Moved by Novick and seconded by Hales.

***CONTINUED ON NEXT PAGE***

**CONTINUED TO  
NOVEMBER 12, 2015  
AT 2:00 PM  
TIME CERTAIN**

**4. Amend the fourth BE IT RESOLVED clause as follows: BE IT FURTHER RESOLVED, that this resolution is not intended to restrict the provision of service directly to end users, or to restrict improvements in the safety or efficiency of existing infrastructure, or to restrict the provision of service directly to end users including, but not limited to, improvements and new infrastructure needed to prevent fugitive gas emissions, improve seismic resilience, develop emergency backup capacity, or that allow companies or organizations to ultimately move towards alternative fuel sources without increasing emissions; and:** Moved by Novick and seconded by Fish.

**5. Motion to insert as a new directive following the directive ending with "...set forth in this Resolution": BE IT FURTHER RESOLVED, that prior to any further Council action, the mayor shall schedule (1) a work session to review any proposed code changes and (2) an executive session to review the legal considerations of any proposed code changes; and:** Moved by Fish and seconded by Hales.

**6. Motion to insert as a new directive following the proposed new directive ending with "...any proposed code changes": BE IT FURTHER RESOLVED, that the Bureau of Planning & Sustainability shall undertake an analysis of the economic impacts of any proposed Code Changes, with a particular focus on potential impacts to local blue-collar jobs; and:** Moved by Fish and seconded by Novick.

**7. Motion to insert as a new directive following the proposed new directive ending with "...local blue collar jobs": BE IT FURTHER RESOLVED, that the City and applicable bureaus shall explore opportunities to invest in Portland's 'human infrastructure' by supporting programs to retrain our workforce as the city transitions to a clean energy economy; and:** Moved by Fish and seconded by Hales.

**8. Motion to add to the penultimate directive: BE IT FURTHER RESOLVED, that the City shall consult with its Tribal Government Partners, the State of Oregon, ~~and~~ local governments, and other key stakeholders including labor, business, environment, and neighborhoods in advancing this policy; and:** Moved by Fish and seconded by Novick.

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At 6:20 p.m., Council recessed.

November 5, 2015

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5<sup>TH</sup> DAY OF NOVEMBER, 2015** AT 2:00 P.M.

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

Commissioner Saltzman left at 4:56 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Denis Vannier, Deputy City Attorney; and Mike Cohen, Sergeant at Arms.

<p><b>1158 TIME CERTAIN: 2:00 PM</b> – Adopt the Broadway Corridor Framework Plan as the guiding document for future development of properties located in the study area adjacent to the Broadway Bridge, including the United States Postal Service site (Resolution introduced by Mayor Hales) 1 hour requested for items 1158–1161 <b>Motion to amend to add resolved section regarding affordable housing units:</b> Moved by Saltzman and seconded by Saltzman and seconded by Fish. (Y-5) (Y-5)</p>	<p><b>Disposition:</b></p> <p><b>37165</b> <b>AS AMENDED</b></p>
<p><b>*1159</b> Authorize Intergovernmental Agreement with the Portland Development Commission to provide general fund-secured interim financing for River District public improvement projects (Ordinance introduced by Mayor Hales) <b>Motion to add PDC-PHB USPS Affordable Housing memo as exhibit 1 to the Intergovernmental Agreement and state obligation requirements:</b> (Y-5) (Y-5)</p>	<p><b>187434</b> <b>AS AMENDED</b></p>
<p><b>1160</b> Authorize \$45 million of financing for the costs of carrying out the urban renewal plan for the River District Urban Renewal Area and authorize refunding of any interim financing (Ordinance introduced by Mayor Hales)</p>	<p><b>PASSED TO SECOND READING NOVEMBER 18, 2015 AT 9:30 AM</b></p>
<p><b>1161</b> Authorize \$90 million of interim financing for the costs of carrying out the urban renewal plan for the River District Urban Renewal Area and long-term bonds to repay the interim financing (Ordinance introduced by Mayor Hales)</p>	<p><b>PASSED TO SECOND READING NOVEMBER 18, 2015 AT 9:30 AM</b></p>

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**1162 TIME CERTAIN: 3:00 PM** – Replace Code Chapter 16.40 pertaining to Private For-Hire Transportation in the City of Portland (Ordinance introduced by Commissioner Novick; replace Code Chapter 16.40) 3 hours requested

**1. Motion to amend 16.40.960 (B) Membership, that members shall be nominated and approved by the City Council:** Moved by Fish and seconded by Fritz. (Y-5)

**2. Motion to amend 16.40.130 G.1 to make Combined Single Limit of not less than \$1 million per occurrence for claims to bring taxis up to the same as TNCs, and amend 16.40.230 G to replace paragraph 1 primary insurance coverage with minimum liability limits of \$1 million in combined single limit coverage to bring TNC's up to the same as taxis and delete during Periods 1, 2 and 3:** Moved by Fritz and seconded by Fish. (Y-2 Fritz, Fish N-3 Novick, Saltzman, Hales) **Motion Failed.**

**3. Motion to amend 16.40.230 G.1 and 2 that TNCs are responsible for maintaining insurance coverage not the TNC Driver or a combination of the two:** Moved by Novick and seconded by Fish. (Y-4; Saltzman absent)

**CONTINUED TO  
SPECIAL  
COUNCIL MEETING  
NOVEMBER 24, 2015  
AT 9:30 AM  
TIME CERTAIN  
AS AMENDED**

At 6:30 p.m., Council adjourned.

**MARY HULL CABALLERO**  
Auditor of the City of Portland



By Karla Moore-Love  
Clerk of the Council

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

November 4, 2015  
**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**NOVEMBER 4, 2015      9:30 AM**

**Hales:** Welcome to the November 4<sup>th</sup> meeting would you please call the roll.

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

**Hales:** Good morning, everyone. We have a busy council day, so we're happy that you are going to be here to participate in it, and we'll have communication items up front where people have signed up to speak on a subject of their choosing, and we'll follow that with the time certain items and council calendar items, if you are here to speak on a calendar item, please let the clerk know and she will have you on the list of those to testify, we typically allow three minutes per person to testify, and at least this morning, I think we'll probably be able to stick with that rather than reducing that amount. Just to make sure that everyone gets a chance to speak. And speaking of everyone getting a chance to speak, we follow the rules of decorum here, so if you agree with someone and want to indicate your support, feel free to give them a wave of the hand or thumbs up, and if you disagree, make a polite hand gesture, but not vocal comments in favor or against people so we get to hear all of them. That's it in terms of the procedure, and let me ask first if there are any other items to be pulled from the consent calendar to the regular calendar. I have 1132. Any others? Ok. We'll get to the consent calendar in a while, before you first with communication item 1124.

**Item 1124.**

**Hales:** Good morning, welcome.

**Peter Natsios:** Good morning. Sit here?

**Hales:** Yes, please.

**Natsios:** Is this a good volume?

**Hales:** Yeah, you can pull it more directly close to you, that's fine. There you go.

**Natsios:** My name is peter Natsios. I first learned something about the hardships and sorrow of a refugee's life and the person who our [inaudible]. When my family was stationed in Beirut in the 1970s. Now, I watch images of refugees drowning, trying to reach the Greek islands where I spent part of the summer. I think of her. We know our worldwide refugee crisis is severe. Syria and the neighbors are worst affected, that we, unintentionally and unfortunately contributed to this tragedy, and that the federal government's plans, so far, to accept 10,000 Syrians in two years, is not enough. We know some Oregonians hold negative stereotypes of these people. For these reasons, we should invest extra attention to planning for refugees from the Middle East, and in taking that opportunity to make our program the best that it can be. For all our refugees. So, I am here today as a concerned physician and private citizen to ask that the city of Portland develop an initiative assisting the resettlement and integration of the Middle East refugees. My outline offers some ideas for this. In general terms, the initiative can be a statement of who we are, what we want to do, and a plan to achieve it. Sponsored and facilitated by Portland city government. One component would be clarification of the existing resettlement process and analysis for possible improvements. For example, the

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dedicated people who work in this area say there could be better cooperation and coordination of efforts, and that the mismatch between city and county jurisdictions interferes with services. New strategies for housing are needed. Could new resources be identified? What's missing? How can the public help and be engaged? It's not clear. Two people have told me that they would like to house a refugee family, but don't know how to arrange it. I think our senator's Wyden and Merkley would support an initiative from you. I recently discussed the refugee crisis with their Washington office staff. They thought coming to city council was a good idea and told me, in essence, we know we need to do more, but first, we need a grassroots' effort from the local level to tell us what you want, and then we will support it from our side. So, we have a window of opportunity here to do something special for our city, our refugees, and the providers who serve them. I hope you can help lead this effort. Please let me know what's possible, and anything else that I can do. Thank you for your consideration.

**Hales:** Thank you for a very thoughtful proposal. Thank you. I hope Rachel Wiggins, who is sitting behind Karla, if we don't have your contact information already, please make sure that we have it, and we will follow up with you. Thank you very much. Ok. Let's take item 1125, please.

**Item 1125.**

**Hales:** That's a lot to cover in three minutes, Charles.

**Charles Johnson:** We'll ad lib, and we'll have coverage of the pdx issue with the following speaker. I think it's important to take a moment, though, for me to appreciate what Dr. Peter Natsios has just said. Right now, in the middle east, where the U.S. has involved itself largely because of petroleum in Iraq, probably, excuse me, mostly in Syria, about a quarter million people have died in the last five years of their civil war, and it's certainly a good thing for the city to look at increasing its partnership with IRCO and facilitating families, especially that specifically want to sponsor refugees, from some of our fallout from the political decisions in the Mideast, Syria and Iraq. That is somewhat related to the idea of fossil fuels, and I just -- I have some great speechwriters, and they might not know that's their job, but today, three of Portland's five commissioners will have a chance to impose a small measure of sanity on the fossil fuel insanity this country is engaged in. Some of you may recognize those words, and not feel too bad about having betrayed the city because when you stand for sensible energy policy, over the delusion of jobs that are going to hurt our children's future, you are doing the right thing, and so my remarks here are primarily addressed to Commissioner Novick, Mr. Saltzman and Mr. Fish, that he will see the light and power it with solar and wind energy, and not oppose, so we'll get a unanimous vote from this council to say that we're going to focus on energy that's a better decision for our children. We're not going to get a few fossil fuel current jobs at the price of climate chaos later. So, I hope that when this issue comes back in the afternoon, you will be frequently contacted by our constituents who will take a different position than the Oregonian's editorial board, which is so often out of touch with the people who probably aren't its customers any more. The other issues mentioned is the ongoing struggle for the best in policing. Recently, I hope most of the city has been dismayed by the unfortunate decision of Darrell Turner, the Portland Police Association president, to mock Black Lives, even though he, himself, is a Black city employee, and place a billboard on Salmon Street right across from the Black Lives Matter banner of First Unitarian Church. That's another issue that I hope the citizens will fervently and frequently contact you about is making sure that our police are dealing with all citizens in a nonviolent way, minimally violent way. Every once in a while there are incidents, but we have seen an improvement, and I hope

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that you all will continue the pressure so that soon, we can have a year with no people killed by police and no police dying in the line of duty. Thank you.

**Hales:** Thanks very much. Ok. Item 1126.

**Item 1126.**

**Hales:** Good morning, come on up.

**Mia Reback:** Thank you for having me here today, it will be an exciting day with lots of discussion of climate change at council. Climate activists, elected officials and ordinary citizens were galvanized to summer when Pope Francis released his encyclical on climate change and poverty. He lays out the many arguments for immediate and ambitious climate action, including the moral case for why leaders must act. I agree. We all have a moral responsibility to stop hundreds of thousands, if not millions of people from suffering from the impacts of climate change, and to try to prevent some of the worst catastrophes known to Humankind, like 30 to 50% of species potentially going extinct in the coming century. But I am here to use the time this morning, not to talk about the moral case on climate, but the economic case. In the days of climate chaos, fossil fuels are bad for business. Fossil fuels are some of the most heavily subsidized companies in the world. Without those subsidies, they would not have that same competitive edge over renewable energy. But, it's not just that government gives them a handout every day to continue their polluting business. It's that they, like other industries, don't have to pay for their external costs. Pollution, things like that. These social costs, as they are called, get picked up by government to pay for. That's the cost of the city of Portland is going to have to pay out as climate change impacts people here today. A really great study was done by a think tank called resources for the future, in which they looked at what would happen to our electricity sector if we, actually, included these social costs of carbon. They found out that when you factor in the true cost of fossil fuels, our electricity sector would not burn any coal by 2035, and we would transition away from all natural gas in that decade, as well. That's how bad fossil fuels are. If we, actually, priced them, we will not burn them. Not only does it not really make Sense to burn these fuels, but the impacts of climate change are wreaking havoc, and it's projected the lost productivity will be astronomic. Crop yields will decline, workers work less hard when their overheated and freezing cold in super storms, and that means the global economy will decline in the coming decades. It's not just that. We also have to worry about stranded assets. When we leave fossil fuels in the ground to address climate change, existing fossil fuel infrastructure, which could include new projects, if we build them, will become stranded, and a city like Portland can get stuck footing the bill for another company going out of business because climate change is bad. Fossil fuel companies have been actively deceiving the debate on climate change for decades, and as a recent study came out last week, Exxon Mobile has been actively deceiving the U.S. Government for decades on human impacts of climate change, creating a false debate. I hope today that the debate can end in Portland, and we can take a strong stance to address climate change, stop investing in this harmful economy, and really lead the way for a new future. Thank you.

**Hales:** Thank you very much. Thank you. Ok, one more, 1127. I think that's not going to be read this morning, is that right?

**Moore-Love:** Right.

**Hales:** Ok. All right. Then we can take up our consent calendar. I had one item pulled to regular, 1132, unless there are any others, let's vote on the balance of the consent calendar.

**Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye. [gavel pounded]

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**Hales:** 1128, time certain.

**Item 1128.**

**Hales:** Commissioner Fish.

**Fish:** Thank you, mayor. I would like to ask our honored guest to come forward. Eloise Damrosch, the regional director, and Kristin Calhoun, and we have two local artists with us, Garrick Imatani and Yoonhee Choi. Welcome and colleagues, 2015 is a big year for the arts in our community. On the sculptures along the downtown bus mall, to murals in east Portland, public art helps to make Portland a vibrant place to call home. So this morning, I am proud to read a proclamation that the mayor is issuing today. Whereas, on April 10, 1980, Portland city council unanimously passed a new art program creating a permanent funding source for public art, and whereas 35 years later, the city is, of Portland, is celebrating the collective impact and power of our public art, and whereas, the regional arts and culture council manages Portland's public art program and collection, integrating a wide range of public art into spaces throughout the community, and whereas the citizens of Portland now own a public art collection of more than 1400 pieces of art reflecting our diversity of cultures, artistic disciplines and points of view. And whereas the collection is open and accessible to all through the walking tour brochure, a guide to Portland public art, and a public art pdx smart-phone app, and a comprehensive online database. Whereas the tradition of a strong public art advisory committee has helped enrich our landscape, by selecting artwork from hundreds of renowned local, national, and international artists, and whereas 2015 is a big year for Portland art, excuse me, for art in Portland. Including the 35th anniversary of percent for art, the 30th anniversary of the visual chronicle of Portland, and the 30th birthday of our most recognized piece of art, Portlandia, and the 20th anniversary of the regional arts and culture council, and the tenth anniversary of the public art murals program. That's quite a mouthful. And whereas the city of Portland renews its dedication to supporting public art that celebrates our culturally diverse communities, enhances the built environment, and contributes to the spirit of Portland. Now, therefore, I, Charlie Hales, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim November 15 -- excuse me, November 2015, to be public art month in Portland and to encourage all residents to observe this month. Now, I am pleased to turn the Program over to Eloise Damrosch, who will tell us more about our arts programs. Thank you.

**Eloise Damrosch:** Thank you, city officials, I know you are having a complicated and heavy duty day today, so we're happy to be here to shed a little art light into your busy day. Before I turn the microphone over to Kristin Calhoun, who is going to show you a power point, I just wanted to introduce you to our public art staff, who are here today to celebrate with us, and I would like them to stand up and be recognized.

**Hales:** Good morning. Thank you for your work. [applause]

**Damrosch:** We have one more up in Seattle. It is, indeed, a busy year for Portland and public art and were you familiar to celebrate all this with you, and we'll be seeing you as Christian will remind you later on, at a big celebration here at the end of the month. So, without -- I think anything else, I will turn it over to Kristin Calhoun, one of our public art managers.

**Kristin Calhoun:** Thank you, commissioner Hales, and commissioners. I am sorry, mayor Hales and commissioners.

**Hales:** Been there, done that.

**Calhoun:** Yes, I know.

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**Calhoun:** Right. I know it's not really throw-back Thursday, but I am going to share with you a little throwback video of our dear Portlandia.

**Video Playback**

**Calhoun:** We just couldn't resist sharing that with you because it's sort of a unique blast from the past.

**Hales:** We only had to buy the statue once.

**Calhoun:** Right. [laughter]

**Calhoun:** Your 1% was very well spent.

**Novick:** I don't know, mayor, do we have an analysis of whether Portlandia is seismically sound? [laughter]

**Fish:** They said Portlandia has held up better than the building.

**Hales:** Yes, she has.

**Fish:** I think we all agree with that.

**Calhoun:** So we're here today to celebrate Portland's public art, and of course, coming to the current stage of Portland's public art, wasn't in an accident. We had citizens who were giving artwork to Portland over time. One of the best known, of course, was Steven Skidmore's gift to the city, and of course, the encryption at the bottom, we all know very well, I don't know -- oh. Technical problems.

**Hales:** There we go.

**Calhoun:** Ok. Sorry. So, as I was saying, the encryption at the bottom of Skidmore found good citizens are the riches of the city is, something that's really important to our public art program because citizens are always involved in our decision-making process, so from the older works to the relatively more contemporary works that the city did in the 1970s, and then in the 1980s, of course, Portlandia and the passage of the percent for art program, so from parks to the fire bureau to the police bureau to transportation and other bureaus, we are always looking at what is the context of public art, in this setting, and how can public art give meaning to light and all sorts of different aspects to our community. We also oversee the donations, artist Anna Fiddler made this donation, some of the more well-known donations you know of are Vera Katz on the east bank esplanade, Sweet Shepherd, those projects, as well. And we work on partnerships. This particular partnership was with our sister city of Sapporo, and we take care of all the city's public art, as Nick mentioned, it's over -- it's actually, over 1600, if you include the portable works, so we work hard to take care of that, and we work hard to establish new programs like the murals program that now celebrates ten years. This is a piece from this summer. One of the things we're trying to do is to create new ways for artists and the public to intersect so one of the ways that we did that was to set up an artist residency program, and Garrick Imatani is here to say a few words about his experience as one of the artists and residents.

**Garrick Imatani:** Thanks, good morning. So, from 2013 to 2015, I was a joint resident with poet [inaudible] Sand, and this opportunity was part of the Interceptions program, which is funded in a way similar to the public art commission, however, rather than produce a single stand-alone sculpture, the program allows artists like myself to produce public programming and to invest in the research of a site or community for a more extensive period of time, so as a result, Kai and I were able to look at 30 years of Surveillance documents collected by the Portland police, on different activist groups, which led to creating our poetry performances, lectures in collaborations with others that responded to this research-driven process. Part of the process entailed interviewing former activists who were surveyed and producing art works included in several exhibitions in Portland. As well as nationally at the Museum of Art in Houston, Texas, the

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art design and architecture museum at the university of California, at santa barbara, and nykb gallery in copenhagen, denmark. The projects in Portland are vibrant and important in physical history but has physically extended itself to reach audiences in other cities and countries. On a personal level, I can say that since this project was my first public project that was funded, it represented an unprecedented opportunity for myself as an artist, and in many ways, the commission was a dream project on the most basic and fundamental level, it allowed the time and head space to think deeply, look into less known political histories, and present our discoveries to very different audiences than the typical gallery or museum-goer. In terms of the financial support, so often as artists, we spent a significant portion of our time self-funding and producing projects, and it would have been impossible to make the works I did through the residency at the same level without the administrative Support of the regional arts council. Lastly, I want to say from this projects i've been able to see how my work will continue to fit in and dialogue with the public, and I am trying to pursue opportunities to continue working in the public realm in a way that could result in either a more permanent outdoor piece or interior installation. So in that way the residencies, obviously, shaped my experience of public art in a positive way, that encourages me to do more. Also, I should mention that, as a teacher, that's been involved in academia for the last ten years, I have attended arts conferences across the country, and the reputation of the public art program proceeds them on a national level of racc, for those that might not be aware, programs for programs other than works within the context of percent for art, is somewhat atypical and very forward thinking. So, when I run into arts professionals in other cities, that administer public art, they are all familiar with the efforts happening in Portland, and talk excitedly about the possibilities being pursued here. So, I want to comment racc and tell them to keep up the good work, and thanks for believing in mine.

**Hales:** Thank you. Good morning.

**Calhoun:** I am, actually, I have a couple more slides to show you, and we'll introduce you. So we also manage portable works. Most of you have portable works in your offices and throughout the buildings, and city and county offices. We also have the visual chronicle of Portland, and will -- which also celebrates an anniversary year this year, so the visual chronicle was starred by artist hank pander and chronicles over time the development of our city. The installation space across the street, I hope you got a chance to see this instillation, which came down last night for dia de los Muertos. It was a space that he worked in and you and he will talk about that work. This was an effect vase of 20 years of instillation space.

**Yoonhee Choi:** Thank you, Kristin, and it is a great honor to be here. Briefly I want to tell you about my work. I didn't have that much installation experience before this, but I knew that the artist process with this program is always based on the proposal, not on the artist portfolio. I decide to try, so without any particular project in my mind, I went to walk through. In that meeting, I learned that this project, this program started in 1994, and since then, 136 artists had installed their work in the same space, in the Portland building. And [inaudible] who runs this program, there are hundreds of [inaudible] under the surface from previous artist's work. At the moment my project started, so what I wanted was to rebuild, I wanted to rebuild the 20-year installation story by excavating those from previous artist's work, and as I begin I Found vibrant colors, layers, and I wanted to know more about the colors and the installation, so every night, I searched the archives, and I ended up to make this feature indirectly to share with my audience. At one point I was scared thinking of wow, I am vandalizing a Portland building. Can I really do that? But,

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once the proposal was selected, the race was behind my idea and all the staff members, wholeheartedly helped me to complete my work to a very fine level of detail. As a studio-based artist, this first public project caused me to rethink about who is my audience and what kind of work I wanted to pursue, and so how I approached this specific installation as an artist. I think all the public art is a benefit to the public, and the artists, but this particular unique program is a truly wonderful opportunity to any artist in Portland who want to explore their potential beyond their boundary. So I want to thank you again for, to race for giving me a wonderful opportunity and I hope your council will proudly continue to support race and all the public art projects in Portland.

**Hales:** Thank you.

**Calhoun:** I have a few more. And then behind the scenes, one of the things that we are really proud about is that we have excellent data. Now, that does not maybe sound exciting, but our excellent data is what allows us to do these amazing public art searches, so that the, so that any citizens can, through the website, search for public art, if they want to know where a specific piece is located, it pops up, and we have been able to develop a phone app, and all of that is because we have this fantastic data. And then we, biannually, tri-annually refresh our public art walking tour, which is part of the downtown core work, and then to share with you just a few things that we have upcoming, some of the bigger projects that we have upcoming, we're always working on new projects, the Sellwood bridge, will happen in the spring of 2016. Artist mick young Kim has done these holes. And we have two new parks projects in east Portland that we're really excited about. Artist maritsio robolio was part of the design for Beach Park and horatio law was part of the design team for Gateway Park. And then starting next week, you will see a color explosion in the city hall here, as we mount an exhibit of Portland's public art. And on Thursday, November 19, we hope you will all join us in celebrating our public art. Thank you.

**Hales:** Thank you.

**Fish:** Mayor, we are going to take a picture in a second if we could. I just want to offer a further observation. I hope everyone can join us on the 19th. I think race demonstrated, when we celebrated Portlandia, 30th, is that they really know how to throw a party, and the public art that's coming to city Hall will, actually, be dispersed throughout the building so not just downstairs in the atrium but on all three floors, and it will include some of the best pieces from our collection. As the proud parent of two children, I have learned that you can never pick favorites among your children. But, we have 1600 works of art, and I just want to observe probably everyone up here has a piece that's special. For me, it's probably the lee kelly collection, and I think that we have the largest collection of lee kelly sculpture of anybody, outside of susan hammer. And whether it's the lee kelly up in the rose garden, or the lee kelly that's in front of big pink, some of his, or now the lee kelly in front of pnca, his great works are spread throughout our community. When Steve and I dedicated the improvements on division street, race had installed new art there, and that won a national award, that particular piece, when we opened the fields, and there was some public art that was noted in your handout. I particularly appreciate that you included fire station 21. Commissioner Saltzman dedicated fire station 21, and I think that the public art on the front of the building was just genius, of integrating art into a structure. I want to close by noting the murals because one of the murals in this city features jim thorp. It was very interesting when the jim thorp mural hit, all of a sudden social media started blowing up because lots of people in our community had some connection to jim thorp. It turns out that in 1922, 1921, he, actually, played baseball in the old Thurmond

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street baseball stadium. And he was one of the greatest athletes in the history of the country. He played multiple sports, and he was, for a while, a professional baseball player. The Native American community honors him because, of course, he went to Carlisle, and he was one of the greatest Native American athletes. I was struck when I saw the mural because in 1911, my grandfather lined up against him in the gridiron for a national championship football game, collegiate football game, so my grandfather played against the greatest native american football player in our history, but that mural sparked a dialogue in our community about jim thorpe and his history and our legacy. So it reminded me how the arts inspire us and challenge us and bring us together. I think that one of the things that the arts commissioner, I am especially proud of, is the public investment in this collection. The people of Portland invested in this collection, and we have a collection at the envy of cities our size around the country. And we're fortunate, mayor, to have a custodian of that collection that cherishes it, so today we celebrate that collection, but thank you for their tremendous work.

**Hales:** Here, here. Thank you all. Do you want to take a picture?

**Fish:** Yeah, let's bring the team up.

**Hales:** Thank you.

**Hales:** Good work, thank you very much, it is 10:15 even though the clock says 11:15, and we will move onto 1129.

**Item 1129.**

**Hales:** Commissioner novick, would you like to lead off?

**Novick:** Yes, Mr. Mayor. Before commissioner Fish and I introduce this item we should recognize Naomi and Denver for their hard work. Thank you very much for all the outreach that you have done to make this project a success. Colleagues, this is a joint resolution between pbot and bes, and both commissioner Fish and I are proud of the work our bureaus have done together. This lays the groundwork for thinking about street and storm water. These improvements are normally expensive, however train and soil conditions in southwest Portland often make an expensive project that much more expensive. This plan moves beyond a one-size fits all approach to put improvements on local streets within reach for property owners and for the city. It allows greater flexibility to make improvements more affordable and more compatible with the natural setting. This approach can be applied to areas with similar challenges outside this study area. The tryon-stephens plan compliments unfunded test projects like capitol highway and Barbur Boulevard, which will remain the focus of future safety improvements and extends safe street connections into neighborhoods, and offering residents the option to walk or bicycle to nearby destinations leaving space on the roads to commercial areas for others who need to drive. Commissioner Fish.

**Fish:** Thank you very much. Mayor and colleagues, one of the most rewarding things that happened to me since commissioner novick joined the council and Leah treat took over pbot is the deepening of the relationship between these two bureaus. It turns out we do a lot of work together. That means that there is a lot of opportunities for coordination and communication, and I am pleased to report the relationship is very strong. And that there is a lot of work being done behind the scenes to better align our respective missions and values and to coordination projections, particularly, with an eye to minimizing the impacts on the communities that we serve. I am particularly proud of the work of Denver and Naomi, and we'll hear from them in a moment, but now I will read the script that I was handed. That's the difference between mine and steves is the font is ten times bigger. Now, I will try to do it as spontaneous as I can. In areas like southwest, development

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needs to be sensitive to the terrain. Natural hydrology, water quality, native habitat and Biological communities. The plan advances new techniques to control, convey, and reduce the pollutants in the storm water, and a creative approach to managing the run-off from multiple blocks. The plan engaged southwest neighbors, representing the community, within the plan area, and including those actively involved with the city, as well as groups not always represented. This is the first substantial collaboration between bes and pbot, at the neighborhood scale, and working together in that way allowed us to match tools that worked for streets and storm water, and to see, and understand better where our bureaus have mutual interests. Now, I will turn it over to Denver.

**Denver Igarra, Portland Bureau of Transportation:** Good morning, mayor and commissioners. I am Denver, and I am a senior transportation planner with the Portland bureau of transportation. And I served as the project manager for this plan.

**Naomi Tsurumi, Bureau of Environmental Services:** Hi, I am Naomi, with the bureau of environmental services, and I am a staff lead on this plan for environmental services. We are very excited to present to you the recommendations of this unique, joint planning effort between our bureaus to address persistent challenges to close gaps in both the street and the storm water systems in southwest Portland. This work was supported by a grant from the Oregon department of transportation's, transportation and growth management program. Yeah. So, tryon-stephens is the third neighborhood street plan developed by pbot to address street connectivity in areas with significant deficiencies and infrastructure, such as sidewalks and paved streets. The map shows streets with existing sidewalks city-wide. These plans will serve as models for surrounding neighborhoods with similar conditions. The cully plan was adopted in 2012. The division midway plan in east Portland was adopted by council just last month. Following the cully plan effort, the street by street initiative introduced more flexible curve less street options for low traffic residential streets. At the same time, environmental services has been working to implement plans for the tryon and stephen's creek watersheds, soil conditions and topography in southwest make it difficult to talk about the street improvements without talking about storm water at the same time. So transportation and environmental services decided to jointly undertake this plan for the tryon-stephens area and bring together creative solutions and create a tailored strategy for dealing with access and storm water in the context of southwest. So, we started by developing a public involvement plan, looking to the examples of cully and division midway as models. The public involvement plan identified community stick holders and outreach activities Based on demographic data for the study area. We translated key materials based on the Portland public schools data into Spanish and Somali, and formed a diverse stakeholder working group, that included representatives from neighborhood associations and business associations, and then also, from groups such as the African youth community organization, Israel congregation and resident of stephen's creek crossing, one of the home forward affordable housing communities in the plan area. The project was kicked off with a boost and the walking tour at southwest Sunday parkways in September 2014, and stephens creek served as the venture for our two public open house events. The first open house event had over 70 community members attending. The second had more than 30. And we conducted the surveys after both events on paper and online. We also held a special workshop with youth who live at the stephens creek crossing, apartment complex, where kids drew maps of places in their neighborhood, and the routes that they used to walk there. We did presentations to other community groups, such as the Multnomah village business association, and the Portland commission on disability, and both of those groups were

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represented on our community working group, as well. We maintained the project website. And we also gathered a lot of information from city staff across both of our bureaus, and planning and sustainability in parks through several meetings and workshops. So, the southwest natural, natural setting is what attracts many people to live in this part of the city, but the hilly topography poor draining soils and the natural resources and streams limit the street connectivity and constrain the opportunities within the right-of-way to make improvements to enhance access or manage storm water. Stephen and is tryon creeks are two of the open streams in the city that flow to the Willamette river. In the early days, major transportation corridors in southwest often followed the landscape. There were two commuter rail corridors along key flat routes, that the current barber, bertha and Multnomah boulevards, routes like boones ferry and Taylor's ferry led to ferry crossings at the river, and roads are built to give dairy products from the farms to local markets, such as Hoffman road, which is the current day Vermont street, and neighbors used a system of trails to walk routes not connected by paved streets. As the area was planned for development, a good pattern was often applied without regard to natural features such as streams and sloping terrains. The two images on the left are examples. The top left image is from the layer hill area and the bottom left is from you are a planned area, and these illustrate the issue as applying a connectivity standard in the southwest context that makes more sense in a flat less constrained neighborhood. The bottom left and the right hand photos, the yellow star shows the location of the burlingame fred meyers and situated over stephen's creek. So you can see in the example, that in 1932 and 1940, there was a forested area, and stephen's creek runs through there, and in the bottom right you can see that it is piped under fred meyer and i-5, so this removes sensitive habitat, vegetation, and puts streams and pipes. So on the watershed scale, development leads to increases in impervious surface, which increases the surface run-off and leads to problems such as water pollution, flooding, erosion, and degraded stream health and wildlife habitat.

**Igarta:** So our plan seeks to address the street and storm water connectivity by fostering those healthy walk sheds and healthy watersheds, and by walk sheds, these are places that offer residents safe options to walk, bicycle, at local shops and destinations within a short walkable distance. The focus, this focus provides the opportunity to translate the contents of the complete neighborhoods that are identified in the Portland plan and the comprehensive plan, into the southwest context. Healthy watersheds means when additional impervious areas are added, it does not result in negative impacts to hydrology, habitat and biological communities, so we're trying to achieve the objectives and the values of the both bureaus. We initiated our process by asking neighbors where they go in the neighborhood and how they get there. Specifically, how they walk and bicycle to local destinations. Often the most popular routes for neighbors, used a combination of both busier and lower traffic, quiet streets. The busier streets are important because they are the most direct routes, the routes where the destinations are, however, neighborhood streets serve as important links for neighbors to reach their homes, bus stops, parks, schools, and other local destinations. When destinations can be reached safely by foot or bike, residents are given an option to choose not to drive if they like, and this reduces the pressure on the busier streets, and as well as parking in our main streets and commercial areas. So based on our public outreach, we identified the concentrations of destinations, and these are shown in the bottom left map, as yellow circles. So these are areas where we have a number of destinations where we have the possibility to shift more trips from neighbors to walking and biking. The -- we worked with our community working group to

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identify the flat routes, the most direct routes, and also the lowest traffic routes to connect and link the centers. On the top right you can see that there are two corridors that we identified that were missing public right-of-way, and so the plan recommends adding future connections in these two locations to the southwest master street plan, which was originally adopted in 2001. That's shown on the bottom right map. The planning also identifies the key routes that serve people walking and biking in the neighborhood. These are on the left map shown in purple, and on the right map shown in brown, the map on the left shows southwest trails. Safe routes to schools. City walkways and bikeways, and the, basically, the plan pedestrian networks in the city. Our plan recommends adding a few connections to fill in the gaps that were identified through our outreach. The map on the right also shows where we have gaps in our storm water system, and these are shown as red lines, they don't have a storm water facility. The map on the right also shows the darker areas, which are areas where we have concentrations of complaints about storm water in the study area. So where are the gaps and the networks overlap, those are shown in yellow on the map on the right, and those are locations where we have potential for our bureaus to collaborate when we're doing infrastructure projects. These photos are common types of streets that are illustrating the challenges that we face, in the infrastructure, and in this part of the city. Most of the streets in the study area actually are paved, so we had almost 88% of our streets are paved. Covering two-thirds of them lack a sidewalk. We asked in our surveys at public events as well as online, what is it that people would like to see improved on streets that are paved? And what improvements were needed, the top two responses were, adding sidewalks or dealing with the drainage for storm water. This was followed by responses such as street trees and traffic calming and bicycle improvements. All those preceded adding sidewalks on both sides of the street. As you can see from the sloping topography and the drainage, there is a lot of challenges in building to the traditional standards. We also asked folks what we should be preserving when we are making improvements. The top responses that we received were to preserve the low traffic speeds, as well as the natural landscape and mature trees, and the unique character of the street. The plan includes a number of recommendations to form the strategy for dealing with the addressing of our system gaps in the study area. The two primary products of our partnership were a street typology and process for identifying street and storm water concepts that manifested as a flow chart. The street typology allows us to define characteristics of different streets, and we used six factors to do that. Traffic volumes, adjacent land use, whether it's connecting destinations, whether it's on the pedestrian or bicycle networks, and whether there is natural features, high value natural resources, or steep slopes. So based on those factors, we were able to identify different categories of streets, which help us to know where we have more flexibility. Busier streets in commercial areas, and your important destinations, have less flexibility, and should be built to a higher standard, however, the neighborhood streets and quiet areas provide a bit more flexibility, and also, in natural areas, we should be flexible to preserve the valuable resources that are there. So with the typology, we also developed a flow chart, and the flow chart was a way for us to have a series of additional questions to determine what suitable concepts there are for improvements to the street and storm water. So, based on the typology of the flow chart, it asks a series of questions about the street conditions, and suggests suitable street improvement options that relate to the context of that typology, and then there is a series of storm water questions, which does the same, results in suitable storm water concepts. The two illustrations on the bottom are examples of the combination of the street and storm water improvements, so we have

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had street by street in place but this is the first time that we combined those with kind of the storm water facilities for curb less streets, so the one on the left is a shared street, sorry, a separated street, which has pavement and a sidewalk on one side, and it's combined with the surface conveyance, swales for the storm water conveyance, so, these are simply concepts to illustrate specific designs would be the result of project level development with engineering and survey and the additional outreach to the community. The flexibility that we developed within this plan, it outlines a way for us to allow improvements to be made within the right-of-way, both as a result of private development, local improvement districts, and public investment to more closely match the context of the street context as well as hopefully to see improvements occur sooner due to lower costs. Thank you very much.

**Hales:** Thank you very much. Other questions for staff?

**Fish:** Very nicely done, thank you both.

**Igarta:** Thank you.

**Fish:** Do you want to key up the next panel?

**Fritz:** I have a question, and that is how did you decide on the boundaries?

**Igarta:** So we used the -- we started with the watershed, actually, and we used tryon-stephens headwaters' areas to identify where the boundary is, and then we looked at an area that was confined by a major street, and in this case, it was capital highway on the west, and Taylor's ferry on the east, and by focusing on a smaller geographic area it allows us to collect a lot of data on that smaller area, and so, we collected a lot of traffic counts, that were done on the local streets. So, that's the general approach that we took, and it allows us to kind of see some areas that have better connectivity, more infrastructure improvements, and some areas that were severely deficient.

**Fritz:** Is there any thought of continuing a similar study to the south part of the tryon-stephens watershed?

**Igarta:** This was developed with the intent that the tools and the approaches could be applied to other areas of similar context, specifically, the surrounding neighborhoods in southwest Portland, and the tools themselves, today, can be applied. We focused on the smaller area as a pilot, but I think that the tools themselves can be translated to other areas outside of the area.

**Fritz:** It's a terrific study. I feel a little like the folks in centennial and pleasant valley when we talk about Lents and gateway as being east Portland. The neighborhoods to the south, which actually have the Marquam elementary school, it's the only title one school on the west side, it would have been nice to have had this study, maybe just taking the fallen creek tributary, to the south, which have allowed more discussions of the equity of how the children at the mosques access the cool stuff further to the north.

**Hales:** Good point. Other questions or comments? Thank you both. I think that you have a panel ready, commissioner?

**Novick:** Yes, we do. We have Liz Safran, Lewis & Clark professor, Multnomah neighborhood rep, community working group member who is going to talk about the importance of solutions sensitive to the natural setting, and Sue Stahl, Marquam resident rep will talk about those with disabilities, and Trdi Raz Frengle, talk about the importance of solutions to respect the historic and existing natural neighborhood setting, and Marianne Fitzgerald will talk about the neighborhood priorities.

**Fish:** Liz before you start, I got an email the other day from friends of mine on the east coast. They had come to Portland with their son, shopping for colleges. And they fell in

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love with Portland and fell in love with Lewis & Clark because of the environmental programs of the college. He's applied for early decision there, so nice for them.

**Liz Safran:** That's always good to hear. Thank you. I will just introduce myself again, I am Liz Safran, I represented the Multnomah neighborhood association on the community working group for the Tryon-Stephens plan. I am an associate professor of geological science at Lewis & Clark College in the environmental studies' program. I wanted to share a few thoughts about the process that gave birth to this plan. First I was struck throughout by how inclusive of a process it was, and how responsive the team was to community input. From October 2014 to June 2015, there were four meetings of the community working group, and three opportunities for public input, a roll and stroll event and two open houses at the Stephen's Creek Community Center, and all events were sort of a good mix of short presentations about the group's progress, since the last gathering, and hands-on exercises to try out the concepts that the team leaders were developing, as well as opportunities for feedback from the public in the form of survey responses. All which were always summarized at the beginning of the next meeting. Second, the collaboration between PBOT and BES at the planning and design stages, not just at the implementation stage serves as, I think, a great model for what better planning could look like in this city, which is known for planning. The street typology and design option flow chart that they developed provides a structured approach to joint planning that can, and I hope, will be adopted not just in the Tryon-Stephens Creek headwaters but throughout similar parts of the city, once it has been field tested. The environmental benefits of this plan, and a joint planning process across agencies at the design stage, are really significant. Most notably, it should permit smaller, paved, footprints, which lead to less storm water run-off and greater preservation of trees. This is extremely important in southwest Portland, in particular, where hilly topography and soils with low infiltration rates make storm water management a real challenge. The more that we can prevent run-off, and keep infiltration capacity high, by preserving trees, the better able the city will be to meet storm water management goals that help to preserve environmental amenities and reduce impacts on the few daylighted creeks that remain. I should note that tree preservation is also important for meeting carbon emissions targets. Many of the city's emissions reductions to date have come from energy conservation efforts, and the ongoing loss of mature trees could threaten these gains by increasing the urban heat island effect, that is to say, locally increasing the temperatures, associated with loss of shading and development of additional surfaces. So, for many reasons, planning efforts like this, this one, that reduce paved surfaces and preserve matured trees are really important. In fact, my personal sort of response to this experience of participating on this group is that it would be great if the kind of interbureau coordination that was demonstrated in this project could be sort of pushed upstream and extended to the Development stage. Of course, bureaus do interact during a development through permitting processes, and so on. But, this project shows a really kind of unique differentiated guidelines that are responsive to local conditions that I think could be, you know, inspiring for developing guidelines for location-appropriate development. The last thing that I want to mention is that although this plan deals specifically with sort of smaller streets, lower traffic streets, I saw, in the course of the process, a lot of concern about those busy streets and interest in seeing those become more bike and pedestrian friendly, and I think that this plan is great because it compliments the ongoing projects that are sort of have their own budgetary attention and priority, but provides an opportunity to sort of web those with neighborhood scales

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projects in a thoughtful and seamless way. So, I appreciated participating in this process, and I want to thank both naomi and denver for orchestrating such a fine project.

**Hales:** Thank you.

**Sue Stahl:** Good morning. My name is sue Stahl. I am the vice chair of the Portland commission on disability and chair of one of the subcommittees, focusing on accessibility in the built environment. During my tenure, I have worked with the city on a number of projects that involve the disability community, such as street design, disabled parking, and the ada transition plan, and now, most recently, the tryon-stephens plan. I am here to talk with you today about this plan and share with you why I am supporting this plan and why you should, too. As a resident of southwest Portland neighborhoods, I am burdened every day with the lack of paved streets, sidewalks, and even curbs in the area. I live in what is called the 20-minute neighborhood, and this means shopping, supermarkets, and other resources are within a 20-minute walk of my house. However, due to the poor condition of the road, I cannot even get out of my driveway. Not being able to walk down the street, severely restricts my access to these neighborhood centers. My 20-minute neighborhood could, can just as well be a 20-mile neighborhood simply because I cannot navigate the road. Southwest Portland is plagued by roads similar to mine, and they affect everyone, not just me. My neighbor, who uses the walker, too, has stumbled on a few occasions walking across the street to get her mail when she first moved in. Sadly, I hardly see her outside any more. And believe that she has become a shut-in. I have also seen children walking to and from school in a reasonably busy street or walk-in ditches because there are no sidewalks or walk paths. Some of the streets are so narrow due to overgrowth that the cars must turn into nearby driveways to let other cars pass through. We even had an issue where cars parked on the side of the road impeded a fire truck from getting to a house. Another issue in my neighborhood deals with drainage. Simply put, there is none. This means when it rains, the water flows where it wants to. Downhill. Collecting in potholes and unimproved streets, creating lakes in people's yards, and seeping into basements causing foundation damage. After the downpour this past weekend, I could hear the noise of many wet-dry vacuums, and I was, I was one of the lucky ones, I live on a hill. And having to wade through or avoid puddles, puts pedestrians at risk. It is hard to describe all the mud, oil, leaves and who knows what else, that collects in these puddles. And you don't know how deep it is until you step in it. And walking into the street to avoid these puddles is just an accident waiting to happen. The tryon-stephens plan will address both the accessibility issues and water run-off by allowing more options in the street by street initiative. Southwest Portland is unique, and the topography is very challenging. Roads cannot be paved. Sidewalks and walk paths cannot be installed without affecting water run-off. Drainage and pedestrian improvements go hand in hand. Seeing the collaboration of pbot and bes tackle these issues has been exciting. The bureaus have identified and studied the key problems, listened to public feedback and developed a comprehensive plan. Recommended options include clearing overgrowth and widening the shoulders, allowing for better separation of car and foot traffic. And adding vegetation swales or pipes to match, to manage water run-off, and improving walking paths by using impervious material, and reducing the speed limit. Because the streets in southwest, vary from paved streets, with sidewalks, to dirt roads, with no walk paths, each street will be handled differently. The design based on residential needs. As I mentioned before I my street needs a lot of help and I am confident that the tryon-stephens plan will improve the walkable and control the rainwater

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allowing me to have access to my neighborhood and eliminating the need of wet-drybacks after a heavy rain. Thank you.

**Trdi Raz Frengle:** I am a resident of southwest Portland.

**Hales:** Pull the microphone a little closer.

**Frengle:** I am a resident of southwest Portland, and when I walked in here and looked at the historic pictures, and I saw oh, my gosh, that's the house my dad was born in, which I never knew existed here in the city hall, but he did spend some time in the city hall many years ago. So, that was a nice welcome. Thank you. When I grew up, our area of southwest Portland was still mostly Swiss dairy farming Country. As children we walked almost everywhere, through the fields, jumping over cow pies or on paths, which the older generations made, also there were lanes, unofficial roads going from one part of the farm to the other. Many other roads were already in existence. The Nevada court became a dedicated street in 1891, and the capital hill road in 1918. Actually, my father deeded land for official roads, land from our farm. He wanted to make it easier to get around the farm and to provide for the generations to come. Before 1940, he deeded land for 21st avenue. The stephen's creek, which is now raz crossing and 19th avenue. In 1952, the day before our southwest area joined Portland, my dad deeded caldue street and 23rd avenue to Multnomah county so that these right-of-ways would remain for the public use always. Yes, most of these official roads were in our fields, or at least near them. As a child I knew that I had the right to walk on any public right-of-way. During those years, as even now, our southwest area was filled with fruit trees. Before the dairy farms, the area was an orchard. As children, we would walk to Multnomah School from kindergarten to eighth grade, and eating delicious fruit along the way. It was a paradise of eating. People knew us, and we felt like we belonged. We played together and we worked together. Children in, sometimes their parents, too, picked crops for cash, beans, filberts, berries and so on. I remember one year when the strawberries came early and we had the choice of going to Multnomah School or picking, and probably that was the same choice all over Portland. I suspect. Foot travel was a given. Warner, my father, was by nature a trail blazer and visionary, in 1936 he was appointed post-master of Multnomah, and perhaps, because of that, he knew of every right-of-way that there was or could be. Always he acted in the interest of the community. Whether it was to pay back every creditor who had lost money in the old Multnomah bank, and his cousin did this with him, and his houses was habitat for humanity is now where those houses are. Or in creating public streets and trails. Trail-making was a lifelong pursuit. His grandfather was a road-maker in the Swiss Alps, so maybe trail-making in roads were second nature to him. In 1956, the day Wilson high school opened, he completed a trail in Nevada court right away for high school students. Later, he extended that trail. That trail is now the razbach crossing. My dad worked on that trail for nine years. The neighbors didn't want the trail. Even though it was on public land, and of course, dad deeded that land anyway. The city of Portland was not ready for urban trails during those years. My father saw this trail as a safe and a beautiful shortcut to the city bus stop and to Reiki School, I think that time it was Wilson park grade school, and Wilson high school. During this time, don bach heard my dad talk about his trail and about the existing network of right of ways. I think that dawn is here today. Dad explained his that his trail could, by showing a map, that his trail could be extended from wilson high school all the way to gabriel park by using all right-of-ways, and I have that all in official maps showing that. When don retired many years later, dad did that, don became a trail-maker. As long as dad lived, he fought for trail-making on unused streets. Yes, in 1984, the day he died, he was talking to a neighbor

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about building a trail on the 19th avenue right-of-way, and that's finally going to be completed, thank goodness, thanks to Denver and Naomi and others. The neighbor was - there neighbor was afraid of people walking by his home because he has children. Yeah. And then that same day, dad died. Anyway, so I hope that he's here listening at this point that I am in city hall. Recently, this year, I attended two community workshops put on by transportation and bes. We were asked how we would improve southwest streets. I felt that many streets should remain unimproved. I do agree with you, though, with some of the graveled roads, but the streets should match the neighborhood and the rural character. One kind of street does not fit all. One street that I commend on was a deadened street with little car traffic but a lot of foot traffic. It was nara park, the street was a perfect unimproved street, except for one flaw. One resident had fenced all the way to the street preventing pedestrian traffic on the shoulder. I was shocked that he felt that he could do this because the fence was not his land, nor a lot of the land behind the fence. This encroachment needs to be removed. Right now, we live on a dead end street that is a 30-foot right-of-way. Since only a few cars use it each day, we get a tremendous amount of pedestrian traffic. No street improvement is needed. The unimproved street is ideal because there is little traffic, the gravel is not worn down. Also, we have made full use of the portion of the right-of-way on our side of the street. In that 15 feet, we put in two benches and some tree stuffs plus flowers and vegetation, for people to enjoy and socialize. It's a very happy environment. The land is used for community purposes. Concerning the tryon streets' plan, I am pleased it takes into account the unique character of the southwest neighborhoods. It addresses the many neighbors -- it addresses the many ways that neighbors travel. The plan recommendations help to ensure that the right-of-ways will remain accessible to the public, and the plan offers safe routes for walkers. It also recommends that when improvements are made, the improvements match the historic and the natural settings of the neighbors, of our neighborhoods. Thank you.

**Hales:** Thank you.

**Fritz:** I just wanted to comment, when we talked after the razback crossing opening you told me about your family deeding the land for what's now custer park, and I want you to know that commissioner novick has initiated the process to discuss whether we should keep it that way.

**Frengle:** Wow: One thing about custer park is on the bottom, what we owned until [inaudible], part of our farm, but there were the, where it's really swampy, we had a little pond there, yeah, where we would swim right on, next to the road. Yeah. That's terrific. Thank you. Yeah.

**Marianne Fitzgerald:** Good morning. I am Marianne Fitzgerald, and I am here representing the southwest neighborhood coalition of 17 neighborhoods in southwest Portland. We want to express very strong support for the tryon-stephens creek plan and we want to thank the excellent staff work of Denver and Naomi. I work with a lot of staff, in both bureaus, and they did a fabulous job. It is really a good product. We, especially, appreciate them laying the foundation for improved coordination between the bureaus on these two issues that affect neighborhood livability, and probably streets on the environment are the two most passionate topics you could engage with anyone in southwest Portland. We strongly support the recommendations to coordinate between addressing the street and storm water gaps in southwest Portland, and yesterday as I sat through the tsp work session I noticed nobody mentioned storm water at all when we were discussing transportation. But for those of us on the grounds, we know the right-of-way

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has to handle both the water and the people. And you know, we have to make sure that we have room for everybody. This plan really is a really good step in that direction. We know -- we commended the best for doing the Stephens storm water system's plan three years ago. It was a great landmark study that led to this study, as well. We also know that the other watersheds have watershed plans, and not specifically storm water plans. And I have observed over the years that some of the limits on what we can do in the transportation system are limited by how we manage the water that flows off those surfaces. So, I wanted to especially thank the staff for committing to a proposed pilot Tryon Creek headwaters storm water system on an alternative analysis that would help to manage the storm water off Capital Highway between Multnomah and Taylor's Ferry and have to make it more feasible to get that project built. So, thank you. We had a lot of discussions at Sweeney about connectivity and the difference between busy streets and neighborhood streets. We supported the recommendations to close the gaps in the Urban Trails Plan, and in the Southwest Master Suite Plan in the area. We also recognized that the busy streets tend to be flatter, and they followed the ridgeline so that you did not have to go up and down but you could go directly to access transit, that's where the transit lines are, and to access the commercial areas, the schools, and the parks as noted in the typology, but as many of you may know, the city issued thousands and thousands of waivers of remonstrance, which did in the require developers to develop any infrastructure on the streets, and again, with the local streets and busy streets, we can walk on the local streets, with potholes and everything else. But the busy streets are dangerous, and so we really want to no longer allow the waivers of remonstrance on the busy streets where we need the infrastructure the most to access our destinations. We also recognized the plan recommendations for widened shoulders as an interim solution, and I emphasize interim because there is a few of them, near my house, where traffic is going 40 miles per hour, zooming right by, cars are right behind you, and it's a really scary place to walk on a widened shoulder, so the plan does include criteria that we might apply before we look at whether a widened shoulder is appropriate in that location. So I just want to kind of sum up a lot of what Liz said is that while the emphasis on the plan was for neighborhood streets and we love the flexibility we love the typologies, we think it really fits in to what we can apply to Southwest Portland we also know that you get land locked if the neighborhood streets are improved and you don't do the busy streets. At one of the open houses where we did the ranking of where you want the improvements made Capitol Highway and Taylor's Ferry Road were at the top of the list. So even though it's a neighborhood plan everybody knows these are really key streets that need to be improved. So I just want to sum up by saying this is a landmark study and I was just pleased from the beginning when this got funded and really pleased with the direction that it went and we just say let's go for it and implement this plan as quickly as we can. Thank you for your time.

**Hales:** Thank you all we appreciate it all. [inaudible] Karla do we have some people signed up for testimony?

**Moore:** We have two people signed up, please come on up. David Murphy and John Gibbons.

**Hales:** Come on up. Good morning, welcome.

**David Murphy:** How you guys doing? Anyway, I'm a local resident.

**Hales:** We don't need an address.

**Murphy:** David Murphy, anyway. Thank you guys for your time. The water issue, if you go to Portland maps, the address 2910 Southwest Miles, you go to environmental and

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then go to sewage, you'll find there is a right of way that bes owns that comes through there. All the water from 29th street and all the water that comes from capital, that's all focused in one spot. That sewer line cuts through the property, it's a storm drain sewer. My whole half of the yard has gotten wiped out especially with this last event, but it's a recurring event because the storms mean drains will clog up. I have called the city and had carlson come out from bes. Hopefully sooner than soon they will scope this pipe. I have a feeling that the western red seizer trees are exactly right on top of these lines. I've noticed lots of rats in the yard. When I cleaned up the other day there were lots of drowned rats out on the road. My garage completely flooded on the pool side of the house. There's a huge pond, i've got a bunch of pictures. There has been a big crack all the way down the center of the garage, one of the stem walls is cracked, the side of the house is dropped. There's probably about seven cracks down the side of the house. I've had terra firma come out. What's going to probably have to happen, the whole pad has to come out in the garage and it's got to get rebar report. This is a recurring situation because these particular drains will clog very easy. And on 29th street, if you walk up the road, the water doesn't hit any of the storm drains. And some of the neighbors have diverted the water from the property onto the street, where it's actually supposed to go directly into the drain. So there's a bunch of issues just right in that spot. And my neighbor just down below me, his garage also flooded. So that's about it on that.

**Hales:** Wow. All right, appreciate you bringing that to our attention. Obviously staff was taking notes. Sounds like an issue where we need some follow-up so thank you.

**Murphy:** Thank you for the time.

**Hales:** You bet.

**Hales:** John, welcome.

**John Gibbons:** You'll be able to enjoy this before long. I'm off –

**Hales:** Put your name in the records,

**Gibbons:** John gibbons.

**Hales:** Move your microphone over just a little. There you go.

**Gibbons:** Formerly of perb, I'm back to take a validictory lap. It's absolutely essential, what you just heard from my neighbor is i've got report something that you hear all over southwest Portland. I know of it happening in my own neighborhood where we have responsibility for our own stormwater at least. So it's not surprising you hear these kinds of problems happening. At least this is a system that will -- this is an approach that will start addressing these collectively as a community on a scale that will appeal to the neighborhoods. Because if you've been out there, and I know commissioner Fritz has been, you will find people in southwest Portland that are in love with their natural settings. Sometimes when you say we needed to improve this street or we need to have some storm drainage improvement here, they will say well, you're going to ruin of rural character of southwest Portland. I've got to tell you, just coming back from four days I have a little problem focusing on southwest Portland as having rural character. I understand that's a reality in dealing with people. By creating a scalable set of proposed improvements that we can present to people, hopefully we'll overcome that. They will say, oh, well, this isn't really so much. It isn't Full Street, sidewalks, storm drainage, the whole thing and more people will do it. That's an important partly in all of these neighborhoods. For marquam especially. There are a couple of points in here that are truly important. One is this project that I think represents great entrepreneurship, government entrepreneurship. Because I think what happened is Denver came to one of our meetings, discovered that a green street project was proposed at the bottom of 19th where it impacts Taylors ferry

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road. And within the timeline of this project we got some additional work proposed on 19th, and that's great. We'll see how this flies within the next month. And we can give you some feedback on how that works. The other thing I want to say, I understand the issue about busy streets. I recognize people with capital highway have a lot of problems. But what I will say if you look at what happened in marquam, connect through the neighborhood from northeast marquam to 26th. We stayed away from asking for improvements on Taylors ferry. I understand capital highway is a different issue. Some neighborhoods bought into playing this game.

**Hales:** Thank you very much, appreciate your involvement, thank you very much. [names being read]

**Hales:** Good morning.

**Glenn Bridger:** I'm Glenn Bridger, I live in southwest Portland. I wish to take this time to commend the team of bes and pbot for their cooperative effort to try and resolve the forever issue we've had in southwest Portland. There's not a one of you up there that doesn't know as the forever issue. We need to be making progress. I don't want to leave my grandkids with a city that still hasn't solved their issues. We need to have places to walk, we need to be effective, we need to take care of the water and pedestrian issues together. Appreciate your attention to this matter.

**Hales:** Thank you. Good morning.

**Don Baack:** Commissioners, mayor, I'm don Baack, I live in Hillsdale, I'm a member of the group working on this before it probably started. We're pleased with the effort you authorized and urged first of all, and second for the team put together to work on it, they have done a fantastic job. The highlights, I specifically want to point out and express support for an important little part of this plan. It has a proposed master streets plan change making connections from the Hillsdale community church, I think it's the Portland bible church, to southwest 25th, 26th, along Texas right-a-way. People living at the crossing at Stephens creek, it'll be easier for them to walk to safeway, fred meyer, and barbur, when we have high capacity on barbur, really taking action. I'm sure any of it will be replaced in my lifetime. The kind of investment it takes to build sidewalks versus extended shoulders or widened shoulders is like six to 1. Federal studies show we get 80% of the safety benefits from extended shoulders versus sidewalks. So it's really, really important for a lot of people to be able to move more efficiently. One small amendment request I'd like to you consider. I sent this by email and I couldn't printout copies for you, but basically we currently are using southwest Capitol Hill road as part of urban trail 6. It was an oversight, it wasn't designated that way. A park trail now build, we utilize part of that. I would ask that we put Capitol Hill road about 300 feet on the urban trails plan. Not important now but it's got to be part of the plan or something. It would be part of the Hillsdale-lake Oswego regional trail. Eventually we'll ask for a sidewalk or extended shoulder in that extended settle, as a high priority. That's the only request in that regard. Thank you very much, and again, it's a great project and we appreciate the cooperation that's happened. It's been fun to watch it proceed. The thing john was talking about, 19th, we really appreciate bes and pbot moving forward to make this happen.

**Hales:** Thank you very much.

**Fish:** It's our customer practice, Mr. Baack has put an issue into the record. It's now before us and we'll consider it as part of the testimony in support of the plan and we will report back to you.

**Hales:** Good. It's being adopted by resolution.

**Fish:** He made his record and we will appropriately respond.

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**Hales:** Great, thank you.

**Fish:** I move the adoption of the report.

**Novick:** Second.

**Novick:** Thank you very much, everybody that's been working on this. It's quite extraordinary to have this many people say this many good things about anything in the city. Really, really appreciate it. Aye.

**Fritz:** I see a lot of current and former staff in the room and I greatly appreciate you being here. Coming to see the vote, it's always very satisfying. Dan, former bes, I thank you for being here, jeremy, I thought you were very restrained not to jump up and talk about capitol highway. I'm sure that warner razz is with us tonight, this morning. And also Dorothy gage and patty lee would definitely want to be here and i'm sure are, chagrined as I am that we don't go further south on capital and further west on Taylors ferry. Thank you very much to the staff. Commissioner Fish and commissioner novick really exemplary exhibition of how bureaus really works together a lot. In a particularly difficult area of the city, to figure things out, it's remarkable and I congratulate everybody involved. Thanks for all of the good work in a very short time. It seems like it's such a well-baked plan I thought it had been many years in the making. To hear it was kicked off last year is remarkable, congratulations, aye.

**Fish:** First to commissioner novick's point, steve, we've asked this distinguished group to come to each council meeting in the future and testify in support of the first item we're taking up. In all seriousness, thank you to the citizens who took time to come and testify in support of this. As the mayor and commissioner Fritz have noted, thank you for tell you go the history. There's a wonderful history that lies underneath the great work the two bureaus have done here. We appreciate that history lesson. Commissioner Fritz at a moment like this, it's something she does that I love, she arch takes the page in the report of the plan that lists everybody that's been a part of it and just acknowledges everybody. So I can't read all the names. But to all the staff people, to the community working group, to the project team, to everybody that devoted time and energy to this process, thank you. And steve, thank you very much for the strong collaborative relationship that bes and pbot enjoy, to the comment that either -- I guess glenn made about -- or don -- about the forever process. I made a note about that. I don't know how many more years i'll be on the council but I have a hunch before we're done we will be able to replace the forever process with something a little more present. Because the issue that we're trying to address has eluded an easy solution, partly because of costs, partly because of regulations, partly because of some communication glitches. But with the inspired community leadership pushing us to get beyond forever, i'm confident that we'll get to that day and we'll be able to celebrate that. So thank you. Finally, one of the joys of my work is I get to work with a lot of really talented people. This city has extremely talented and dedicated people who work very, very hard for the public, and who probably don't get the recognition they deserve. So while I want to offer a blanket thank-you to everybody involved in this, particularly to Denver and Naomi, I want to say how proud we are of your work. When we have a forum like this when which the public comes forward and affirm what is we know within our close working relationship with you, it's very gratifying. Thank you for the credit, thank you for your support, i'm pleased to vote aye.

**Saltzman:** Not only do I live in this neighborhood but I walk by the razz bach crossing every morning on my morning walk. It's really gratifying. I think it's really gratifying, I really want to thank the bureau of environmental services and the bureau of transportation for modeling such good behavior among bureaus that transcend commissioners in

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charge. I was in charge of bes for 11 years and a lot of these issues are not new to me. But the level of cooperation between these two bureaus is new, and it's a good spirit of cooperation I hope will be modeled in a lot of different projects. It's so important particularly in southwest with the drainage and the lack of good roads. So this is great work, thank you, aye.

**Hales:** I want to second these comments. Commissioner Fritz used the word exemplary, and I think that's right, in terms of the cooperation of the both bureaus and the community activism that fed this work. I use the word heartening, because we had a council discussion, one of many happening and soon to come about the update of our comprehensive plan. We are going to accommodate 266,000 more neighbors and 140,000 more jobs in this city over the next 20 years. A daunting couple of numbers if there ever were. One of the things we have to be able to do in that big transition is address these deficiencies in our infrastructure that have been understand in many cases for decades, and these here are classic examples of that. Both because yes, there will be growth in southwest, too. And because we have to have a low carbon future with people don't have to drive or get to their neighborhood destinations. I think the credibility of our whole enterprise to try to plan for 260,000 more people is undermined. What are we going to do about these 50 miles of dirt streets? Thanks to you we have a big part of that answer. We put a small amount of funding in the budget the council adopted this year for supporting lids or otherwise getting these streets out of the mud, making that an ongoing commitment of the city's general fund is an important effort that will have to be added to, but it's a nice start. I do think we all have to be able to look our neighbors in the face. We're going to grow. What are we going to do about it? Now we have part of that answer here. Obviously it's hugely important to the people who live on these streets and who are dealing with the side effects of an incomplete set of stormwater improvements that need to be there to make sure people's homes are safe and life works at street level. As a former resident of southwest a former neighborhood activist there just like commissioner Fritz, it's great to see this kind of progress and accord about how we move forward. Well done all around.

**Novick:** Mayor, I neglected to make an inside joke. I just want the record to reflect that we're here for a game, this is not just practice.

**Hales:** Good point, not just practice anymore. Very well done. Let's move to the one item we pulled from the consent calendar and moved to the regular calendar. Item 1132.

**Item 1132.**

**Moore-Love:** Authorize a grant agreement to concordia university in the amount of \$500,000 in fy 2015-16 for use in the construction of the faubion/concordia early childhood development center.

**Gary Withers:** Good morning, mayor hales, commissioners, it's a pleasure to be here. A dozen years ago a group of civic leaders was sitting with then-governor Kulongoski and were talking about the power and importance of early childhood education. The governor sat back in his chair, his eyes lit up, he got this interesting grin on his face. And he said, I love this moment. It's a moment where instead of reacting to crises we get to look upstream and figure out how we prevent them. The city faces many challenges and among those certainly is the challenge of homelessness, challenges of food insecurity, challenges of behavioral health care. The three to phd initiative, Portland public schools and Concordia university is one of those upstream solutions. As far as we know it's unique in the entire nation that a private university is coming together with an inner city school district and a very low-income school to tackle a problem closing the achievement

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gap, closing the opportunity gap in a collaborative way where one plus one plus one doesn't equal three, but we hope it equals 3,000 or more. That's the power of this multiplier. We will have a 132,000 square foot facility, it'll house the largest in the state, among the best in the state, housing 800 faubion students, including 120 in early childhood education, six weeks through 60 months. And we know that's where we can make a difference upstream. I apologize for being a little bit late. We were finishing with some donors asking some very difficult questions. Finally they looked at each other and said, what really makes the difference in this program. It's how teachers will be prepared, working with populations the Portland public schools serves every day of their career from their freshmen year through their senior year and beyond, they will be prepared the way physicians will be prepared. It's the commitment particularly from trillium family services to provide behavioral health care, and specific foods. We will be providing nutrition organics foods from a food club at cost. It's a huge and significant issue. And finally it's the focus on science, technology, engineering art and math. We want to prepare young people to work with their hands as well as their heads. Our community has said where is that team of talent interested in these jobs at 70, 80, \$90,000 a year helping us build railcars. We'll have an answer for Mr. Furman and other ceos in the community. It's been a communitywide effort. We've raised \$10,055,000 to date. We're extremely grateful for your support of our \$500,000 request. The state of Oregon through lottery bonds is making a contribution of \$750,000. Dan and Priscilla widen have made a significant gift to the science, technology, engineering, art and math element in the building. The university is proud to be raising \$15.5 million in what promises to be a \$48 million facility. One that a leader in this community, the leader of the north-northeast Portland s.t.e.a.m.-s.t.e.m. Coalition will really provide for children of color in north and northeast Portland what they need to thrive, survive, to baseball to meet the demands of employers in this community. We're very grateful for your consideration of our request. Happy to answer any questions that you may have.

**Hales:** Thank you very much, Gary. Questions for him?

**Novick:** With your concurrence I would move an emergency clause so we could vote on this today in the presence of Gary.

**Hales:** Is there a second?

**Fish:** Second.

**Hales:** Any discussion? Roll call.

**Moore-Love:** We need some language for the emergency.

**Novick:** We have an educational achievement gap in our community and the sooner we build this, the better.

**Hales:** Sounds good to me, roll call.

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

**Fish:** -- just on the amendment, the emergency clause.

**Fish:** Thank you. Gearing up.

**Hales:** Oh, yeah.

**Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye.

**Hales:** Let us thank you and call anyone else up that wants to speak on this item.

**Moore-Love:** Mr. Lightning wishes to speak on this.

**Hales:** Come on up. Good morning.

**Lightning:** Good morning. Yes, my name is lightning, I represent lightning watchdog pdx. I absolutely agree with this project. One of the questions I have is that I understand there was a bond measure in 2012 that was passed, and one of the concerns I have on

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this \$500,000 grant from the city of Portland is we do have a public school here and a private university. And as you know, in the past i've always questioned some of these grants on what the city of Portland, where they want to place the money. I don't have a concern on this development. I have a concern on giving a grant to a private university and a public school. One of my concerns in the past was also on the youth passes on trimet. I had a concern on that, I want to see the program move forward but I question whether the funding is coming from. And so I would like to look at this more from giving a loan on this, having it paid back in the future, and not doing a grant. The reason why I say that, again, we have many bureaus here again -- I don't have to list them, from transportation to housing and everything else -- that I think we don't have enough funding at this time. And people in this room may question what i'm saying. I'm saying that is great development, I want to see this happen. I just question the city of Portland doing a grant and not a loan and having it repaid back in the future due to number one, being declared a state of emergency in housing. Number two, commissioner novick, a billion dollars in deferred maintenance and transportation I think would be a fair number. And you have to come up with some funding. Again, I don't -- I approve of the project, it's just the grant coming from the city of Portland during this time. Thank you.

**Hales:** Thank you very much. Okay. Any further testimony? Any further discussions? Let's take a roll call please on the now-emergency ordinance.

**Novick:** I actually am very sensitive to Mr. Lightning's point. And I think it should be rarely that the city gives money to any project outside our scope of normal business. But I think that investments in strengthening schools of education and early childhood education are among the most important investments we can make in this city, state and country. So to have one \$500,000 contribution to a salutatory effort in those areas I think is worth it, even though it's a departure from what we normally spend money on. Aye.

**Fritz:** Allocating money discussed in the budget, aye.

**Fish:** I could just see, you probably steal signals during ducks games, too. I could just see you on the sidelines looking for those tells. First, I want to thank the mayor for including this in his budget. This is either the second or third time the mayor has put a city contribution into a community partnership that benefits children. We did it in the david douglas early childhood program which is now getting national attention. The bar is very high. I hope we find another opportunity this budget year to support another kind of community partnership like this. But the truth is the bar has been set very high because of these programs. What I especially love about this program is it involved concordia, and our Portland public schools. And the president has for over 30 years provided great leadership. Concordia has distinguished for many reasons, not the least of which is the women's soccer team keeps winning national championships. It's the notion that they view themselves as part of a community. When they put a turf field in, they invited the community to use the field. That is not typical in local colleges and universities. It's part of their value system. Last year when I was principle for almost a day, one of my assignments was faubion. I'll never forget a wonderful reception from the principle, welcome lou frederick. He was already there giving orders serves the assistant principal for the day. This is really important, it wouldn't happen without gary wither and elise brown and kim thrasher and all these people that believe in our kids. This is one of the things that touches my heartstrings and i'm proud that the mayor has prioritized every year a contribution for the benefit of our children in this vein. Thank you, i'm proud to vote aye.

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**Saltzman:** This is a very exciting partnership between concordia, Portland public schools and many others but a great effort on behalf of kids and a very exciting concept for the education of our future teachers, too. Great work. Aye.

**Hales:** Let me reinforce the rationale. I appreciate the comments from my colleagues. It's very important that the city be prudent and thrifty in our grant-making function. We only should do a little of it. But we should do it for the right reasons. And the reasons articulated here are good. Let me reinforce that a little bit more. Schools, parks and community centers are the anchors of our neighborhoods. We don't operate schools but partner with them all the time. They often are literally twinned with a park. The use of those facilities to make community life work for all of our citizens is a core responsibility of city government. The ownership and operation of the facility, whether it happens to be a public school operating on its own or in this case a public school operating in partnership with the university is unimportant to the fact of that core partnership. Secondly, it's ironic and appropriate that assistant chief modica is in the room, because we have a stake in the safety of this city. The more we get upstream in the lives of our kids the better chance we have of them being safe. If we do a better job of early childhood education and a better job of keeping kids in school and a better job of achieving a third grade reading level and high school graduation, there will be less people for transition services division and gang violence and every other part of the police bureau to deal with because we have unsuccessful kids in our city. I see that rationale, as well. Everything we can do to get upstream in the lives of kids in this city, in partnership with other organizations with our parks bureau and our police bureau and our neighborhoods is money well spent in terms of leverage. So I think this is a great partnership. It deserves our support and it's also completely appropriate that the city of Portland be this kind of partner. I'm very proud that we are. Thank you. Aye.

**Hales:** Looking forward to it, Gary. Thank you. Let's move on to item 1136.

**Item 1136.**

**Moore:** Adopt a waste reduction plan and accept and authorize an intergovernmental agreement with metro to receive metro waste reduction challenge funds of \$283,408 and \$336,189 for the recycle at work program.

**Hales:** Second reading roll call.

**Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye. [gavel pounded]

**Hales:** 1137 and 1144 -- I guess all of them, 1137 through 1144, where don't you read them all.

**Items 1137 - 1144.**

**Moore:** 1137, authorize an intergovernmental agreement with trimet and the city of forest grove for transit police services. 1138, authorize an intergovernmental agreement with trimet and city of Gresham for transit police services. 1139, authorize an intergovernmental agreement with trimet and city of Lake Oswego for transit police services. 1140, authorize an intergovernmental agreement with trimet and Multnomah County for transit police services. 1141, authorize an intergovernmental agreement with trimet and Oregon City for transit police services. 1142, authorize an intergovernmental agreement city the Tigard for transit police services. 1143, authorize an intergovernmental agreement with trimet and the city of Tualatin for transit police services. 1144, authorize an intergovernmental agreement with trimet and the city of west Linn for transit police services.

**Hales:** Okay, assistant chief Modica and commander Leloff are here, come on up. What's going on here?

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**Chief Kevin Modica, Portland Police Bureau:** Good morning, Mr. Mayor and council. Quite frankly these are the intergovernmental agreements between the agencies that help staff, the transit police division. We can't approve intergovernmental agreements unless they come before council. There's no fiduciary cost to the city. The finances basically passed through with our fiscal services management.

**Hales:** So we end up being the fiscal agent for these other cities in that transaction even though we're not spending money to police Tigard.

**Modica:** That's correct. They are actually helping us police the system. And the overhead is covered by the extra 5% on the reimbursement that trimet provides the city of Portland for each officer or command level officer assigned to the police division.

**Hales:** Just a qualitative question I would pose. In your opinions as managers of this function, are we at the right level of effort in terms of number of officers that this whole multi-agency program is funding, in terms of the level of public safety and protection on a very, very busy transit system? Are we where we should be? Are you feeling like we're run ragged? Where are we? I know we can always use more but how badly is that -- how severe that is concern at the moment?

**Commander Michael Leloff, Portland Police Bureau:** I think we're at about the right size. We're 67 sworn members throughout 570 square miles, 60 miles of light rail track and 14 miles of heavy rail track. At peak time as you all know, we have five to 600 buses on the road transporting 320,000 trips per day. All cities and the task force model, all the cities get influence and we provide four different stations in which we operate out of the three different counties. I'd say we're right sized. We just added five more positions for the orange line. It has exceeded all expectation of ridership and the rides are full. I feel confidence, this is about an \$11.5 million package trimet provides throughout the 570 square miles.

**Hales:** As a rider of the orange line, it's really hard to find a seat by the third stop.

**Hales:** Good problem to have.

**Hales:** Questions for the assistant chief Modica or commander Leloff. Thank you both, stand by if we have any others.

**Modica:** Thank you.

**Hales:** Thank you both.

**Moore:** Charles johnson.

**Hales:** come on up.

**Charles Johnson:** Good morning, commissioner fits feels about the same about: The safety and health of our neighbors while riding trimet is something we all share a value about. I hope that the issues commissioner Fritz raised in her previous comments will influence your work as police commissioner, mayor, to make sure that the ultimate focus of this policing effort is a strong sense of community and safety for everybody riding on trimet. That nobody will feel profiled and that people of diverse backgrounds and economic circumstances will feel they are getting equal respect from the trimet system. Trimet has a separate fare inspection division of people wearing white shirts. I wanted to encourage this whole community to take more seriously commissioner Fritz's words about the overall budget of trimet and how we can more equitably make sure that people who have financial hardship are able to participate in that system. And people who are better able to contribute financially to its operation do so, so that the police will be looking for the occasional theft or the people who might need mental health care, and not so worried about somebody looks like a less likely to pay person. Thank you.

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**Hales:** Thank you, thanks very much. Any other questions or comments before you vote? If there's no objection I'm going to ask that the council vote on items 1137-1143 as a package since they have all been read --

**Fish:** 44?

**Hales:** 1137-1144. All emergency ordinances, essentially identical. I'd like to do it with one roll call vote rather than eight without objection.

**Fritz:** The council clerk is looking nervous bit.

**Hales:** That is a problem, Karla?

**Moore-Love:** We've never done that before.

**Fish:** I moved to consolidate the vote. 1137-1140.

**Fritz:** Second

**Hales:** Roll call on consolidation, please.

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

**Hales:** Aye. This is council gone wild, aye. Roll call on the package, please.

**Novick:** Aye.

**Fritz:** I very much appreciate the chief and the commander for their diligence in making sure the language we worked out before is in each of these, and your work with the equity committee moving forward. Aye.

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

**Hales:** Just a pause on the huge number of people that ride the transit system every day this region, the downtown, the city would not work if our citizens did not think it was a safe and positive experience to get on a train or a bus. It works regionally and I appreciate the good effort that makes it so. Aye [gavel pounded]

**Hales:** Item 1145.

**Item 1145.**

**Moore:** Accept a grant in the amount of \$373,569 and appropriate \$168,460 for fy 2015-16 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance fiscal year 2014 intellectual property enforcement program.

**Hales:** I believe Detective Waddell is here, that is right?

**Fish:** There she is.

**Hales:** Good morning.

**Cheryl Waddell, Portland Police Bureau:** Good morning. And for the record my name is Cheryl Waddell, detective with Portland Police Bureau White Collar Crime Unit. I'm currently the acting sergeant for the unit. In 2011 the Portland Police Bureau was awarded the BJA grant intellectual property. We had several successful investigations, two of them were in health and safety for pharmaceuticals that were fraudulent, and they were successfully prosecuted. One of the pharmaceuticals was Sildenafil, the other was for Viagra. Both of those investigations started outside of the city of Portland but the suspects came into the city of Portland to sell their goods. Another of the successful investigations from that first grant was for software. It turned out that it was -- the suspect was in the city of Canby. We did an undercover buy and subsequently a search warrant and turned out the suspect was a registered sex offender and successfully prosecuted. The other software case that was successfully investigated in the city of Portland was also an undercover buy, a search warrant was executed. And automatic weapons were seized during that search warrant. The suspect was a felon and he was successfully prosecuted. So during these investigations of intellectual property, it's not only a health and safety issue that we have discovered for the greater Portland area but also leads to stifling other types of crime. I am asking that the city council will accept the grant that we were

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awarded for the two years of 2015 and 2016, and I believe the total amount was \$379,000. We have expanded our task force to include three other agencies that assisted us in our investigations from the 2011 grant. That was Canby police department, the Tigard police department, and the Woodburn police department. The money from this grant will go to training these three other agencies, as well as enforcement for overtime.

**Hales:** Question, just the software case. Just brings to mind, have you and force this unit sat down with the technology association of Oregon and tried to see around the corner of what they see are the threats? We are such a software center now as city, and I half understand that industry. But I suspect there are opportunities for intellectual property crimes there because wherever there's money and commerce there's that opportunity. I don't know if you're having that dialogue with those that are a lot smarter than me about how software is developed and sold. But there are a lot of those people doing that work here in Portland.

**Waddell:** Correct. We're going focus on health and safety as well as the electronics aspect of this grant.

**Hales:** Yeah.

**Waddell:** We're not specifically speaking with the group that you mentioned. I will definitely steer us from that group. We will be speaking with the federal government's ipr center, the clearinghouse of all intellectual property infringements for the whole nation. They will be able to steer us to some areas where we need to look.

**Hales:** I'd recommend the conversation with the technology services. That's Skip Newbury who heads up that organization understands city government and also understands the industry. I would recommend that contact. Any other questions for sergeant Waddell? Thank you so much. Appreciate you being here. Anyone else want to speak on this item? If not, we'll take a vote, please, on the emergency ordinance.

**Novick:** Thank you. Aye. **Fritz:** Thank you. Aye. **Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye. [gavel pounded]

**Hales:** 1146.

**Item 1146.**

**Moore-Love:** Accept bid of emery and sons construction group for the piedmont sewer rehabilitation project for \$3 million 098,500.

**Hales:** Ms. Moody, come on up.

**Christine Moody, Procurement Services:** Good morning. Recommending the contract award to emery & sons construction. The amount was \$3.4 million and emery and sons was the low bidder at 3,098,500 dollars. The city identified eight divisions of work for potential minority women and emerging small business subcontracting opportunities. Mwesb participation in this project is at 29.2%. With work performed in concrete cutting, hauling and traffic control. I'll turn this back over to council if you have any questions.

**Hales:** Questions for christine? Thank you very much. Do I have a motion to adopt the report?

**Fish:** So moved.

**Fritz:** Second.

**Hales:** Roll call, please.

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

**Hales:** Aye, 1147.

**Item 1147.**

**Moore-Love:** Adopt the fiscal year 2015-16 fall supplemental budget and make other budget-related changes

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**Hales:** mr. Chair scott, good morning.

**Andrew Scott, Director, City budget Office:** Andrew Scott, city budget director. I'm joined by jessica canard, city pub coordinator. Briefly today we had a discussion on the fall bump last week so I won't go into a lot of detail. From a process standpoint we are discussing the fall bump today. I will take any amendments if there are any proposed as needed, and then a vote will be taken next week to make sure we have the correct djc five-day notification to we can have another public hearing next week for public testimony. We can take public testimony today and next week.

**Hales:** Hearing next week and adoption? Not just a second reading?

**Scott:** It feels a lot like a first and second reading but budget ordinances don't need a first and second reading. We will take testimony today and next week, as well. Very briefly, the supplemental budget that you have in front of you today contains an increase in general fund appropriation of about \$6.6 million, combination of \$4.6 in encumbrance carryovers, excess beginning fund balance and \$500,000 in bureau generated revenue. Per city financial policy a minimum of 50% of the 1.4 excess balance must go to capital set-aside. The proposed bump in front of you exceeds this, this minimum capital infrastructure investment major infrastructure and costs. The two we talked about last week, there's 9-1-1 center, uninterrupted power supply and the sears center occupancy needs. There's also \$5.6 million in new expenses funded by the excess, reallocating \$2.6 million of Portland debt service, and allocating dollars of unrestricted contingency. Those are listed in the ordinance before you. Finally, there are some target adjustments based on fair wage adjustments, and also an increase in Portland housing bureau's target levels.

**Hales:** Questions and is it time perhaps before we take public testimony to put amendments on the able?

**Scott:** I think amendments, yeah.

**Fish:** Mayor, I have a proposed amendment. I'll pass this down.

**Fish:** My amendment would be to fund the age friendly Portland initiative to the tune of \$51,765.57, from unrestricted contingency funds. And if I can get a second I'd be happy to discuss it.

**Fritz:** Second.

**Fish:** Thank you, Commissioner Fritz. Briefly colleagues, this is a partnership with Portland state university that dates back to 2010 when the council adopted the age friendly Portland plan. Portland was the first city in America to be designated age friendly by the world health organization. The implementation work has been led by Portland state university on a volunteer basis. Community members and student volunteers have done great work but it's all been done on a volunteer basis. We have asked them to play a leadership role and step up, and I believe it's now our turn to support them. Quite frankly, colleagues, I fear that this partnership will be strained beyond repair. We have an opportunity in this bump to not only support their broader work but to specifically support their work with the age friending housing community in looking at ways of ensuring that our future housing stock is accessible to older adults.

**Fritz:** I'd like to speak to the motion, also. I seconded it despite my reservations about funding things that are expected to be ongoing as part of the bump process. Secondly, I agree with Commissioner Fish that this is a priority. It's a relatively small amount of money. In order to both preserve a great relationship and leverage the other resources we get with this program at psu.

**Hales:** If the council makes this adjustment contingency we'll stand at --

**Scott:** It'll be just over \$1, 145,000.

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**Saltzman:** It's an ongoing request or a one-time?

**Fish:** It's a one-time. We fully understand that we have to make the case again.

**\*\*\*\*:** In the budget process.

**Hales:** Any other amendments? Let's take up other amendments. Let's vote to accept that amendment and then take testimony. Roll call.

**Novick:** Aye.

**Fritz:** You can just yell.

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

**Hales:** ok other amendments to propose?

**Fritz:** I'm not clear whether the allocation of the second part of the costs of the phase 1 parks employee conversion to union and bargaining unit jobs. Is that already in the proposal or is that something I need to --

**Scott:** It's not based on the email changes yesterday, I do have an amendment.

**Fritz:** I'd like to move the amendment that Andrew is passing out right now. Just to refresh everybody's memory, the proposed budget adjustment includes \$900,000 from contingency as part of that cost, which the employees are already in the new positions and already incurring costs. It leaves an estimated \$700,000 that's not yet funded. This amendment would within their leadership, would require all of the bureaus to help pay for that. So the amendment is -- it does say that the city budget office will set aside \$900,000 of general fund unrestricted contingency, and add \$700,000 of compensation savings set-aside with the Portland parks & recreation arbitration agreement.

**Hales:** I'll second that. Andrew, describe how this will work. It'll now have a call on that \$700,000, what will remain for other adjustments needed for bureaus that need to access that set-aside for the rest of the year.

**Scott:** The compensation set-aside stands at \$6.5 million. Setting aside this amount would reduce it to 5.8 million, a little more than that. It would reduce set-asides proportionately based on what their costs are within that. We did look at this very briefly this morning. Obviously police and fire are the largest in terms of personnel costs. So it would reduce police bureau's compensation set-aside by about \$350,000 and fire by about \$187,000. Park reduced by \$75,000 and other bureaus much smaller amounts than that. As we discussed, this amendment spreads that \$700,000 to all city bureaus. The guidance, fit passes, is that we will give city bureaus as a result is to expect less compensation set-aside available and manage accordingly for the rest of the year.

**Fritz:** We do have an unexpected cost in this fiscal year and we will all need tighten our belts in order to be able to pay that, given that we don't have a large quantity of contingency left.

**Novick:** What's the impact of boec?

**Scott:** O thank you. \$19,322.

**Fritz:** Colleagues, my expectation, too in discussion with the city budget office is fit turns out that any of the bureaus look like they are going not be able to make that, that there may be additional requests in the spring budget adjustments. I couldn't responsibly as a commissioner charge Portland parks & recreation continue at our current level of service without making cuts unless we are sure we are going to be spreading this use citywide.

**Fish:** If we adopt this amend we are in essence setting aside this money. The next step is we have to determine what we are going to invest on what schedule. So this does not decide the underlying question, this just allocates the available funds.

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**Fritz:** The decision 1st this year, we've decided phase 1. This doesn't address the question of phase 2. This is what we're spending this year to pay staff currently doing the job and have been.

**Fish:** The sum, the agreed-upon phase 1 approach?

**Fritz:** Correct.

**Scott:** The reason for the set-aside in total, we think working with the parks bureau we're headed towards that low end. But with the spring bump we will have a much more certain estimate as to what the actual cost are the 1.6 million. We would be able to allocate some of this money back, or we'd need to find other sources.

**Saltzman:** Explain the compensation set-aside.

**Scott:** Every year we take the increase from cost-of-living and health benefit increases. And we budget it separately from a bureau budget for one year on a one-time basis. The rationale for that is in most bureaus there are vacancies that occur during the year and they can fund those cost increases through those vacancy savings. This has been a long-time practice of the city and it's a little bit of a cost-saving mechanism. If you are fully staffed all year you will need to request your share of the compensation set-aside. Your adopted budget does not have enough to pay for all of your employees for a full year of wages.

**Saltzman:** The current fiscal year?

**Scott:** Right. So what this means is that bureaus again, as they are -- and you know, police and fire usually request and receive most of their compensation set-aside every year. They don't always spend it every year but they usually request it. They may need hold some vacancies for longer as a result. I used those two, this is true of all bureaus. Those two are obviously the larger share of the compensation set-aside.

**Saltzman:** Fire and rescue?

**Scott:** Fire generally requests most of its compensation set-aside. Some years they spend most of it, some years they don't.

**Hales:** I'm in support of this approach even though it does mean all of our bureaus, all of our general fund bureaus are going to be asked to run a little lean. That's more difficult than others in some bureaus. It's difficult in fire because they are close to fully staffed. It'll be difficult in police not because they are close to fully staffed, they have lots of vacancies but because we're burning overtime as an enormous rate. We're short staffed and have had the worst year on record for gang violence. They are using a huge amount of overtime. Blessedly that rate of activity has fallen off for the last few weeks but it's been bad in terms of their use of overtime. When we get to the spring bump we have to have a clear-eyed look at each of these bureaus. We're in a partnership with a labor organization here that has won an arbitration case. We have a moral responsibility to make good on our need to pay our employees appropriately. We in effect needed to show that we're taking every available dollar and dedicating it to this work. Because we have to work together on a transition over time. So that's why i'm prepared to do this, to show that we really are serious about finding all available dollars in the city's budget to make good on our responsibility. And knowing that even in a relatively healthy, stable, more stable general fund budget than we had a couple of years ago there's no -- there's not a lot of wiggle room in this budget. We still have 50 less police officers than we had in 2012-13. We have firefighters who are paid for by a grant that will have to be returning to general fund support in the next budget. We have a housing responsibility that we've all committed to. And we have a parks bureau doing great work serving a lot more kids with community centers that are open and free. And where we need to take better care of our

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employees. It's going to be a challenging budget year. This puts us all on notice, including all of our bureaus, everyone needs to operate very efficiently and prudently, even though again we have a healthier budget than we had a couple of years ago. I hope that message is understood and received throughout the city family. Other amendments - I'm sorry. We need to take a roll call vote on accepting this amendment and then we'll take testimony.

**Novick:** I'm very sympathetic to the intent here. I haven't consulted thoroughly with boec. I need to talk to them bit next week. Aye.

**Fritz:** This is a citywide issue and needs a citywide solution and park is not able to absorb this level of a cut without making programmatic and personnel cuts. So we will be having some very challenging conversations in the main budget next year. This is the right thing to do for this one. Aye.

**Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye. [gavel pounded]

**Hales:** Any other amendments to propose? Any testimony on the fall bump as now amended?

**Moore-Love:** We have five people signed up. The first three please come on up. [names being read]

**Hales:** Good afternoon. It is now afternoon. Welcome.

**Terrie Bernier:** Good afternoon. I've been working for the city of Portland as a seasonal part-time worker at the Portland community center for over 13 years. Six years ago my life was turned upside down. My husband of 30 years was diagnosed with terminal brain cancer. We were the average middle-class family. This changed overnight. Talking with our financial advisor I was told it would be nearly impossible at my age to find a full-time benefited position. When my husband passed away I was given the maximum 2800 hours a year for a seasonal employee. But that did not enable me to live without dipping into what little savings I had, two years ago my oldest son and two grandkids moved in with me. Being a single parent not able to live on his own and provide for his family. I was given the opportunity to become a 30-hour temporary benefited city employee with a living wage of \$15.02 an hour. I was able to afford some basics that I wasn't able to afford before. This temporary position has made me a bit more comfortable that I will be able to stay in my home of 30 years and still able to raise my grandchildren in a safe and familiar environment. I understand there's an amendment presented and I'm in favor of spreading the cost of this beyond phase 1. The city's budget has been carried on the backs of the park workers. I appreciate the city has stepped up to provide more rec workers with a living wage, and that these temporary jobs be brought into the budget as a temporary position, and to be funded on an ongoing basis. Thank you.

**Hales:** Thank you. Good afternoon.

**Ted Bryan:** I'm Ted Bryan, I work at the community music center in southeast Portland. As a result of phase 1 I was also temporarily appointed to a recreation leader position. For me it's a half time position, I work 20 hours a week. Before this I was working in the customer service representative 2 position. And my job has not really change but my benefits and wage of course have changed. As a result of that, I am living with much more financial stability right now. I also have a regular work schedule. Before this I was sort of roughly doing 20 hours a week but there was always uncertainty and so now I have a set schedule. That's been really beneficial for me personally and also been very beneficial for our organization at the community music center. What I do there requires a lot of site specific knowledge and require a lot of familiarity with the community. We have a very close community there, we have families who are bringing their children in for

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lessons, for 14 years of their lives. I can tell that, you know, I really value being a part of that community and connecting with them. I can tell the customers appreciate having stability and continuity there and someone who knows their situation. And I would encourage that investing instability for park employees at my position in the long term is a very good idea because it strengthens the community centers. My position is we have a fairly small staff. What I do is really important to the integrity of the center. And I think that's true of a lot of other centers around the city. So I want to thank you for -- for putting this phase 1 into play. It's been a big help for us and I think moving forward really this would be -- could be seen as investing in the strength of our communities in Portland. Because having workers who feel that they are valued and fairly compensated for their time is really important. That feeds into the strength of the organizations and that feeling, the well-being, investing in the well-being of the workers pays forward, trickles down. Thank you very much.

**Hales:** Thank you, thank you for being here. Good afternoon.

**Erica Askin:** Good afternoon commissioners my name is Erica Askin, I'm the business manager of labor local 43. I really appreciate Commissioner Fritz and the mayor's amendment and your vote on that amendment for funding citywide of the face 1 arbitration compliance. I think also their statements are a reflection of what happens when you bring people into a union and these very important voices are now shared. I also appreciate, mayor, your comment earlier that the community centers are a core function of city services. On that point in the future if the city keeps on investing in community centers and looking at it as a citywide problem as commissioner Fritz said, because it already is the contingent labor problem is a citywide problem -- that in the future if they keep on investing in this way, there's the possibility that all of these new achievements that are currently working in the centers under your initiative will now have fair wages and benefits. I agree through these kinds of services like others that are provided in the community centers are core services to the city. So thank you.

**Hales:** Thank you. Thanks very much. Okay, I think we have a couple more folks signed up. Thank you all for being here. [names being read]

**Hales:** Good afternoon.

**Michael Buonocore:** Good afternoon, mayor hales, commissioner, thanks for having us here today. I'll be brief. Jill is going to speak to an issue that we are asking for you to coinvest with us to help solve. Recently when Kurt Creager presented the state of housing report he said one of the indicators of the rental market is the success rate of the housing choice voucher lease rate. We are now at a level that's below 75%, which is considered a significant problem. And around the statewide average is now around 50%. As bad as it is there is the possibility of it becoming worse. So again, Jill will speak to that. But I just wanted to take the opportunity to say that commissioner.

**Saltzman:** And his staff and the Portland housing bureau staff have been really tremendous partners in helping us look at this issue and the investment requests before you is one of a number of ways that we are working to address this issue, both sort of programmatically and at policy levels. We are working hard and in all of the ways that we are partnered together around working through this housing crisis that we face, we're just deeply grateful for the partnership and your consideration for this investment. Thank you.

**Hales:** Thank you. Welcome.

**Jill Smith:** Thank you for the opportunity to address you this afternoon. I have this morning down. The housing choice voucher program known as section 8 in our community is a huge resource for our community. It's a very unique program which

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makes it the most popular one people really want access to. It was designed to provide choice. People can choose to live in a good neighborhood near a good school, near medical facilities, near transportation. Unfortunately that choice is diminishing because of the market. It's a market-driven program and the market is having a really negative impact on our ability to use this amazing resource. Home forward provides assistance for up to just under 10,000 households with vouchers. We have that many vouchers. It's approximately \$70 million a year that home ford distributes to landlords. The program is designed to serve families living under 50% of the area median income. At home ford over 82% of the people we serve earn less than 30% of the very median income. For one person they earn \$15,850 per year. For two it's \$17,650 per year.

**Saltzman:** That's 30%?

**Smith:** Yeah that, really helps you to understand. These are the folks that would be homeless without our help. Unfortunately even those with vouchers are struggling as they are being asked to move due you to rent increases and affordability issues and utilizing that voucher. I wanted to provide you with a few current data points that are effective right now today to help put this in perspective for you. Home forward, between September of 2014 and September of 2015 put almost -- well, we put about 1700 vouchers in people's hands coming off of our waiting lists. Unfortunately, we have a success rate right now of about 72%. Who is getting those vouchers? I told but their income. Something else you should, aware of, 60% of those voucher holders that were successful are people with seniors and people with disabilities. 44% of those vouchers are being utilized by people of color. Some other things I thought you'd find interesting is while we're down to a success rate of 72% really because of the market conditions. Our voucher success rate is 78.5%. We're doing better with that. The reason is because of the support that folks need that have high barriers that are low-income. That's what the section 8 fund is all about, trying to mirror some of those things we know work. Landlords are critical. We continue to do landlord outreach. We have trained well over 1000 landlords all over the state in the last year. The state bill is helping us a lot and your support is truly appreciated. Just to reiterate what Michael said previously, home forward's board of commissioners is rare of our request to you. And staff plans to present them with a resolution requesting additional funding that matches yours. Sounds like you'll be getting that next week. Again, we appreciate this.

**Saltzman:** I want to make sure everybody understands success rates. These are people who get a voucher and can't find housing within -- what's the period of time?

**Smith:** What happened is people wait on a list. The lucky few that made the lottery, people have been on the list for over three years. They go through quite a bit of work to get the voucher many they attend a three-hour class, turn in paper and verifications. After they have that voucher in their hands, it's very valuable. We give them four months to extend that to six months as needed. The average household is taking about 80 days when they are successful. Unfortunately we are having a high number that aren't.

**Saltzman:** If they are unsuccessful they have to surrender the voucher.

**Smith:** They do, they do, yes.

**Saltzman:** You've been up in the 90%?

**Smith:** We were in 2011 shortly after commissioner Fish led the section 8 task force. We're still aggressively doing everything we were doing at the time of the task force and more, much more. This is the market.

**Fish:** If I could add a comment, the fact that we're down to 72% is not a reflection on Jill, who is arguably the most influential person in section 8 policy in the country. It's not a

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reflection on Michael being the new ED, not a reflection on dan it's a reflection on the fact that congress has chosen to use these market based tools. Just like the tax credits which tanked during the recession, section 8 vouchers don't work very well if you don't have a unit available to rent. It is the under belly of a market based. Dan, thank you for bringing this forward, this is a great investment. I thank you for all the work you've done to streamline section 8. It's one of more landlord friendly programs we have thanks to your work. I appreciate the work you did on the low-income discount task force the water bureau led. And colleagues, for years there's been a solution that's eluded us as to how to get the discount for people that don't have a water meter. A fundamental flaw in our system. We're very proud of the partnership with home forward and Michael and Jill's commitment to pass the discount through to section 8 voucher holders. If you have the right partner you can overcome some of the obstacles. We are looking to get as much of that discount to section 8 voucher holders. It's not easy but we couldn't ask for better partners.

**Smith:** I neglected to tell you a really important point that is part of the success fund. Fair market rents based on 3-year-old American community survey data. When you're in this kind of market 3-year-old data lags behind 20 to 30%. We have partnered with you all hopefully as well as our neighboring housing authorities. There's three neighboring and we've gone in together to contract with Washington state university who has successfully submitted a survey meeting huds requirements to have Seattle's fair market rents reset. We have all contributed to that effort. That would result in us being able to offer higher payment standards and enabling folks to get into more units.

**Hales:** That's great, hope that works. Thanks very much. Anyone else want to speak on this item? If not, they ordinance as amended passes to next week's calendar for another hearing and adoption. [gavel pounded]

**Hales:** Thank you all very much. We have a few items remaining from the morning calendar, i'd like to try to power through those and give the council at least a little bit of a lunch break. Let's take all the second reading items -- let's take 1148 and they not second reading items and return to 1149.

**Item 1148.**

**Moore-Love:** 1148, authorize a participating agreement with office depot, inc. For the purpose of office supplies for an annual not to exceed amount of \$1,500,000.

**Hales:** Ms. Moody.

**Moody:** Good morning, mayor, commissioners. Did you want me to make this fast or --

**Hales:** Yes. [laughter]

**Hales:** In a word.

**Fish:** Thank you, your time is up. I move the motion. [laughter]

**Moody:** I've send you a memo about this contract and what we're requesting is the ordinance is recommending the authorization of a participating agreement to the office depot cooperative contract under the western states agreement for an amount not to exceed amount of \$1,500,000 through january 4th, 2017.

**Hales:** This is essentially an on-call agreement that we buy supplies as needed under this contract and may or 19 use up the entire \$1.5 million.

**Moody:** That's correct, the 1.5 it's based upon our historical spend.

**Hales:** Questions for Christine? Anyone want to speak on this item? It's an emergency ordinance, let's take a roll call vote, police.

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

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**Saltzman:** This looks to meet a lot of our sustainability goals and things like that so that's great. Aye.

**Hales:** Aye. [gavel pounded]

**Hales:** We have second reading items starting with 1150.

**Item 1150.**

**Moore-Love:** Authorize contract with the lowest responsive bidder for the construction remodel of the schmeer pump station upgrade project number E01448 for 1,800.00.

**Novick:** Commissioner Fish, I have to say that i'm rather alarmed that they ever thought it was good idea to build a pump station out of cream cheese. But i'm confident they willing built out of more reliable materials. Aye.

**Fritz:** Aye.

**Fish:** Aye. I want to underscore that we had a record rainfall over the weekend and it put strains on a couple of pump station that was offline briefly. But just to put it into context, we hit a maximum peak flow at Columbia wastewater facility of 450 million gallons. To put that into context, that is almost seven times the normal flow. And not only did the professionals at the wastewater plant manage that, but we did not have a single permit violation as we were dealing with an impressive amount of water. There was one regrettable cso event, limited discharge, we're allowed a certain number of discharge otherwise we'd have to build a pipe the size of the moon. But the big pipe investment was never I think more clearly demonstrated to be valuable than over the weekend because we managed record levels of stormwater. I want to thank the bes team for their great service. Aye.

**Saltzman:** Aye. **Hales:** Aye. [gavel pounded]

**Hales:** ok 1151.

**Item 1151.**

**Moore-Love:** A contract with the lowest responsive bidder for construction of the powell sewer rehabilitation project phase 1 project for E1475 \$10,800,000.

**Hales:** Roll call.

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

**Hales:** Aye. [gavel pounded] 1152.

**Item 1152.**

**Moore-Love:** Authorize a contract with century west Engineering Corporation for the professional services for the design of the wheeler base reconstruction and green streets project E10219 for \$590, 872.

**Hales:** Roll call, please.

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

**Hales:** Aye [gavel pounded] 1153,

**Item 1153.**

**Moore-Love:** extend contracts with Murray, smith & associates, Inc., for the Fulton pump station replacement project in the amount of 885,701.

**Hales:** Roll call

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

**Hales:** And 1154.

**Item 1154.**

**Moore:** Amend chapter 3.30 to add administrative review of stop work orders, amend titles 24-27 to add administrative appeal provisions, revise external appeal board provisions to conform to the state building codes, add term limits to all external boards, delete obsolete provisions and make other technical changes.

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**Hales:** Roll call vote, please.

**Novick:** Aye.

**Fritz:** Thank you for your outstanding attention to detail. Aye.

**Fish:** Aye.

**Saltzman:** Thank you, Nancy. Aye.

**Hales:** Aye. [gavel pounded] let's return to the one remaining item 1149.

**Item 1149.**

**Novick:** On October 14<sup>th</sup> council asked for four amendments to further clarification of ors 105.468 what is more colloquially known as recreational immunity. Working with pbot and my staff we shared a report which outlines the changes and findings before you today. I wanted to take another opportunity to highlight the amount of feedback the community has offered to pbot throughout the process. It's my hope that everyone continues to stay engaged. Feedback is going to continue to be important. I want to thank the rail advocates who showed up, Elizabeth Duncan who we charged to take a closer look at recreational immunities standard statute. Other who's asked Fritz staff. I think this pilot process is a great start, pbot worked hard to get what was presented to us two weeks ago. The amendments in front of us today will make the process better. It's important to remind ourselves this is a pilot project and thoughtful changes can be made if the need arises. As to the amendments: One of them is referred to as amendment 3 in the memo in front of you has to do with the availability of information to members to need translated materials. Pbot will work to develop outreach materials, and the applicant on pbot's website needs more time to actual craft the document. We will be ready when the pilot project launches. Amendment four clarifies the advisory nature of the trails process. This addresses concerns about the perception that neighboring landowners have veto power that came up with some members of council so. This amendment clarifies that the ultimate authority does rely -- rest with the pbot director. I'm proposing an amendment to the amendment, the amendment currently as originally stated says that the ability to complete the steps outlined in the process will be the primary determinant in whether or not pbot will allow the group to move forward building a trail. I suggest changing the primary to a major, which I think underscores the advisory re nature of this process.

**Saltzman:** I second that.

**Novick:** Thank you. Do you want to do those as a package?

**Fritz:** No, I don't. I've just seen these amendments and I appreciate the work that's been done. Amendment 4, i'm very concerned that that doesn't give it as much force of law as having it actually in the process. My request had about in to have it at the end of the process where the language talked about, you know, basically tough luck if you didn't get this done. Then I was proposing to make it really clear that no, actually this is advisory. I don't think having it in the background section really works. Secondly, appreciate the amendment to make it a major determinant rather than the primary. Very concerned it's the pbot director that has the final authority. Surely the commissioner in charge of bureau has the final authority. Who shoot public complain to if the director says no. Thirdly, if bureau rights of way are used, I don't think the bureau of transportation owns the right of way, but it needs to be the public rights of way are used. The public should have a say in how the public right of ways are used.

**Novick:** Again, I don't think they have vote power. But changing from bureau to public is easier or things like that. Actually I would like to ask Sara Schooley to address the question of the placement of the language.

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**Sara Schooley, Portland Bureau of Transportation:** good Afternoon mayor and council I'd be happy to address that commissioner fritz. So we did get your suggestions and put it at the end of the document. The end of the document as it was put on the website is a section called mutual respect and so we didn't feel that it was appropriate to put it in that section. We were also a little concerned that because of that section and the documents in general people often don't read till the end so we didn't want to put it there thinking that a lot of people actually might not get there. So we are hoping by putting it in front more people would get as part of the context of the program.

**Fritz:** I guess in my experience people don't generally read the background information they dive right into whatever steps I have to follow. So unless it's in the steps that can be followed.

**Schooley:** So we could -- that mutual respect section at the end isn't actually one of the steps, so we could incorporate it into step number 3. We could put it at the end of that step. That's the step that involves the community involvement and neighborhood support. We could put it in there. Language in that park work for you with the changes suggested?

**Fritz:** I believe it should be the elected official that has the ultimate responsibility, not the pbot director.

**Schooley:** I will pass that on.

**Novick:** I don't have any more responsibilities. Okay.

**Fritz:** Obviously we all make decisions in concert with our commissioner in charge or the director depending which side you're on. I would like it to be clear there's an elected official that citizens agreed by the outcome of the process can appeal to.

**Schooley:** Thank you.

**Saltzman:** I did read the stuff over the past couple of days. I want to make sure I understand what we're doing here. We are backing off a little bit from the -- this is a pilot, right?

**Schooley:** The pilot.

**Saltzman:** For how long?

**Schooley:** One year.

**Saltzman:** The amendments that we're considering now will allow the, I guess commissioner in charge now to take under advisement the results of any kind of a vote of neighbors.

**Schooley:** Correct.

**Saltzman:** It's a major factor, not the primary factor, and it's ultimately up to the discretion of the commissioner charge or pbot director.

**Schooley:** Right. I think one of the reasons why Commissioner Fritz suggested this paragraph and why we were willing to put it in is that really any community input process is in essence an advisory process. If for some reason the process goes through and because of one step or another it comes out a way the commissioner in charge doesn't believe is the best use of that right of way we want to make sure that the understanding is that the commissioner in charge is the one with the final decision. Although we believe that that responsibility was implied and also mentioned in the first draft, what I guess the third draft of the trails process that came out, I think this language just puts it out there a little bit more and helps clarify that responsibility.

**Saltzman:** It makes clear these elections are not binding in any sense of the word.

**Schooley:** They are advisory.

**Fritz:** I think the concern is where the neighbors, immediate neighbors, don't want people walking past them. We heard from trdi Razz this morning how there's a fence in the right

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of way and it needs to go. Under the current voting rules, the immediate neighbors do have a certain sense of -- they are entitled to say no.

**Schooley:** Yes.

**Fritz:** I appreciate the amendments which make it clear people who live far away may want to walk past that particular property whether that particular neighborhood says no, this is our private enclave, no, it's public right of way.

**Novick:** We're saying we want people to work these things out with their neighbors including landowners. We hope people will try do that, but that doesn't mean the landowners have the ultimate authority.

**Fritz:** My experience has been it's often an attempt to work with the neighbors and when the neighbors say no, other people like, well, isn't this public right of way? I have the right to be there.

**Schooley:** Right. It's also important to remember if you can flashback to the presentation there were three options to get that community and neighborhood support box checked so only one of them actually was getting high majority of 75% of adjacent property owners. The other two options we were getting 50% of residents of property owners within a quarter mile of the trail trying to look at broader user base, the third option was getting 50% of adjacent property owners along with the neighborhood association letter. There were a couple options.

**Fritz:** They all are about the neighborhood association. We're encouraging people to walk further distances and some associations are really, really small, we shouldn't give the neighborhood association the right to veto.

**Schooley:** Right.

**Fritz:** I'm not seeing an option I would like to see. This is a pilot, we can see how it works. I'll be particularly interested to see how it works on the country right of way which is so contentious. Maybe there needs to be a fourth option of the neighborhood coalition or petition of 500 people or whatever it is, that allows anyone beyond that -- i'm certainly willing to try it as such.

**Novick:** We had a conversation with one of the neighborhood coalitions about that. Community reaction was -- [screaming] we may have to visit that in the future. One of them I want to make sure -- we have reference to amendment 5, which is the statement that staff will be adding a section to the q and a for individuals who own property next to a right of way developed trail standards. One of these could potentially be less liability as a result of 105-568 and we provided language we think we will add to the q and a. I want to know, is this an amendment are we saying for sure this precise language will be used or just advising people we plan to add this?

**Schooley:** Advising people we look to act this sort of language. That's a living down, so - - document so as we get closer to the process being implemented as questions come in we'll be looking to change around that q and a to make sure we answer the questions people are asking. I think there was acknowledgment that ors wasn't referenced and then obviously as you have found out has been a very popular question so we want to make sure we have language in there and have been working with the city attorney to make sure we get the right language.

**Hales:** I don't think you actually need to amend the ordinance do that, but you can do that.

**Fritz:** Thank you commissioner and with your acceptance of the amendments I'd like to move them as a package.

**Fish:** I move amendments 1 through 5 as package a.

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**Hales:** The revisions we made to what was amendment 4 that -- [speaking simultaneously] changing to commissioner charge and publicly.

**Schooley:** Also the location in the document.

**Saltzman:** We changed primary to -- [speaking simultaneously]

**Novick:** A major. Primary to a major.

**Hales:** Those capture the changes.

**Fritz:** And we're going to move that into step 3 --

**Hales:** Still amendment 4, now it goes at the end of step 3. Okay, those are the amendments. Let's vote on the amendments and see if anyone wants to testify.

**Novick:** Thank you, colleagues. Thank you, Sara, Erica, thanks, everybody. Aye.

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

**Hales:** Aye thank you very much. Does anyone want to speak on this item or nod in unison?

**Moore-Love:** We have five people signed up.

**Hales:** Okay.

**Fish:** There's a time check. We may lose a quorum. Are we in favor or against?

**\*\*\*\*\*:** I'm in favor of the amendments.

**Fish:** Is anyone testifying against the amendments?

**Hales:** A diversity of opinion.

**John Gibbon:** I'm in favor of the amendments as I understand it it's going to lessen the adjacent owners' veto to this and I think that's necessary. I still believe that it's on a case-by-case basis, and I think putting it in the hands of the commissioner in charge is probably the best way to make a judgment on case-by-case basis. I know the situation with my homeowners association we have neighbors who probably would have a veto, but are completely fenced off from the right of way. Not even affected by privacy. So I kind of have a problem with that. I also would like to see this process move forward because I don't think this solves our problem for my homeowners association but we have something called public pedestrian pathway that runs through our private land and I would like to move to someplace where we have more certainty about reduction in liability. If we're letting the public go through our private lands. Those are critical things that I think this process helps us with. Thank you.

**Hales:** Thank you. Good afternoon.

**Elizabeth Duncan:** Good afternoon. I'm Elizabeth Duncan. I testified before you on October 14 about the liability issue. I am not anti-trail. But I am anti-liability. I don't think it's fair to put a lot of our citizens in the position that they are in today. Pbot's amendments explained the limitations of ors105.668. They explained the protections under the plan but did not propose any protections for property owners who live along existing trails and that is absolutely reprehensible to leave people in this sort of situation. I would love to ask each of you if you would want to be liable for a trail that is published on the city's map and that currently looked like this, and like this. No one in their right mind would knowingly take on that sort of liability. And this is not a theoretical problem. Walkers are being injured on these trails. A lady in my neighborhood died because she fell down a steep trail. She suffered a brain injury and she died at ohsu few weeks later. Southwest trails meeting a few weeks ago, they mentioned four or five serious injuries that have occurred on these trails. When the present condition of the existing trails, with the present condition the fact that walkers are being injured when using the trails should not surprise you. The important point is this council has the opportunity to fix the mistakes of the past. Don't allow pbot to move forward and totally ignore the hazardous condition of

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existing trails. This is a plan that I would suggest. Require southwest trails to assume all liability for existing trails. They built them illegally, without permits. They are proud of them and promote them at every possible opportunity. Let southwest trails assume liability in a written agreement with the city. Second, have a city engineer go out and inspect these trails and document conditions deemed unsafe to the public. Third, follow the same maintenance provision detailed in pbots proposed trails at page 3. If the city engineer deems the conditions to be unsafe for the public pbots shall formally inform the group responsible for maintenance of the deficiencies and if not resolved by the time set forth in the maintenance agreement pbots may close the trails. But one caveat. Follow this procedure for existing trails first, don't allow southwest trails to use its resources to build future trails when their existing trails are in such a hazardous state. Please do the responsible thing today. Do not pass this trails plan before you today until it's amended to cover the existing trails and protect walkers who use these dangerous trails and the innocent property owners currently liable for them. Otherwise the condition of these trails will never be addressed, and they will only continue to deteriorate. Thank you.

**Hales:** Thank you.

**Glenn Bridger:** Good morning. Glenn Bridger, southwest community activist. I appreciate the amendments that have been discussed here today as well as the additional amendments that Commissioner Fritz made and I support those amendments. Would like to focus on the liability topic because is that an issue of concern for all of us. I believe that too frequently liability is being used by some of the adjacent property owners as a red herring how they say anymore buy, not in my backyard, I don't want people walking by here. I think we need to not allow it to be used as a bullying technique to help the city avoid enforcing their own existing rules to clear the rights of way so they are available for pedestrian access as required by code. I do thank trdi razz frankel for her bringing forth these trails are not a creation of any one organization. These trails existed as she was growing up where she knew she had the right to walk on the public rights of way. That was an inherent right that the public has and that pathways or trails having created since day one in this community so it's not just an issue of any individual organization but a community issue and if we can have maintenance funding which is not in this amend -- amendment, not on the proposal, maintenance funding pbots can help overcome some of the issues people have about the condition of the trails. So we need to move forward and I would like you to move forward with this amendment so we can build and hopefully maintain trails in the future.

**Hales:** Okay. Thank you all very much. Others signed up on this item?

**Don Baack:** Double-header. Very unusual. Commissioners, mayor hales, I want to first of all just sitting back, I think miss -- our speaker talking about maintenance is really important. It's really important. Trails has basically -- liability issues not addressed maintenance since 2008. We have fought with the city to work out something and we want to continue on that basis, but just for the record, the trails were built by the southwest neighborhoods incorporated committee which was southwest trails at the time. We are a total separate organization in southwest trails pdx. To the amendments basically I support them as presented but I have a couple of things I think are really important. Staff says they are going to send out this announcement when there's a trail approved or through the first vetting process. Because their announcement was very defective, existing property owners they didn't tell them they had liability for the adjacent trails, that there's an opportunity if you work with a nonprofit to have that immunity from the immunity process that the state ordinance provided. That needs to go out to everybody now so we don't end

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up with everyone trying to close off the trails in front of their houses. I want to go down here. Really we -- same as others have done to try to close off the trails that people are now using or would like to use. I don't foresee every right of way will be getting a bunch of phone calls. We got to open that up. There are some critical ones its imperative to have the city address these issues. One in southwest we had a letter written by Christine Lyon several years ago to a property owner saying that they had to keep right of way open. Since then it's been closed down by putting brush in front of it, planting, so on, so we ask the same writer to tell us how we're going to get this back open. As she provided we can go through there. We got a response saying you have to go to title 29 and we want to bds. They posted it. Then lo and behold pbot says you can't post it. It's not a legal trail because it hasn't gone through the process. If you look at ordinance which I quoted in my note it's very clear that these trails remain open to the public unless specifically authorized by permit or ordinance to do otherwise. I don't think there's any way that permits -- there's know permits that says you can't do this, so pbot is making the law on their own saying we're not going to do that and that bothers us and is causing conflicts in the neighborhood. I would like to see, sends this note out to everybody saying this is the law. And these are the ways, options you have. Rather than just sending it when there's a project specifically approved because it's the others we're worried about. There's another one where they are not removing -- my time is up. I won't go on. It's lunchtime. I urge you to read it.

**Hales:** Thank you. Welcome.

**Hugh McGavick:** Good afternoon. I'm hugh mcGavick. I live in southwest -- I live on Coronado right of way. Thank you for the opportunity to be heard. It's interesting being just opposed with him because we represent completely different views in this particular circumstance where I live which i'm not here to discuss but it's a great juxtaposition to conclude this lengthy process. In our instance it's environmentalist versus hikers. Those names are what this whole policy is addressing to balance those both critical needs to the city on a case-by-case basis. I'm not going to argue the merits of anything that's happened before i'll answer any questions that i'm given but I do think there are a couple of changes I would like to see made. First commissioner Fritz with due respect I think it's a bad idea to put more weight on yours and your colleagues' busy shoulders. I think it should be a decision by the head of pbot, and leave you out of this already highly politicized arena. I suggest you revisit that and go back to as was written coming in. Second, the immunity amendment is written by the very capable sara schooley, who has done a brilliant job throughout, interacted well with anyone who has wanted to and even when she would rather not. She stated it as a recommendation that staff recommends this language. I don't see what I would like to see there. What I would like to see is I would like to plug this recommended language in under immunity for certain landowners. Right now as drafted there are many southwest trails who are getting this legislation passed and misrepresentations about what it accomplishes. The new language that staff recommends is more in line with a legal memo that peter finley fry presented from dunn carney at the last meeting that caused commissioner Fish to request this amendment. This language I think is a more benign, more policy proper statement of law and fact that the layman could follow, and finally very quickly, the second amendment is about inspection and that's on the last page, 8. And it comes at step 6. Right now it says the proposed language says the trails organization shall contact pbot once construction is complete so staff with a representative of the applicant has the opportunity to inspect. It should be complete for inspection. Thank you.

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**Hales:** Thank you. Thank you both. So questions? Recommendations? I guess i'm a little confused about where we are on the liability issue at this juncture. I would appreciate the work that's been done, also appreciate Ms. Duncan's testimony. Commissioner or city attorney or anyone else, wherever we feel like we are on that issue at this point.

**Novick:** I'll bow to the city attorney.

**Ben Walters, Chief Deputy City Attorney:** Council, I'm ben Walters with the city attorney's office. I have been working with pbob related to the concerns raised about the liability statute. We have tried to come up with language to include in dissemination to the public that tries to describe what the liability statute addresses in language that we hope is understandable. I disagree with some of the conclusions that Ms. Duncan described in terms of what the liability statute does or does not address at this point in time. Part of what the policy is hoping to address is that right now at least we have situations where work is occurring in the right of way. It's not being done necessarily in accordance with standards developed by the city. And to the extent that the policy hopes to get trails up to a prescribed standard under the supervision of pbob that does bring it into a situation where the city will assume some responsibilities for establishing standards and if the work is done in accordance with the standards then the city will be shouldering some of the responsibilities for those trails and taking that off of the abutting property owners. The organization that's doing the work. That's more of a process result than it is a statement that we need to include or somehow extracting a commitment from the organization for prior work that was performed. Any questions?

**Hales:** I think that's helpful.

**Saltzman:** The suggestion about having the city engineer inspect existing trails -- any thoughts on that?

**Walters:** Do I have any thoughts on that? You know, I suppose -- well, right now at least we have a complaint-driven process where if people have concerns about the condition of the trails then they can submit those to bds, and bds could coordinate with pbob on whether or not the conditions necessitate some correction.

**Saltzman:** It's complaint driven right now.

**Walters:** Complaint driven basis. Yes.

**Hales:** Maybe not today but sometime soon I would like a tutorial about scenarios in which there would be an injury, who ends up with the liability. I still hear --

**Walters:** Well, frankly, that's going to depend on the circumstances of each case. Liability will be resolved on a case-by-case basis. The statute afterwards some significant protection for abutting property owners as it stands right now.

**Hales:** We think.

**Walters:** We think, yes.

**Fritz:** We should be looking at this in our legislative agenda if we need to toughen it up. It only applies to cities over 500,000, which is us. Perhaps there's something we --

**Walters:** The statute allows cities below 500,000 to opt in if they choose to.

**Fritz:** Okay.

**Hales:** Other questions for Mr. Walters? And let's see, where are we with this? This is a previous agenda item. It's been amended. Resolution. Now an amended resolution. So we can take action on it today. Further discussion? Roll call.

**Novick:** Thank you, Sara, thank you, Christine, Erica, thanks to southwest trails, thanks to Mary Ann, thanks to everybody who participated in this process. Thank you, john. God bless you, Mr. Stormwater. Again, this is a pilot. We'll try it out, monitor how it's going. We'll see how it works. I hope it works well. Aye.

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**Fritz:** I appreciate hearing all of the concerns on all sides and if commissioner said this is a pilot, Sara, I have been really impressed with the work you've done on this. When you have people on all sides that disagree with each other quite a lot but all agree you've done a great job that's very telling. I much appreciate your work. Aye.

**Saltzman:** Well, to be the third one to underscore it's a pilot. I look forward to careful evaluation. I think our goal is we want to advance the creation of trails in southwest and throughout the city. As alternatives to getting from point a to point b, we want to make sure that liability issues that we want to resolve the concerns adjacent property owners have about liability, but not at the same token to give absolute veto power to adjacent property owners. I don't think that would be a chilling impact on any trails happening in my opinion. We need to do this pilot and I think we need to further figure out what the options are and make sure people know if they are adjacent to a trail they feel is unsafe that they do know there are channels that they can bring their complaints to and certainly as commissioner charge of bds, I'll make sure that channel is working. And so I think this is a great pilot. I do want to make sure that it doesn't stifle the trail creation. Aye.

**Hales:** This is a social experiment under hopefully adult supervision by the city of Portland. I'm committed to making it work. I don't want to put property owners at risk and hopefully the legislative protections we have will work. I take your point, Commissioner Fritz, we need to go back to the legislature and make it stronger we should do just that but let's go back to the pilot project and see. Aye. Thank you. We're recessed for one hour until 2:00 p.m.

At 12:58 p.m. Council recessed.

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**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**NOVEMBER 4, 2015      2:00 PM**

**Hales:** Good afternoon everyone. Welcome to the afternoon session of the November 4th, Portland city council meeting. Would you please call the roll? [roll call]

**Hales:** Good afternoon everyone. Welcome, we have really important work to do here this afternoon and we're glad you're here to participate in it. We have a time certain item at 2:00 which we will get to in a moment and then a pair of items at 2:30. The council is going to work until 6:00. It is my hope that we will hear from everyone and take action by then. If not, we will have to carry things over. We will see how that goes. We're obviously going to take public testimony when we get to each item, given the number of people here and our interest in hearing from everybody, we want to ask you to be brief. We will probably limit testimony to individuals to two minutes. And obviously, if you're here on one of these items and you have heard your point of view expressed, you can defer and say that your points have been made. If you do want to sign up to speak, sign-up sheets outside, so, please let us know that you would like to testify. If you're here to testify, you need only give your name. You don't need to give us your address. And we practice the rules of decorum in this room. If you agree with a fellow citizen's point of view and want to indicate that, give a wave of the hand, or if you disagree feel free to make a polite hand gesture to the contrary we don't make vocal demonstrations in favor or against fellow citizen's points of view so that everybody feels they can be heard and so that they actually can be. That is about all of the procedure there is to it. Let's begin, please, with item 1155.

**Item 1155.**

**Hales:** Commissioner Fritz.

**Fritz:** Thank you, mayor, very honored to present this proclamation today and invite our invited speakers up. I understand that we have a drum solo to start with, which is a treat for all of us. Is that still on?

**Hales:** I think so.

**Fritz:** If you would like to come on up.

**Hales:** Come on up, please. Good afternoon.

**Judy Bluehorse Skelton:** Hello, good to be here. We're really honored to be here today to once again celebrate and acknowledge and read the proclamation for Native American heritage month. It follows right on the heels of indigenous people's day last month, which we're all starting to feel like we're part of being at council chambers a lot.

**Hales:** Good.

**Bluehorse Skelton:** For many good things. So, it is really an honor to be here again and know that there are many of us who are here in spirit but cannot get to the council meeting today to share in this exciting celebration. We have a number of things to offer, gifts, but good words and performance and i'm going to let each person introduce themselves, but I'm Judy bluehorse Skelton, I serve on the Portland parks board and on the faculty with the indigenous studies program at Portland state university. So many of our students are really excited about the energy and feeling part of the city and that recognition. We have a

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lot of events scheduled in the city, and at psu and around the region to acknowledge. I have been asked to speak the native community advisory council. We have been meeting for four years. We meet monthly, and are very happy that the parks bureau has been convening, especially grateful to Elizabeth Kennedy Wong for the long-term commitment to keep meeting every month as we look at policy, we look at land management. We look at the naming of parks. We have had several events. I think you were at the last one, mayor hales, with the westmoreland park salmon celebration. Our second annual celebration of that salmon coming back home and the only unimpeded salmon run in the city of Portland. Salmon coming up from the Columbia, up the Willamette, up johnson creek, up the crystal springs to the headwaters hidden in reed college canyon. So, this year we partnered with pbot as part of Sunday park ways. It was huge attendance. We had salmon baking traditionally thanks to christine and Clifton bruno. Columbia River intertribal commission, talking about the headwaters, pacific -- and so a real regenerative time in the city. As the salmon come back, the people are heartened. We are in salmon nation. Many of us are from all over the country and call Portland home, and when the salmon come back. They didn't know the -- that we had changed the schedule from October to September 27th. They weren't in crystal springs that day. But we have since seen them there. Salmon spawning in October. And, so, it gives us a great heart in a way that nothing else does. Other events have been the Native American family day, which parks is hosting at mount scott community center November 28th. Portland public schools Indian education office and others are on hand to do activities, dance, share culture, and the parks provides free swimming and other things. So, it is a reciprocal opportunity to recognize that the confluence of the Willamette and Columbia rivers have been home to people from time and memorial. It is a huge economic and social network. Coming in here today, I can feel that it still is. And so in the 21st century, we are -- we recognize our ancestors were looking out for us seven generations back and that's why we're able to sit here today even when we were facing disenfranchisement and relocation and for many tribes in Oregon, termination. Tough word. But that was the policy. And, so, as they get ready to celebrate restoration, regeneration, with their powwows, we're excited to remind that we're still here, in fact, if anything, it's an opportunity for us to share how we will live here for the next thousands of years on the face of climate change, where will we all live, what water will we drink? What are the healthy foods? How will our children be? And how will we all share this place that we all call home? And, so, we're very excited about being able to share that. Has agreed to share a little bit and introduce herself.

**Verdeen McGuire:** Hello. Nice to be here. Thank you for having us. Verdeen McGuire, I work here at the Portland area office for my tribe, community health advocate. I'm part of the board when my schedule allows it, and my tribe is celebrating their 38th year of restoration this year at the chinook winds casino in lincoln city. I will definitely be attending that. It is one of our favorite events. I'm honored to be here and looking forward to the agenda and the proclamation today. So, thank you.

**Hales:** Thank you.

**Bluehorse Skelton:** We have a special guest coming down from our northern relatives, and i'm going to let you introduce yourself.

**\*\*\*\*\*:** Family and friends of family, thank you for being here. You're wondering how I am related to you if I'm going to call you family. What i'm going to say is that we are related to this special moment. From now on, we will remember this time together, I hope. My elders would say gatherings ever since I was a little boy, the greatest gift anyone can give is their presence. Later on I thought my uncle was especially trying to get out of giving me a

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present. Christmas. But now I know what he really meant. What he meant was the greatest gift anyone can give is their presence. And at this time, in gratitude, I want to acknowledge the generosity of your service to this community. I want to thank you for stepping forward and choosing this sometimes thankless job of being a public servant. And out of that gratitude, and the recognition and acknowledgment of our generosity, I'm reminded that for thousands of years here was a sustainable economy. And that may seem like an impossibility, the notion of a sustainable economy. But if it is based on generosity, and if it is based on gratitude, then we cannot only share this beautiful path that we have, this peaceful time that we have, we can celebrate a shared future of sustainability, a shared future of prosperity, a shared future of spiritual healing. In 1983, native elders met at the university up in Canada to celebrate and to address the issues that relate to substance abuse. They celebrated in this gathering and they realized in that gathering that the hurt of one is the hurt of all, and the honor of one is the honor of all. On this day, I would like to perform a piece I wrote that was inspired by that gathering. With the intention that you hear and accept the notion that your honor brings honor to everyone. As you are true to your skills, gifts, and talents. Muster up the courage to feel all of your feelings. Recognize and acknowledge that you are significant. Others may recognize and acknowledge that you are significant, but that would be insignificant if you don't own your own significance and act on the passions of your heart. That honors us all. That honors everyone. So, this piece was inspired by that gathering with a simple notion that one person are another's skills, gifts, and talent, and in generations from now, a lifetime from now, how that has an impact on everyone around us. This is called "the honor of all." if you don't mind, I am going to stand.

**Hales:** Oh, please. That's fine.

**Hales:** Let's suspend the rules and say thank you for that. [applause]

**Hales:** Thank you.

\*\*\*\*\*: I sincerely believe that I have lived my whole life for that moment and to remind us all that my music is a direct product of a well-supported public school music program.

**Hales:** Hear, hear. [applause]

\*\*\*\*\*: I thought there was no clapping. No clapping --

\*\*\*\*\*: That was beautiful.

**Hales:** We appreciate you so much as leaders being here today. It is my privilege to read this proclamation and make this official. So, thank you Commissioner Fritz for your help with this and to each of you for being here. It says whereas native Americans indigenous peoples of this land flourish with vibrant cultures, developed one of the largest trade economies and original stewards of mother earth and whereas the city of Portland rests on lands that the confluence of the Willamette and Columbia rivers, major crossroads for the economic, social, and political interactions of the indigenous tribes for thousands of years. Whereas indigenous people hand down oral histories, science, governance, distinct relationship with water, land, rocks, native plants, birds, Fish, animals, and invaluable cultural knowledge and rich traditions and they continue to thrive in Portland supporting community health, and whereas indigenous peoples who have been here since time and memorial continue to contribute immeasurably to our country, state, city's heritage, distinguishing themselves, and whereas the indigenous population of the Portland metropolitan area, over 40,000 people, descending from 380 tribes and bands from across the nation. And whereas the community continues to contribute to the cultural fabric of the city of Portland through many events throughout the year, such as traditional powwows, festivals, celebrations, active community organizations and tribal

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intergovernmental relationships, now, therefore, I Charlie Hales, mayor of the city of Portland, city of roses, do hereby proclaim the month of November to be Native American Heritage Month in Portland and encourage all of our residents to observe this month. Again, let's suspend the rules and say thank you. [applause]

**Bluehorse Skelton:** Mayor Hales and commissioners, we have to thank you and close out today. A drum song from one of our tribal members and one of the Naya staff members here in the city of Portland.

**Hales:** That would be wonderful. Thank you.

**Fish Martinez:** I'm just going to sing out with the honor song, what I learned from a gentleman that I knew from here in Portland and his name is Darryl.

\*\*\*\*\*: Thank you very much. [applause]

\*\*\*\*\*: Our native community members have handmade honorary gifts for our elected officials to wish you well in your leadership.

**Hales:** Thank you. [applause]

**Hales:** If only we could begin all of our deliberations that way. Thank you so much. All right. Well, we're going to get people rearranged. I know some may have to leave and others are trying to get in. I think there may still be a little room upstairs. We probably have an overflow room as well. We will try to accommodate everyone. Welcome you all here for this afternoon's work. Let's read the next two items together, please.

**Item 1156.**

**Item 1157.**

**Hales:** Thank you. Let me set the stage for this work and turn it over to Commissioner Fritz to discuss the first of these two resolutions. There have been other times when Portland and Oregon have led. Whether it was land use planning or light rail and streetcar transportation, green buildings, green roofs, and energy policy. There have been other times when our city has led. And cities lead in this work of environmental innovation and policy. But there have been no times in the past, I think, that equal the importance of our leadership now. The world is at a turning point. We have a chance to make a difference. We have a chance to make a difference here that will then be just as those other things were replicated in other cities and then become a movement that then has a global impact. I'm very proud of the work that we have before us this afternoon. I'm so appreciative that you're all here to participate in it. And with that, let me turn it over to my colleague, Commissioner Fritz, to talk about the first of the two resolutions.

**Fritz:** Thank you everybody for coming. We didn't expect quite such a wonderful turnout on a Wednesday afternoon. We are working to set up an overflow room. The fire marshal will be pretty concerned. Thank you again for coming. And I'm very honored to propose the first of these resolutions, which is to oppose transport of oil by train through our region. As many of you will remember, because you were part of the previous effort when Commissioner Fish and I partnered with Mayor Adams I see many of you are wearing the Beyond Coal t-shirts and were part of that effort. Indeed, it was a significant effort in helping to change the tide of public opinion in the state of Washington, state of Oregon and entire United States. Here we are to do it again. And this time opposing the transport of crude oil through our city and particularly through the city of Vancouver, Washington. I'm proposing that the city council of Portland be in absolute agreement with the city council of Vancouver, which sometimes isn't always the case. I was -- it was brought to my attention over the summer when Oregon physicians for social responsibility and others came to my office and told me about the proposed terminal. I think I was most persuaded by the Longshoreman's union opposing that terminal on the basis that even if there were

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jobs for their members, those jobs would be so dangerous that they couldn't put their members in harm's way. You will hear from a representative of that union today. And I'm going to try to keep the -- my presentation and the mayor's short. We are going to have presentations by staff and invited testimony and then we will have a short amount of time for commissioner Fish and commissioner Novick to ask questions and perhaps propose amendments and then we will get to testimony as soon as we can. I will help the mayor with time keeping because I'm a mom and I'm good at that.

**Hales:** Yes you are and yes you are. Thank you, commissioner. Let me briefly describe the second of the two resolutions. Portland businesses and residents are moving away from fossil fuels and we must. Because we have been told we only have a little time to make a difference in climate change. I had the opportunity this summer to go to the Vatican and meet with Pope Francis about his encyclical about climate change along with 60 other mayors. There were three key lessons re-enforced for me in that discussion. One is that there is very little time. We must act now. The second is that it is not too late. It was an optimistic message. It wasn't that all we get to do is damage control. The climate is warming and will warm by 1 1/2 to two degrees, but we have a chance, scientists all tell us to avoid the five degree rise that would be catastrophic. It is really bad. It's not too late. And the third lesson was the most striking of all. In order to make it not too late, we have to leave much of the fossil fuel we have already discovered in the ground, strand it there and not use it. That was -- I think to a lot of good environmental Oregonians, knowledge that not only not what must we change but we must not use some things that we have already found and counted on. That's kind of a new phenomenon I think for us as Americans but it's the truth and we have to acknowledge it and live it. Now, this is not an original action here in Portland in this sense, in that we have had a long history of environmental leadership. We adopted one of the nation's first local climate action plan in 1993 when I sat where commissioner Novick sits now as a new city commissioner. Just two months ago, we passed a resolution that adds fossil fuel companies to the cities do not buy list for how we invest your money in financial markets to take care of it. We're installing solar panels on city buildings and under your leadership, commissioner Fish, an amazing project going on using biogas to run some of our vehicles. We are doing right things in what we do here in the city and these resolutions -- I am pleased that this is before us today. We will call on a series of panels and staff to come up and explain the substance of each resolution. Invited testimony. As Commissioner Fritz said, we will try to get to as many of you who possibly can who want to speak to these items this afternoon. With that, I believe we will invite Cristina Nieves up --

**Fish:** Before we invite a panel, you mentioned the fire marshal earlier. We're probably going to get a pass because I think there is a firefighter somewhere around here. But the one thing we are required to do is maintain circulation because we are an accessible building. Which means that people have to be able to enter and go the full loop. So, if you're blocking someone and it might be an older adult that wants to leave to go to the bathroom or something, we have to correct that. We -- and these corridors have to be open as well.

**Hales:** Apparent the love joy room will be open in about five minutes for overflow space as well. That will help. Good. Okay. Is Cristina ready to come up?

**Fritz:** She is.

**Hales:** If she can make her way through the crowd, Cristina and Michael. Great.

**Cristina Nieves, Commissioner Fritz office:** All right. Good afternoon. We will wait for commissioner Fish. Okay. Good afternoon mayor and commissioners. My name is

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Cristina nieves, with the office of Commissioner Amanda Fritz. I want to take this opportunity to give you background on the oil train resolution before you today. Currently a proposal to build a very large oil terminal in the city of Vancouver, Washington. This terminal would provide space to transfer oil from trains to ocean vessels that would then travel down the Columbia River. The terminal would have the capacity to transfer approximately 360,000 barrels of oil per day and with that enormous amount of oil comes an enormous amount of risk. I brought visual aids to show you today. So, this was a picture of a train derailment in Quebec, July 2013. This train derailment killed 47 people, and the clean-up and rebuilding cost will exceed \$2 billion. This is a similar situation in Alabama, a train derailed and spilled 630,000 -- oh, let's keep that there. 630,000 gallons of crude oil to a nearby wetland. This is another train derailment and explosion. This one spilled 476,000 gallons of oil. And, finally, my last slide is of Lynchburg, Virginia, April, 2014, not only did the train derail, but it also spilled into the James river and as you can see it set it on fire. So, these are just some of the consequences that happen from oil by rail train transportation. There was such concern in Vancouver that the city council of Vancouver actually voted to -- can you shut the slides off? Sorry about that. The city council of Vancouver voted to oppose the oil terminal and urge the final decision maker governor to oppose the terminal as well. People are concerned with the lack of jobs. However, the international longshoreman and warehouse union of Vancouver that represents some workers that would be most impacted by this terminal, all voted to oppose the oil terminal. We have panelist who will give you a little bit of insight as to how they reach that decision. So, the oil train resolution does two things. Number one, it acknowledges the dangers and negative impacts that oil train transportation and oil train projects come with. Number two, makes clear our support of Vancouver city council's decision and I hope that the resolution will also urge governor Inslee to oppose the project as well. I think both of these resolutions do a good job of getting to the fundamental beliefs we have as Portlanders and that is to increase the ability to be responsible stewards of our resources and protect our environment. I also believe that the city of Portland does a good job at looking at innovative and creative solutions to our energy needs. Thank you.

**Hales:** Thank you, Michael.

**Michael Armstrong, Bureau of Planning and Sustainability:** Thank you. I would just echo the observations about cities being at the forefront of this. Last week I was with counterparts of mine from 100 cities across the country sharing lessons learned around climate action plans. As you noted 20 years ago, we were the only one with a climate action plan and today there is this kind of superhighway of information back and forth between cities and breaking new ground. I think this effort is in that same spirit.

**Hales:** Get a little closer. There you go.

**Armstrong:** So, development of -- fracking across the western U.S. And Canada, as we have understood here, led to a number of very large fossil fuel infrastructure projects up and down across the West pipelines, terminals, export facilities. We have crude oil passing through Portland on the way to Clatskanie where it is transported on to ships. Cristina described some concerns about safety and traffic impacts, transporting other fossil fuels, natural gas, propane, raising similar issues in Portland and neighboring communities throughout the gorge. Tribal communities have been compelling in illustrating the risk these projects pose to their economic livelihood and culture. We are mindful that the infrastructure projects create jobs and significant numbers of jobs as they are built and more modest once they're operational. Fossil fuels coming out of the ground across the West and at the same time urgency mounting to reduce carbon emissions to respond to

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climate change. Climate action plan adopted earlier this year directed city staff to develop options for a fossil fuel policy that would give guidance both to bureaus and to the planning and sustainability -- planning and sustainability commission about how to handle these situations. We have not had them in the past, anything like the scale we are being faced with today. See, the second resolution specifically addresses the expansion of infrastructure whose primary purpose is transport and store fossil fuels. We are trying to get at the growth of the fossil fuel industry and Portland's potential role in that. It does not deal with existing infrastructure. It doesn't deal with infrastructure like roads, for example. Where, yeah, you have fossil fuels coming across roads but the primary purpose of roads isn't specifically for that fossil fuel infrastructure. Trying to get a dedicated infrastructure whose primary purpose is expands the movement of fossil fuels. The resolution also states it is not intended to restrict improvements, for example, to improve the seismic resilience, which would eliminate leaks, otherwise improve the efficiency. That investment is important. Improved safety, improved efficiency. Resolution is not intended to restrict provision of service directly to end users. For example, a new building that is built in town could still have natural gas service or a gasoline station could still be sited. That is what that provision is trying to get at. That definition of end user is an important detail. That's the kind of thing where this resolution by itself does not have force of law but it gives staff and the planning and sustainability commission broad guidance to come up with code language that they would then recommend to you that will need to define that carefully and that's something that I think we will probably hear about from some folks today. We need to establish a shared understanding of what that is trying to get at so staff have clear direction when they go off to do work.

**Novick:** Can I ask a couple of questions now? What is a gas station if it is not a facility for storage of fossil fuels?

**Armstrong:** The distinction we are trying to make is a facility providing fuels directly to an end user and one that is simply passing them through. And the reason that is significant is that typically providing them directly to an end user can involve much smaller volumes, and so, for example, from a safety perspective, there is still risk to that, but it is not concentrated all in one large facility. It's distributed and so the consequences from a safety perspective are -- they are much lower because if you are going to have an incident, it is going to be small. Same in terms of impacts on traffic. You don't have the mile long oil train or coal train. You have got distribution to a much smaller end point that is providing service directly to an end user. That is what that is trying to get at.

**Novick:** I'm actually kind of confused by the exemption of service to and end user if what we're concerned about is climate disruption, aren't we trying to restrict service to end users ultimately? It is the end users burning the carbon.

**Armstrong:** We are trying to reduce use of the fuel by end users, for example, natural gas --

**Fritz:** Raise it up a bit, mike.

**Hales:** There you go.

**Armstrong:** Thank you. Natural gas -- we have a lot of new construction going on in town. Many of the buildings will have natural gas service. Northwest -- we want over time to see northwest natural sell less gas, but that doesn't mean that it will necessarily be provided to fewer people. It is going to be provided to more people. We have already seen the same thing happen with gas stations, fewer gallons of gas were sold in Multnomah County in 2013 than in 1990. We are adding people who are served by the infrastructure, but still reducing use. That's the scenario that we want to be able to accommodate. If we simply

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said no more gas, then we would need to, you know, cast this into a different and more constrained kind of energy options.

**Hales:** Get you to hold the rest of your questions because I think we want to have the two invited panels and then we will bring staff back up for council questions.

**Armstrong:** This question of end users is clearly important. So, the resolution sort of establishes this policy, tries to clarify what its intent is, the resolution asks bureaus to review existing laws and identify opportunities to improve public safety and improve public health. The resolution also directs the bureau of planning and sustainability to -- code changes, through the legislative process, and back for your consideration. A process that typically takes at least six months for non-controversial issues. And the resolution calls for the city to consult with tribal governments with the state and other local governments. Since these are issues that span all of our jurisdictions. No single public agency controls.

We need to have a broad approach to this. Our expectation would be that we need to work across all levels of government as well as private sector stakeholders. With that --

**Hales:** Okay. Why don't you standby. Let's bring up invited panels and we will get you back up for council member questions before we move to public testimony.

**Fish:** At what point are we going to entertain amendments?

**Hales:** After the panels.

**Hales:** Do you want me to call the first panel. Regna merritt, dan serres, michael lange, and cager clagaugh.

**Fritz:** Go ahead.

**Regna Merritt:** Hi my name is Regna Merritt, I am a retired physician assistant, program director at Oregon physicians for social responsibility. Healthy climate program.

**Hales:** Sorry, go ahead. Working out logistics behind you here.

**Merritt:** Oregon psr uses science and evidence-based expertise to protect the air we breathe, the water we drink, and climate that sustains us. Today we're here to express profound gratitude mayor hales and commissioner Fritz for bringing forward two resolutions which can prevent harm and protect the health of Portland residents for generations to come. As we heard, the rapid development of fossil fuel resources in the interior west has resulted in a stunning increase in new projects proposed to transport oil, coal, tar sands, propane, and other fossil fuels through to the west coast. Pacific Northwest, oil and coal trains will travel along the Columbia, scenic gorge, and many will move dangerous cargo through Portland. We could see 100 oil trains every week in the region, many of them moving to and fro between Portland and Vancouver, each with trains, a mile and a half to a mile and a quarter in size. What makes these projects so bad is that some of those trains are already moving through our neighborhoods. Many more could come. There is no doubt that Portland needs good family wage jobs, however, economic opportunities presented by fossil fuel infrastructure are modest, with few jobs and little value added when compared to related health care costs. We have heard that already. We have seen 47 people killed, thousands of people evacuated from their homes, billions in property damage and city drinking water supplies shut down. Our team at psr analyzed 125 peer review journal articles and connected proposed oil projects to increased rates of illness, hospitalization, and health care costs. Oil trains can and will lead to fires, increased air pollution, excessive noise, oil tank fires and explosions, spills, and climate-induced impacts that translates very simply into heart one problems like asthma, copd, cancer, growth and development problems, stress and mental health problems, injury and death. We have to think about populations in the community that are already at risk, children, elderly, and those at increased risk due to race, ethnicity, income,

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level of exposure and preexisting conditions. We find that oil transport and storage represents an unacceptable threat to human health and safety and we call on the council to support these two resolutions and leave a legacy that protects our health and our climate.

**Hales:** Thank you. Who would like to be next?

**Dan Serres:** Musical chairs.

**Hales:** You're doing fine, thank you.

**Serres:** Mayor Hales, commissioners, Dan Serres, Columbia -- we support both resolutions in front of you but I will address the oil train resolution first. We would like to thank Commissioner Fritz and Mayor Hales for bringing this before Portland city council it's a very important issue communities along the Columbia river are faced with an unprecedented and new threat. Idea of moving vast quantities of fossil fuels, oil trains down the Columbia River in trains known to derail, spill and ignite. Oil train resolution you're considering is timely and appropriate. There are over 100 trains per week that could be headed down the Columbia River. Each train carries 3 million gallons of oil -- a spill in the Columbia River would decimate salmon habitat, disrupt river traffic and threaten water supplies downstream. Cristina, as you have seen, Bakken oil has a tendency to explode. What you may not know, these trains can carry tar sands crude which when it spills may sink into the Columbia River and be difficult to clean up, as happened in Kalamazoo river in Michigan. Taking together -- exceed the capacity of the keystone -- if someone were to propose building a new pipeline beside the keystone xl down -- what Portland can do is stand up, enter into the debate, say that we don't support establishment of a pipeline and rail through the city. I want to address a couple of things that are important. You will be standing with the city of Vancouver by taking this important resolution. City of Vancouver voted in 2014 to oppose the oil train. The Vancouver firefighters union very recently took a position against the project stating that a derailment could cause local residents being caught in the blast zone, oil spilling in the Columbia river, and first responders rushing to deal with an explosive situation with inadequate training man power or equipment to handle, a quote from the president of the firefighters union in Vancouver. Majority of voters last night elected Erica Brandt to the core position of Vancouver -- we're pointing out today in support of the resolution, empowers the city to weigh in in a full throated way in opposition of oil by rail, a new risk to our river. Empowers the city to lead entire region in a different direction away from projects that threaten the risk -- threaten the health, safety, and environmental integrity of the Columbia river. We are playing Russian roulette essentially every time an oil train comes down the Columbia river. You are well position and well suited to help the region not to load more bullets into the gun --

**Fish:** Follow-up question? On a related subject, what do you think it will take to get the federal government to conduct a comprehensive impact statement on coal dust?

**Serres:** Coal dust? Somewhat unrelated, and I would defer on that to Michael Lange who is here who could potentially speak to that.

**Michael Lange:** May I address that question after my prepared statement. For the record, Michael Lange, conservation director on Friends of the Columbia gorge, stand-up for oil coalition, stop proposals of oil by oil terminals in the northwest by endangering our children, communities and climate. Friends of the Columbia gorge thanks Mayor Hales, Commissioner Fritz and city council for allowing us to come and testify in favor of resolutions opposing oil by oil terminals and additional fossil fuel infrastructure in Portland. Columbia River gorge is national scenic treasure, icon of the northwest. Gorge protected

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as a federally designated national scenic area. Today the gorge is facing the biggest threat since congress designated it as a national and scenic area in 1986. Crude oil shipments, oil terminals, a threat not only to the gorge and the regions inhabitants but this is a direct threat to the core values that make us proud to live and work in this region. More than a dozen proposals for oil by rail terminals are pending throughout the northwest. Including largest oil-by-rail terminal in the United States, Vancouver energy project. If approved, all of this oil would be transported by rail through the gorge. These terminals would far exceed the refining capacity in the region, we don't need them. This oil would transport an average of 15 million gallons of oil per day through the columbia river gorge on rails to Vancouver and then down the Columbia river in oil tankers or barges. If vancouver energy and all other terminals proposed in the northwest are approved, 100 oil trains per week would travel through the gorge. This would convert the columbia river gorge from a national scenic area to a national oil pipeline. This is especially alarming in light of the oil train derailments and explosions that have shaken the country over the past two years and you have heard a little bit of this testimony. And oil train accident spill and fire in the columbia river gorge would be devastating to its communities, and the environment. Transporting crude by rail is inherently unsafe, even the newest federal rules that would allow tank cars to proceed into the future could puncture at speeds as low as 12 miles an hour. 12 miles an hour. Think about that. If an oil loaded car just tipped over with gravity, it probably would puncture at 12 miles an hour. Inherently unsafe. That is why firefighter from across the region are opposing the terminal and other oil by rail terminals because it would be unable to respond to a spill and unable to keep us safe. And I think that's a big message here. When our emergency responders are telling you, telling us that we cannot keep you safe, that is a message that these terminals need to be denied. Public opposition to the oil by rail terminal and other terminals is intense and growing every day. Communities along the columbia river gorge from the dalles, hood river, all of the way down to vancouver, have adopted resolutions opposing oil-by-rail to the gorge and I think today they are reaching out to you and asking for your support and solidarity in helping to protect their communities and all of our communities from oil by rail. This is an opportunity for Portland to join with other local and regional governments along the columbia river and approve resolutions that would oppose oil-by-rail terminals in the region and also set a policy opposing new fossil fuel infastucture in the city of Portland so friends of the columbia gorge ask you to take this opportunity today and reach out and support communities throughout the northwest and adopt these resolutions. So, thank you very much.

**Hales:** Thank you. Thanks very much. Welcome.

**Cager Clagaugh:** Thank you, commission, for the time. My name is cager clagaugh, vice president of the international longshoreman in vancouver here to speak in favor of resolutions today. In june, 2013, upon learning about -- at our union meeting, membership voted unanimously to oppose the project because we know one spill in the river will destroy the river. But the whole system out of business -- put the whole system out of business for as long as it takes to clean up the spill putting us all out of work. We listened to tesoro tell everybody how safe the product is and it wouldn't explode. One month later, 47 people die in Canada. Knowing that they're going to be under a microscope, industry basically took no steps to learn how to move their products safely. And as a matter of fact, they have proven without a doubt that they cannot. Many derailments, spills, explosions, fires, rivers on fire, fire balls, 800 feet wide, 1,000 foot tall. Bnsf recently said that they were not going to build their three or 5,000 safer rail cars. Tesoro saying don't worry, we

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are. And they have 200 built. Industry touts safety. That's all they talk about. Here to tell you as a longshoreman who worked in the industry for 20 plus years, safety always takes a back seat to production. They tell you what you want to hear and they want to move it as fast as they can. Get it on a ship, get it out, get their money. We're tired of seeing our tax dollars go to putting in infrastructure for dying industries. We basically export every natural resource we have. And, you know, who is -- what are we left with? Job loss? We don't make anything. As a longshoreman, I export raw material. One of the first jobs I had was lumber mill on a ship in pieces to send to the Philippines. You can go over to Lewis and Clark bridge and see all of the timber we send out. It is time we start investing in America and I believe this resolution is a good way to do it. Let's not send -- let's not make it easy to send our natural resources overseas. Let's do it here. Let's build stuff here. Export finished product. Laff, firefighters, you know, we talked to them and they tell us -- actually we tell them, thank you for all of the work that you do. We're glad that you oppose this. They're like, man, this isn't about us. This is about you. You guys are going to be down there in the line of fire. You are going to be struck between railroad tracks and a river. You can either probably get burned or drowned. And that's what they say. How they fight the fires they use their rule of thumb. They stand back far enough to where their thumb covers the fire and they evacuate everybody behind them. And they just say that this is dangerous and that they hope that if there is a problem, they hope there is not a problem, but if there is, that they can get to us. Really here on behalf of the longshore workers to ask you guys please support this resolution. Help us out. Thank you.

**Hales:** Thank you.

**Fritz:** Thank you so much for coming down. [applause]

**Fish:** Friend from the gorge, on the question of the federal comprehensive impact statement on coal dust, residual issue from something that we talked about a couple of years ago. Any closer to the federal government conducting such an assessment?

**Lange:** Unfortunately the answer is no. Despite calls from the northwest senate delegation, members of congress and local governments throughout the region calling for a comprehensive, programmatic environmental review of all of the coal and fossil fuels -- corps of engineers refuses to do that and instead is doing the narrowest scope of environmental review under the national environmental policy act that you could possibly do. We believe that is illegal. But a number of different elected officials across the region have asked for this and it hasn't been done. Universities have taken this into their own hand and have received funding to do coal dust studies in the gorge. And i'm not at liberty to speak a lot about this today. But there is a coal dust study being released this week that will demonstrate that coal trains emit twice the amount of pollution, particularly fine particulate pollution, as compared to normal freight trains.

**Hales:** Thank you very much. Thank you all. Now we want to call another panel. Actually I will modify this just a little bit and bring up -- okay. Folks, lovejoy and Pettygrove room available for overflow. As many of you that would be willing to relocate to the rooms to circulate people through.

**Fritz:** Video and audio there, you will be able to hear when your name gets called to testify, we will give plenty of time for you to get back here. We are not supposed to have people standing up --

**Hales:** Fire marshal is being kind to us maybe because we are trying to avoid some fires. Peter from the hood river city council and kat schulz from the Portland planning and sustainability commission and we will call the rest of the panel after you. Peter, welcome.

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**Peter Cornelison:** Thank you. My name is Peter Cornelison, a member of the Hood River City Council. We are one of 10 regional governments in the Columbia Gorge that have passed resolutions of concern or outright opposition of oil transport by train through the Columbia River Gorge. Those governments are the Columbia River Gorge Commission, Dalles, Mosier, City and County of Hood River -- Washougal School District, Fire District Number 4. Opposition to oil trains in the gorge has been overwhelming because every day our community has faced a threat of an oil train accident, a fire or a spill, that could destroy many of our homes and businesses. Portland faces the same threat from oil trains moving through the city bound either for California or for ports along the Columbia River. Every new oil project increases oil train traffic through the gorge or Portland. There is another room through the roulette wheel, chances for a catastrophic accident. Dan Serres called this Russian roulette. I call it railroad roulette. Resolutions you are considering could establish Portland as a national leader regarding fossil fuel policies at a time when leadership is crucial. We in Hood River and the Gorge urge you to pass these resolutions and join our communities in standing up to oil and helping to bring about the new clean energy economy. Thank you.

**Hales:** Thank you. Thanks for your leadership and coming out. Thank you for coming down river. Kat, welcome.

**Kay Schulz:** Hi, good afternoon, my name is Kat Schulz. I participated in the advisory group -- both groups had a wide range of views and voices. Earlier this year, when the PSC was considering the zoning amendment that was necessary for a propane terminal to locate at Terminal Six, it became quite clear that we needed policy to guide our deliberations. What looked at the beginning like a discussion as to whether or not we should allow a pipe to cross the E-zone quickly evolved into a greater debate amongst the commission and the community. It was challenging for the PSC to have to weigh the proposal with little established policy to guide our deliberations. While I think it is safe to say that the members of the PSC had different views, I believe we all recognized the need for the city to establish clear policy guidance. That is why we supported the action and the updated climate action plan that called for the city to establish a fossil fuel policy. And it is not just to assist us, the planning commissioners, when businesses are considering major investment, they need clarity and predictability. Personally I have been conflicted. To combat climate change we need to think globally. Discontinuing the use of fossil fuel at home and abroad is daunting as it is critical and we will need all of the tools in the tool kit. I believe that natural gas and propane can be one of the tools by using it as a bridge fuel. That being said, Portland needs to balance all of the goals we have set forth in the Portland plan to create a more prosperous, healthy, equitable and resilient city. And I'm not convinced that a fossil fuel terminal creates long enough term jobs to justify the risk to our health, safety and environmental welfare. Therefore I'm in support of the proposed policies. In addition to my humble opinion, you will hear from many people today who support the resolution and some who don't think it adequately balances the economic considerations. As you move forward with your deliberations, I encourage you to maintain as much clarity as possible so that the planning and sustainability commission can work more carefully and effectively with the staff to develop the recommended code language to bring back to you.

**Hales:** Appreciate that point very much, Kat. We need to give you guidance from the council.

**Schulz:** Please.

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**Fish:** Since you are here, anticipates an amendment, can I ask you a question. The provision of the climate action plan that has now led to what we're doing today, page 69, and it was -- it was -- it was the request that the commission made to get -- to get guidance. Establish a fossil fuel export policy that considers life cycle emissions, safety, economics, neighborhood liveability and environment. And it goes on. The advisory group that you were a part of met twice in October. And I had a chance to look at the minutes. And for some reason, the advisory group chose not to take up the economic consideration side of the conversation. And my question to you is why was that? and is there -- and how would you frame that question?

**Schulz:** I'm not sure I would say there wasn't discussion about the economics. I think there were individuals on the advisory group that expressed thoughts that we need to understand the economic implications of it, to be able to weigh more thoroughly into it. I'm sorry, the second part of your question again?

**Fish:** I understand when we say considers life cycle emissions, I think I understand that, safety, neighborhood live ability, environment, what did you intend by consider economics? What was the issue that you wanted us to consider and balance as part of the policy?

**Schulz:** If there was a tremendous amount of employment created, I think that needs to be weighed in and considered. And like I said personally I feel that there is at least the proposal that has come before us to date hasn't exactly created a lot of long term jobs. Therefore, when you start to balance all things that we were asked to look at, I question whether that employment mix is enough to outweigh the other. I see it as tied to employment.

**Hales:** Thank you both very much. Now let me call on Carlos smith, javier hurtado, business here in Portland, and mia reback from 350pdx.org.

**Hales:** Good afternoon. Go ahead. You don't have to go in an order.

**Carlos Smith:** My name is Carlos smith, tribal council member for the confederate tribes of warm springs. Here representing my tribe, and the columbia river intertribal fish commission. And we're here in support of the city of Portland's proposed resolutions. On behalf of the four treaty tribes that make up the columbia river tribal fish commission, I would like to express my appreciation for Portland's leadership of opposing the expansion of the fossil fuel transportation development and opposes increased crude by rail transportation. I appreciate that Portland is a good neighbor and you reached out to the columbia river treaty tribes to hear about our concerns about the fossil fuel transport. Let me offer a few reasons why I think the two resolutions before you today are timely and needed and appreciated by the tribes. Warm springs, yakima tribes have unique policies that have dramatically altered the landscape and dams and rail lines. Actions by this city council of Portland have and will continue to shape and impact the entire columbia river transportation corridor. Proposed oil and coal -- developments in Oregon and Washington would injure the tribe's interest. Tribe's oppose the coyote island coal port facility, and the proposal at the port of vancouver which would be the largest oil port in north america. Additional scrutiny that the city bureau would bring as a result of these resolutions would help to ensure that the concerns and risk involved in these projects would be adequately studied and evaluated for future generations. First responders along the columbia river are not prepared for a crude by rail derailment and it is not their fault. They didn't ask for this crude by rail shipments. Federal and state agencies have convened, several discussions, local, city, county, tribal governments will bear the burden of an oil spill. Like the city of Portland, the columbia river treaty tribes are very concerned about climate

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change, particularly on salmon and our other first foods, reducing fossil fuel use of this movement is in the right direction for addressing climate change we feel. The warm springs tribe is member of the Fish commission, closest ties to the city and it has been determined that we're a successor in the interest of the seven bands of the treaty signature of the treaty of middle Oregon, june 25th, 1855. 1855 treaty secured off reservation fishing rights for the warm spring's tribe, and all usual and accustomed stations, federal courts have ruled that this fishing right can be located both within and without the reservation and its tribal seated areas. This includes an area now occupied by the city of Portland, and -- usual and custom fishing places willamette falls, located a few miles upstream from the city of Portland. We feel it is very heartening that the city of Portland under this council's leadership has proposed what would be the most sub -- our entire region is defined by the columbia river and protection should be on the forefront of our thoughts and our actions. Thank you so much.

**Hales:** Thank you.

**Smith:** I want to address the question you had earlier about coal dust. I have a -- in my office, tribal council, a bottle of coal dust I went down to the river and collected. We had the coal companies meet with our tribe, and told us there is -- no coal dust that will enter the columbia river at any level at any time. And I showed them the jar, and they wouldn't answer our question and they told us that they spray with a chemical so that it doesn't fly off of the cars. And I asked them what the chemical was and they have never released to our tribe what that chemical is.

**Hales:** Thank you. Thank you very much. Javier, welcome.

**Javier Hurtado:** Thank you. My name is javier hurtado. Owner of a local business in Portland. I have seven restaurants. I employ about 140 people. My concern with the environment is that i'm here as a citizen, as a business owner, here as a father, and i'm here as a businessman because i'm worried about my supply chain. Most of the food, wine that we buy comes from Oregon or Washington. We buy all of our port from Washington, a lot of wine from the columbia gorge. All of our beef comes from Oregon. A lot of vegetables from Hood River. So, i'm really concerned because prices is a huge thing to consider as a businessman. And I know that when things become scarce, prices go up. And if there were to be an accident due to a derailment or some kind of a condition of dust, that would impact the farmers that I work with, impact the wine makers that I work with directly. I have been working with local farmers, local wine makers, local produce people, and trying to establish the supply chain, direct from farm, from wine makers, ranchers to restaurants. I recently met with some scientists and they expressed that 60 to 70% of the food that we consume comes from restaurants. As a business owner I feel the responsibility to offer healthy food to all of the people that come to my restaurants. I feel as a business owner to contribute to society by buying from the local farmers, local ranchers, but I also feel like one of our biggest challenge and biggest goal as business owners here in Portland is to conserve our environment. So, in cha cha cha has worked very closely with conservancy programs. We have -- buying a lot of seafood -- it is really, really important to us how we get our food. And that it is not contaminated or exposed to some type of derailment that is healthy for our children. So i'm here to support -- supporting both resolutions and thank you for having me.

**Hales:** Thank you very much. Thanks. Ms. Reback, welcome.

**Mia Reback:** Thank you mayor hales and other commissioners for having me here today to speak out in support of both of these resolutions. My name is Mia Reback and I am the staff organizer with 350 pdx. As you know, climate forecast is grim. The world's best

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scientists tell us that if we stay on the business as usual path, we have at best 15 years until we blow through the world's carbon budget. That is the amount of fossil fuels we can safely burn without crossing catastrophic climate tipping points. In spite of that, world's most destructive energy companies are proposing 28 new or expanded fossil fuel projects in the Pacific Northwest. If half of the projects are built, it would likely mean game over for the planet as we know it. Portland, like many cities in Oregon and Washington, geographically between new fossil fuel extraction projects and market where the fuels are burned. Because of this, Portland is a likely candidate for new transport projects and storage terminals many fossil fuel comes from newer developments in North Dakota, Utah, Montana, Alberta, Canada. Burning of any fossil fuel emit climate change causing greenhouse gases, but these unconventional fossil fuels come at an added cost. Not only are they harder to get out, but more prone to spills, derailments, and explosions than conventional fuels. So, communities like Portland bear the risk of a highly-volatile product being transported through our city with little to none of the economic benefits and then a second round of hazards when the fuels are burned and carbon pollution adds to global climate change. To stave off a warming climate, we must establish a truly sustainable economy that keeps all fossil fuels in the ground. At just 23 years old, my future looks bleak without meaningful climate action and the time to act is now. Grass roots all across the Pacific Northwest have risen up in a green line of resistance to keep the remaining fossil fuels in the ground. Ordinary people have stood in the way of this rogue industry whose insatiable need for profit is destroying our ability to live on this planet and city governments are leading the way, too, pushing the status quo of what government action can look like to meaningfully address this crisis. Writing and implementing a world renowned climate action plan, our city is garnering worldwide attention and inspiring other jurisdictions to take action. Only by stopping to participate in the fossil fuel economy, can we truly start the real work of addressing climate change, potentially creating tens of thousands of jobs as we upgrade to a cleaner grid, fix of our homes to be energy efficient and weatherized and ensure that everyone has sustainable and healthy food to eat. This December, global leaders gathering for the Paris climate talks to discuss ways we can do more together to address climate change and dangerous fossil fuels. These global leaders are watching what we do here in Portland and waiting to follow our lead. With that I am proud to introduce our next panelist, joining us on video, international climate leader and cofounder of 350.org, bill McKibben.

**Bill McKibben:** I wish I could be there with you today but i'm glad to join you by low carbon skype. I'm actually in Washington today with senator merkley introducing a bill about fossil fuel and public lands. Because of the dysfunction of our congress, that will take a long time to get pass. We are hopeful that the Portland city council will demonstrate profound leadership on the most important question that faces us. Look, climate change about which I wrote the first book, general audience, 26 years ago, is fully and firmly out of control things are really escalating and escalating fast. All you have to do is look at the pictures today from the first hurricane ever to pound into the desert nation -- it's almost unthinkable, but there it is. That's why we need powerful steps like the ones that the council is considering today to stop fossil fuel infrastructure from being constructed going forward. We have to move quickly off the fossil fuel age. We now are able to do that. Our renewable technology is good enough now and getting cheaper and better almost by the hour. This kind of step is no longer at all -- instead it is sensible and smart and the only thing that stands in its way is the kind of endless inertia and momentum that's gone with the century of burning gas and oil somebody needs to take the lead and we're so grateful

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to mayor Hales, to councilor Fritz and so hopeful that none -- Portland will go down as an absolute leader among all jurisdictions, cities, counties, states, nations, if it does this, it will be a beautiful segue from the great leadership that Portland's climate action plan has shown. One of the first cities to do that, too. And of course it will be great testament to the amazing work of people like 350 pdx and all of our other colleagues out there who aroused the world's conscience with their amazing protests against drilling in the arctic earlier this year. If those protests roused your conscience, too, then councilors you are in exactly the right place to put those consciences to work and do something, first order of importance. Thank you very much.

**Hales:** Thank you all. Any other questions for this panel? Thank you so much. And it is great to have Mr. McKibben here in our chamber again. Let's call staff back up to answer any questions that councilmembers have and then we will move to testimony. So, come on back up, Michael and Cristina. Do you want to take up amendments and then questions or questions and then amendments?

**Fritz:** I think we should do amendments first.

**Novick:** I would like to preface by saying what we are talking about largely is climate disruption which is the most important issue that the human race has ever faced. More important than homelessness. Generation of homelessness can hopefully end in the next generation. It is more important than income inequality, because we proved from 1929 to 1960 -- what we're doing to the planet, if we continue doing it, cannot be changed in a generation or two or 10 or 100. I actually am planning to bring my own climate-related resolution to council within a few weeks, which would be to say that we call on congress to establish a carbon tax of sufficient strength to force the market to renewable energy. That we have a rebate -- income tax, offsetting income tax rebate for low and middle income people, so if they use less fossil fuels they will come out ahead. A massive national program to invest in transit and bicycle and pedestrian infrastructure and development of renewable energy sources and that that should be paid for by taxes on rich people and by the massive cuts to our -- that would be my climate resolution. I'm going to raise some amendments that I think some people here might be concerned about and disagree with and have questions that might have some reaction. I do so because I think this is an important issue facing the world, we need to treat it very carefully and thoughtfully and I'm particularly sensitive to the idea of committing the sin of hypocrisy cause most of us like it or not are part of the carbon economy and most of our hands are not clean. This council actually in April of 2013 arguably passed an ordinance forcing the expansion of fossil fuel infrastructure because we passed an ordinance requiring that apartment buildings above a certain height—above a certain number of units would have to have parking spaces built into them and parking I think could be reasonably categorized as fossil fuel infrastructure given that most cars run on gas. So, it is with that background that I offer a number of amendments to both of these resolutions. First of all --

**Fish:** Can we wait until we get copies?

**Novick:** Yeah. The first one sunshine particularly substantive, except the amendment to the third whereas clause in 1156, and as referencing that to the cause by adverse health impacts of training noise, and I am suggesting deleting that because train noise is in particular to oil trains, train noise is generic to trains, and I don't think that we want to make a statement that trains are always bad, particularly when I think often the alternative to the train is probably truck, which is more carbon intensive. Also I like the noise of trains.

**Fish:** Just so we can keep this orderly, I will second it for discussion.

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**Novick:** Thank you, commissioner.

**Novick:** Second, and this, I think, would be more controversial of a proposal, we, in Portland, rely on the transportation of fossil fuels. Our gasoline generally comes from the Olympic pipeline, which comes down from Washington State, and I think that the oil that's used to generate that gasoline is generally brought to Washington State from Venezuela or Texas or somewhere else by tanker ship. So, we are implicitly, whenever we go to the gas station, endorsing the transport of oil in one of those forms. I think that it makes sense to say that we're opposed to unusually dangerous forms of oil transportation, but I think that we should implicitly and explicitly acknowledge that we are not in a moral position right now to oppose all forms of transportation. I am proposing that the first, be it resolved in 1056 be amended to say now, therefore be it resolved that the city of Portland proposes the oil transportation through within the city of Portland and Vancouver, Washington unless and until transport by rail is demonstrated to be as safe and carries the same level of environmental risk as transport by tanker ship and pipeline.

**Hales:** Is there a second?

**Fish:** I will second for discussion.

**Hales:** Let's hear the next one.

**Novick:** First amendment to 1157. The eighth whereas clause reads, whereas extraction of fossil fuels through track fracking processing, which has become widespread throughout the western united states and Canada, has especially damaging impacts to the human environmental health. I am concerned about the word, especially, it seems extraction of fossil fuels in a wide variety of forms is dangerous in all sorts of ways, for example, Mountain top coal mining is dangerous. And deep water drilling for oil is dangerous. I would feel more comfortable to remove the word, especially, and I also wanted to add a risk that was not referenced here, which is that fracking increases the potential for earthquakes. I think that's been demonstrated to be clear in Oklahoma, for example. So, I propose deleting one word and adding a few others.

**Hales:** I will second that one.

**Novick:** The next one, actually, I am going to delete the second amendment because it's not that big of a deal. The third amendment, I proposed 1157, is to the 14th whereas, which says whereas economic opportunities presented by fossil fuel infrastructure are modest. I think the intent was economic opportunity presented by expanding fossil fuel infrastructure because obviously, our current economy, unfortunately, depends on fossil fuel infrastructure all over the place. So I suggest adding the word, expanded.

**Hales:** I will second that one, too.

**Novick:** Thank you.

**Novick:** The next amendment is to page 3, the first be it resolved, now therefore be it resolved that the city council will actively oppose the expansion of infrastructures, primary purpose transporting the fossil fuels entered through adjacent waterways and add, except for those infrastructure investments that improve the integrity of the current fossil fuel supply in Portland.

**Hales:** What do you mean, I guess, I will second it, but we'll find out later what you mean by integrity.

**Novick:** Well, I also have, my fifth amendment, I think, is sort of illustrates some of the examples of whatever we're talking about. It is -- I propose that we add in the fourth be it resolved, it's further resolved this resolution is not intended to restrict improvements to the safety or efficiency of the existing infrastructure, including improvements and new infrastructure needs to prevent fugitive gas emissions, seismic resilience, develop

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emergency backup capacity and allow companies, organizations to ultimately move towards alternative fuel sources without increasing emissions, this is language that my staff developed after consultation with angus Duncan, one of the state's leading authorities on climate issues, one of the issues I am concerned about, for example, is that right now, virtually our entire liquid fuel supply is in tanks near [inaudible] on liquefiable sources and some of the tanks are old, and one of the major dangers of an earthquake is that those tanks might break, and that could be damaging to the environment, and it can also mean that unfortunately, since we are now reliant on fossil fuels, to do almost anything, that if those tanks broke, it would be impossible to revive the economy in the short-term, so I, actually, have been asking the oil companies to make sure that they have, they can replace those tanks with ones that will survive.

**Fish:** I will second this, and also, we're going to come back to staff because we had some written testimony raising this issue about improving seismic resilience, tripping one of the wires that's in the existing resolution, so I want to give you a chance to tell us if that's a real or perceived threat.

**Fritz:** Just a clarification on that one, do you mean including but not limited to improvements or including only the improvements?

**Novick:** Good point, including but not limited to, that should have been the language, thank you. And finally I would note that I have got two versions of the fifth amendment, one of which would delete the language we discussed earlier, which says the resolution is not intended to restrict the provision of service directly to the end users because i'm not sure that we don't want -- I think, in fact, we do want to restrict the provision of fossil fuels to end users, and I am not quite sure what this means, however, the staff will elaborate on that, so I presented two versions of this amendment, one of which keeps the end user's language and one of which does not. So --

**Fish:** I will second the one that does not delete the end user language because i'm convinced the briefing I got from staff, that is essential to the balance they crafted. So, I will second the one that doesn't delete end users.

**Hales:** We have got those, so you, so do you, I presume.

**Fish:** All but the last one.

**Hales:** Ok.

**Hales:** Karla, make sure that you do. Ok. Thank you, commissioner novick. We have got those on the table. And are there others?

**Fish:** I have some others, I am trying to make sure that we don't create undo complication, do you want to go through these and come to mine?

**Hales:** I think it might be useful in this instance to take testimony before we act on the amendments. Just because we have got so much on the table, but what do you think, Commissioner Fritz? This is your resolution.

**Fritz:** We need to vote on the alternative resolution today so as long as we leave time at the end of testimony.

**Hales:** We might want to take them up again. We have got them here. We're going to let people talk about these amendments if they have thoughts about them, so we're --

**Fish:** I will put my amendments on the table, see if we have seconds.

**Hales:** One housekeeping thing, we have another one, the rose room on the third floor opened that will hold more people so if you get tired of standing and want a place to sit until such time you want to come back in here, we have that room open, as well.

**Fritz:** That's the biggest tv that I have ever seen outside of autzen stadium.

**Fish:** I will hand out Fish Amendment 2, 3, 4, and 5.

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**Hales:** Ok.

**Fish:** Following steve's lead, I will ditch one of my amendments. Let me walk you through them.

**Fish:** Fish amendment 2, and these are all, all to mayor hales, resolution, 1157. Fish amendment 2, inserts a new directive on page 3, that prior to any council action, and that was intended to be after a vote, prior to any further council action after a vote, so if we have a vote at some point, the mayor shall schedule one, a work session to review any proposed code changes, and two, an executive session to review the legal considerations of any proposed code changes.

**Hales:** Ok, I am fine with both those and I will second both those.

**Fish:** Thank you. Legislative intent was any further council action after we voted on the resolution.

**Hales:** Good.

**Fish:** Fish amendment 3, is a new directive following in the, be therefore resolved section. Bear with me.

**Hales:** Another action item.

**fish:** Reads as follows, be it resolved that the bureau of planning and sustainability shall undertake an analysis of the economic impacts of any proposed code changes with a particular focus on potential impacts to local blue charred body jobs.

**Novick:** Second.

**Hales:** All right.

**Fish:** Fish amendment 4 is a -- they go funnier. Fish amendment 4, which I actually worked up with some Environmentalists, friends of mine, recognizing that there is a blue and green alliance for how we move forward on this matter, is a new directive that reads as follows, be it further resolve the city and applicable bureaus shall explore opportunities to invest in Portland's human infrastructure by supporting programs to retrain our workforce as the city transitions to a clean energy economy.

**Hales:** I like that. I second that. Get the pdc to help with that.

**Fish:** I thought it would be pdc planning and whoever else you directed. And Fish amendment 5 is, takes the penultimate, I love that word, I didn't know what it used to mean, but it's second to last, the penultimate resolve clause is amended, as follows -- be it further resolved the [inaudible] shall consult with the government partners, the state of Oregon, local government and other key stakeholders, including labor, business, and environments in advancing this policy.

**Novick:** Second.

**Hales:** That applies to the whole resolution.

**Fish:** I think it was implied in the resolution, but since the only directive that you consult with anybody was to other governments, and I wanted to make sure that the other stakeholders were also part of the conversation.

**Hales:** Good, all right. We have got two packages of amendments in front of us, and everybody understands those, I think. Any reactions or questions with Staff? And other questions?

**Armstrong:** I just want to make sure I have my hands on, I think it's your fifth amendment, commissioner novick. Do you have any more of those?

**Hales:** We'll make sure that you get one.

**Fish:** That's about the end users?

**Hales:** Yeah.

**Novick:** I was going to ask you some questions about that, so --

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**Hales:** He's got extras.

**Fritz:** We have over 100 people waiting to testify.

**Hales:** Let's try to keep questions brief, and then let the testimony begin.

**Hales:** Ok. So, commissioner Fish --

**Fish:** You were going to address this.

**Hales:** He was going to hold his questions until later.

**Fish:** I have a few. Commissioner Fritz said I had ten minutes.

**Fritz:** I'm making it five.

**Hales:** Speak fast.

**Fish:** So Michael, first, thank you very much for the time you spent yesterday briefing me on this. Sonia and I thought it was one of the best briefings we have received on a complex subject in our office, so thank you for the two or three hours you spent. One of the things that you and I agreed, there are some words in the Hales' resolution that are open-ended, and one of your challenges is going to be if it passes to sort of give life and meaning to them. But, because they frame the discussion I wanted to take a handful and give you a chance to say what you understand that they mean, that's all, and I think that will help the testimony that follows as people can focus on. So taking the mayor's office resolution, it begins with a statement of principle, opposed expansion of infrastructure and expansion of infrastructure means what?

**Armstrong:** It would mean an increase in the capacity of the infrastructure whether because it's a larger size or the flow-through is increased.

**Hales:** Because it's new.

**Armstrong:** Or because it's brand new, exactly.

**Fish:** One question that's come up, and we'll take this up later, is Portland public schools has a propane tank capacity, which they use as they are moving their vehicles to clean energy, and the concern has been raised is if they were to add the capacity to that, to their tanks, does it run afoul of this expansion of infrastructure prohibition?

**Armstrong:** So that's a good example of why the language about providing service directly to end users is in there because the intent is not to keep pps from adding to the school buses that run on propane.

**Fish:** Second, the resolution talks about expansion, whose primary purpose is transporting or -- what is primary purpose mean?

**Armstrong:** Primary purpose is infrastructure that is designed and built specifically for transporting and storing fossil fuels, so there is a lot of ancillary infrastructure that contributes or enables storage and transport, and roads being the example I used earlier.

**Fish:** The example of I-84, that was not built for the primary purpose of transporting fossil fuels?

**Armstrong:** Correct. And yet fossil fuels do cross it and are driving down it, so there is a lot of infrastructure that can support that but whose purpose was not to transport fossil fuels.

**Fish:** The scope of the resolution is it applies to things going through Portland or adjacent waterways.

**Armstrong:** The Columbia River, is the specific reference there.

**Fish:** Ok.

**Fish:** Now, the end user language, which is important to Commissioner Novick's amendment, and which you spent a lot of time walking me through, that shows up in the third from the end, be it further resolved. It says that this resolution is not intended to

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restrict improvements in the safety or efficiency of existing infrastructure or to restrict the provision of service directly to end users. What do we know by the provision of services directly to end users?

**Armstrong:** So, a moment ago we had an example of whether it's the Portland public schools or another fleet converting to propane or compressed natural gas where they are fueling their vehicles with it. And providing service to end users would allow that you, in the same spirit, a new, you know, a new light manufacturing facility that uses natural gas to power, excuse me, to power whatever, you know, industrial process they are doing, this would allow that because the fuel is being used on-site, either burn to produce energy or as a feed stock, so we're trying to recognize that there are circumstances where that is probably in the interest of the community.

**Fish:** One of the questions I asked you yesterday, is that sentence limited by the reference to safety or efficiency? So it's not intended to restrict improvements in the safety or efficiency. Commissioner novick, as I understand it, wants to expand that, so when we come back to you, after some testimony, if you could help us to understand what's the impact of expanding it along the lines that commissioner novick has proposed? And in fairness, he has picked up some concerns we received in correspondence that have come into the council, so I am inclined to, particularly around resilience, support him on that, but I would like to know how that changes your view of the end users. A couple other questions, and then I am on a tight clock. Has the governor weighed in on this resolution?

**Armstrong:** Not to my knowledge.

**Fish:** My last question is, then, in light of the fact that the state that is set low carbon fuel standards and let's say propane is listed as a bridge fuel, how do you harmonize this proposed action with what the state has established, and are they inconsistent or can you harmonize?

**Armstrong:** So there are a variety of ways to achieve the low carbon fuel standards, so less carbon intensive fossil fuels like propane would be one of them, but there are also other ways to get the biofuels through electric vehicles, so this, this has the potential to restrict some parts of what would have otherwise been thought of as pathways to comply, but it does not underlie the intent, and especially over time, where the low carbon fuel standard is sort of the next step to get to a 10% reduce in the carbon intensity of transportation fuels. Here, we're working with the goal to reduce the emissions by 80%, so in part we are taking a longer term view of it, and it will, it would require accelerating the transition to some of these much, much lower carbon fuels, rather than just a bit lower carbon fuels.

**Hales:** I appreciate your questions, commissioner Fish, and let me elaborate on Michael's answer, and that is, I think that your question is very helpful in making sure that we're clear about what the council's intent is here, and another way I would state it, is that it will not -- it's not the intention, nor will it be the effect of this resolution for the city of Portland to determine people's individual choices about what fuels they use, whether they are public agencies like Portland public schools or homeowners or businesses. So, we're not attempting to steer people's choices about what fuels they personally use. However, it's a decision about the macro question of, are we going to be part of the large scale infrastructure that expands to move more fossil fuels around the world? That's the distinction that I would draw.

**Firtz:** This is an important discussion, and I am going to --

**Hales:** You are right. A good timekeeper.

**Fritz:** Because I have to give commissioner novick a chance. You have one last question.

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**Fish:** You are eyeballing me so one last question. And --

**Fritz:** I thought that was the last question.

**Fish:** The mayor's office comment prompted something. Michael, there's been a little confusion in the communication we've been getting about what's the impact, the legal impact of adopting a resolution versus the legal significant of adopting the code that you would be instructed to draft. Can you tell us what the difference is?

**Armstrong:** So, for something to have the force of law, and to require compliance, it needs to be adopted by ordinance through city code. And that's not what you are contemplating today. The resolution would -- it sets direction and tells staff to go forth and do a number of things, including develop that code, which if adopted, would have the force of law.

**Novick:** I had one comment, which is that I wanted to recognize ben Wilson and his colleagues from the learning center. Who I hope is still here. And because if I didn't his Mother wouldn't forgive me. But, I do have a comment or a question for the mayor, which is that ultimately question, we are trying to effect people, the choices of individuals. If it is a result of our actions, less oil goes to India, then that ultimately means fewer people in India will put gas in their cars. Ultimately, the goal of all of this is to change the contents within which individual people make individual choices.

**Hales:** Context but not determining it for them. All right.

**Fritz:** We should move to testimony.

**Hales:** We're going to limit testimony to two minutes a piece because we have a large number of people signed up. If you have heard your points well made, feel free to give that person a thumbs up and wave off the opportunity to speak, but if you want to speak, that's why we're here.

**Fish:** Just to be clear my understanding from you and commissioner Fritz is that we will pause at 5:45, take up any amendments, germane to commissioner Fritz's resolution, and seek to get a vote of the council, and in the event we have another 50, 60 people in the queue, we would have a second hearing to finish the testimony.

**Hales:** That's right.

**Fish:** Thanks.

**Hales:** So go ahead, please.

**Moore-Love:** We have some students here.

**Hales:** I would like to take students.

**Moore-Love:** From the sunnyside students, if you are around.

**Hales:** They are right behind you, I think.

**Moore-Love:** Go with you first.

**Hales:** They are right behind you, there they are, and they are also in front of you, there they are. Sunnyside students, welcome. Give us your name as you proceed, and whatever order you would like. And speak up to the microphone so people can hear you. Thank you.

**Olivia Miller:** Hi, I am olivia miller, an eighth grader at sunnyside high school. I am worried about my future, but to be honest, why wouldn't I be? We are only plotting our own deaths by putting fossil fuels into the atmosphere, which is creating the environment we have today, the problems we are facing now not only affect you, as adults, but that burden will be put on us and our children and maybe our children's children. Climate change doesn't only affect America or the city of Portland, but it affects the world. By exporting coal, propane, natural gases and oil and much we as a nation are burdening our younger generations with having to live with and fix the effects of climate change. By stopping

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exports of fossil fuels, we can change people's views on climate change. This is an incredible opportunity for the city. We can turn the lights off or take shorter showers but none of that will matter unless figures like you take a stand and set an example. Right now everyone is watching Portland, and we as a nation are setting the example for everybody. Oregon and many states around it are starting to lean towards renewable resources. Building more infrastructure is not the answer. That is not what we need to respond to climate change. Portland is starting a chain reaction along the west coast, and as the city of Portland we are beginning to change the world. A few days ago my brother, who is eight, said oh, that's about climate change, the thing that's going to kill us all. That scares me, an eight-year-old thinking like that? This is what he will have to live with, and he has to worry about that now? That should not be what a third grader says before going to bed, his care should be about what baseball cards he's getting for Christmas, not that he's going to die because of something past generations created, I support the climate change action plan, we need to walk the talk, these resolutions can help us do that. We need to take action as a nation, and today we are setting an example for the rest of the world, and that's what we need. Thank you.

**Hales:** Thank you very much. [applause]

**Fritz:** If we can hold the applause until the end, question suspended the rules but the reason we don't applaud because it takes time and we want to hear as many as possible.

**Hales:** We will suspended the Rules at the end.

**Lalani:** Hello, I am Lalani, an eighth grader at sunnyside environmental school. I am worried about climate change. Not just worried, but scared. Not just because I'm in the climate change cohort or go to an environmental school but because every time I look at my baby sister I wonder what the world will be like 12 years from now when she's my age or 20 years from now when she is grown up. I think about these things and I am scared for her future because I don't know. I have no idea what the world will be like then or private change will affect this. The city of Portland, prides itself on being full of nature and having trees and parks. We show that off like it's a gold medal. It's the first thing that people notice when they come. But if we don't do something about all of the fossil fuels, we won't be able to have nature and trees throughout the city, and we won't be able to have that close of a lifestyle we're so accustomed to. Humans are killing the earth. And if we don't act now, no one will. We, as the youth of today, have to try to save the planet, but we cannot do it alone. We need your help. Please, don't let past actions become a problem for future generations to solve. Please, don't let them look at a dying planet and think of us as the generation that killed the weather. Let them look back and think that we saved it. I want to make a difference. I don't want my children or children's children to be born into a world that they cannot change or be proud of. The first step is saying yes to these resolutions. If they don't get past, don't take the steps, there won't be any hope left.

**Hales:** Thank you very much. Good afternoon, welcome.

**Ella Shriner:** Thank you for the opportunity to speak today. I am Ella Shriner, an eighth grader at sunnyside environmental school. I was born here in Portland and am proud to live in a city taking steps with a global crisis through local actions. As you know, the burning of fossil fuels is the major cause of the increase of carbon dioxide in our atmosphere. Resulting in changes to our climate. We are already seeing the impacts a warming climate will have on our way of life and health. The parks of nature that we most cherish, like the salmon and our forests, are threatened. It's our responsibility to help them and ourselves. You must remember that humans are not the only ones affected by climate change. But we are the only ones that can do something about it. This resolution

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doesn't call for the end of fossil fuel use. This is about changing the path that we are on. It is about stopping the increase and about saying it's time to repair for the future. Think about it. To build additional Infrastructure for fossil fuels, seems to run counter to the progress that we've been making as an environmentally conscious city. The resolution is about protecting what we care about for more immediate damage that will come from the increased transport of fuels, and coal dust and the inevitable spills. The whole world is watching Portland, and this is our chance to be national leaders in the movement to counter climate change. The thought I would like to leave you with is this -- it is better to look to a future with opportunities is, than to find ourselves looking back with regrets. Thank you.

**Hales:** Thank you very much. Let's hear it for the students. [applause]

**Hales:** I think we have more students, is that right? Come on up. One of the best parts of being a member of the city council is when we get students here in the chamber. Saying thoughtful things, and that's what's happening this afternoon. So we love having you here, and welcome.

**Hales:** Who would like to be first? Just get close to that microphone so we can all hear you.

\*\*\*\*\*: Hi, I am [inaudible]

**Marcel:** I am marcel.

**Glenn Wilson:** I am glenn.

**Marcel:** We go to metropolitan learning center in northwest Portland.

**Wilson:** We're in fifth grade and our teachers are [inaudible] and amy odom.

\*\*\*\*\*: This year, we are learning about the cause and is effects of climate change and how fossil fuels create pollution and global warming around the world.

**Marcel:** We decided that we want to change that.

**Wilson:** This is our future planet and we want it to be a place that we can live.

\*\*\*\*\*: There is why we agreed to the position on banning companies that export fossil fuels throughout Portland.

**Marcel:** We would like to thank commissioner, Fritz and mayor hales for supporting this position and helping to change the story of the world.

**Wilson:** We invite the rest of the commission to agree with us and slowly help the world to be a better place. Thank you.

**Hales:** Thank you.

**Hales:** Who would like to follow that? Do we have other students? We do, we'll have the other students first and then we'll move to adults. Welcome.

**Savannah:** Hello, I am savannah.

**Isabelle Rich:** Isabelle.

**Stella:** And stella.

**Savannah:** We are fifth graders at the metropolitan learning center. We would like to represent all of the young people who care about their futures. We are here to support, stopping the development of new oil, coal, and gas facilities. We believe this policy will keep our citizens safe and healthy.

**Rich:** This is the first step to show other cities if we don't make the changes we need to make, we will never be able to grasp the opportunity to stop climate Change. This is our future. We are the ones that have to fix it in a way that never has been done before. This is up to us, and we feel it is on our shoulders, our voices should count against fossil fuels.

**Stella:** Everyone will be put at risk with the extraction and containment of the dangerous and environmentally unsound fossil fuels. This will affect our lives, and this does matter to

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everyone. Commissioners novick and Fish, we beg you to join mayor hales and Fritz to vote yes on these new resolutions and continue the fight against fossil fuels. Thank you.

**Hales:** Thank you.

**Hales:** Do we have any other student speakers? If not, you all are great, thank you very much. Let's move to whatever adults would like to follow that. Go ahead, Karla

**Hales:** Thank you. Michael, go ahead. Good afternoon.

**Michael Meo:** I am Michael Meo, the secretary of the Cascadia chapter of the pacific green party. I would like to put a larger frame on the first on the first speaker today who hasn't been invited as a set up position to put the thing in your point of view, I would like to speak as a member of the public of a larger frame of reference. The pacific green party is on the case, and has a state initiative already being -- signatures being collected to stop the infrastructure improvements and infrastructure for fossil fuels being implanted throughout the state of Oregon. So we are aware of the valid parts of whats going on here, but mayor hales, our party already assumes that sustainability means the amount of resources that a generation receives are handed unchanged to their progeny. And that's what sustainable means to the pacific green party, and the allied green parties of the United States. In that case, then, we would like to tell you, you members of the city council and the people who are attending this meeting, you are no longer top predators. You are not at the top of a food chain. You are not a master of all you survey. If we are to take the implications of what is happening to our environment seriously, then we just learn to be just one among a whole network of cooperating actors, which includes members of all of the rest of our species and members of lower forms of life.

**Hales:** Thank you very much.

**Patricia Kullberg:** Good afternoon, and thank you for giving me this opportunity to testify. I am Patricia Kullberg, and I am a physician with an advanced degree in public health, and I spent a couple decades as medical director for the Multnomah county health department. Most of my points have been made, I will be brief, and summarize, there is the risk of derailments and explosions, we saw the slides, and these are a lot more, occur a lot more than I think the industry wants to let on. There is the air pollution that increases the risk of disorders, there is the slow moving trains, that create blockages and lead to problems with traffic, but also, holding up emergency vehicles. There is the noise and vibration, and I know that that is not an issue when you have one or two trains but when you have 20 a day, that can be -- create a lot of urban stress. There is the storage tanks, the oil spillage, the negative impacts in public health, and that brings me a point that no one has made, which is that these railroads and storage facilities tend to be located in communities of the working poor and people of color. Those with the least resources to fight back against this degradation of their community, safety and livability. I believe this is an environmental justice issue. I don't think Portland should be contributing in any way to global climate change, and by supporting the fossil fuel industry. Thank you.

**Hales:** Thank you. Welcome.

**Dr. Patrick O'herran:** Thank you for this opportunity to speak and to support the measures. I am dr. Patrick O'herran, a resident of north Portland, a board certified emergency general surgeon and board president of Oregon physicians for social responsibility. I focus on the health impacts of climate change. Portland has a great opportunity today to protect the health of the citizens, by preventing further oil by rail traffic and blocking the building of new fossil fuel infrastructure inherent to the fossil fuel economy is the existence of sacrifice zones. The zones surround all fossil fuels that extraction, transportation, storage, and burning. They include the bodies, air, the land,

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and our communities. In Quebec oil train explosion killed 47, leveled the town and creating a sacrifice zone. Climate change raises the stakes of a different plain by extending the fossil fuel sacrifice zone to include the earth and all people. How serious is climate change? Perhaps, the title of the talk delivered by the geo physicist dr. Brad warner at a meeting of the american physical union, which is a stodgy organization, gives some clue. His talk was titled, and please pardon the language, I am quoting, is earth fucked. His answer was yes, it is, and we are, too. That is unless we make radical changes, like rapidly getting completely off the fossil fuels. In order to prevent turning our entire world community into a sacrifice zone, we have to eject the model that accepts sacrifice zones as a cost of doing business, and affirm the very idea of sacrificed zones is morally reprehensible. Our actions have to show that everyone matters. That we love and care for each other and what we value most is happiness, health and well-being. We have a chance today to not just talk about building a better world but take active steps. Rather than ponder, just how the earth may be, I prefer to ask a different question, what can we do about it. Not fighting to protect the livable climate means we're getting all the people and places I love, my family and my friends, and my neighbors, this beautiful city and region, the entire natural world to a sacrifice zone of climate devastation, and I love them too much to accept that. I hope you do, too.

**Hales:** Next, please.

**Hales:** Good afternoon.

**Bob Sallinger:** Good afternoon. Mayor hales and members of the city council. I am bob sallinger, and I am here representing the Audubon society of Portland and our 16,000 members in the metro region. First we want to thank the mayor and commissioner Fritz for your leadership on this issue. We support both resolutions. I worked in this building for 20 years and done a lot of important things for the environment but there are few things that you could say are historic. This is one of those times. This is historic. I have heard some people suggest that we cannot make a difference, you cannot fix global problems with global action, and any activist knows the only way you can catalyze global change is with local action. And whenever they tell you that you cannot make a difference, they are really not that concerned about you, in that you won't make a difference but that you will make a difference. This decision will reverberate across the country, globe, it already is. Some ask what message this sends, I say a clear and important message. It tells the community that Portland is not pitching its wagon to the industries that are driving towards obsolescence. We want business this is Portland that are safe and sustainable, and that we are more concerned about the health of the communities, than the wealth of distant shareholders. And we support commissioner Fish's suggestion that we need to transition our workforce to a new economy, and stop looking backwards and need to start looking forwards. You probably hear we need more information. We have all the information we need. We know you cannot make fossil fuel transportation safe. You cannot make these facilities safe. We know that we already have an incredible liability along the river to deal with and shouldn't be adding to that. Fossil fuel economies are not sustainable, and we know that there is infrastructure that will last for half a century or more. We would be perpetuating the industries we want to drive to obsolescence. We cannot make it safe or sustainable but we can make a difference. We hope you will all vote for these resolutions and send us on a path to where the economy is sustainable and fossil fuel is in the ground where they belong.

**Hales:**

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**Inga fisher Williams:** I am Inga Fisher Williams, I want to thank you for bringing this forward, we owe you gratitude. Is this better?

**Hales:** That's better.

**Fisher Williams:** I am here to support both resolutions, as presented, and I hope as you fine tune the language that it done and not create loopholes and done in the spirit of clarity to make good choices possible by future investors and businesses who want to work in our city. The adoption of both resolutions will make a policy statement that fills a gap in Portland's long range climate action plan. A plan that's already been adopted, and I am encouraged that subsequently there will be rules and laws that follow consistent with the intent expressed here. It is a visionary step, make no mistake about this. Logically it follows the investment policy that you have already embraced. And we applaud you for that. It embraces community values consistent with transforming Oregon and the U.S. towards the carbon free emissions future. It will bring us closer to achieving our emission goals, which are in jeopardy, as we heard, and it follows the proud tradition of Oregon as a leader in land use planning, and a people-centered government, I am urging your yes vote in the hope that the consensus decision will reflect the growing global urgency to limit carbon emissions. Your step here is consistent with the urgency of transforming our economy and the task to build a renewable energy future. You can lead the way by allowing a framework to evolve, and we know that there will be fine tuning and adjustments possible, the task is very large, thank you very much.

**Hales:** Good afternoon, get nice and close to the microphone, and you can slide the box closer to you if you need.

**Cherlou Bajao:** Ok. Honorable mayor and city commissioners, I am Cherlou Bajao, a volunteer with 350pdx and a student at PCC Cascade, I was born and raised in the Philippines and living in the U.S. for a year now. I am here to give voice to the people from the Philippines and other countries around the world who are in distress and endangered due to global warming and who do not have anything policies to develop, to develop world that are costing our suffering. My country is suffering from climate change, for us a worsening of typhoons, thousands of deaths and enormous damage, especially in the past few years, until 2010, we never had super typhoons in my island. But since then, there have been three super typhoons in our area. With billions of dollars in damages. I survived a horrible thing in 2011 when it hit in the middle of the night and killed more than 2,000 people in the district right next to mine. The fear, pain and suffering is indescribable. We have never before had such a disaster in our area. There is no doubt it is because of climate change. This is why I am here speaking to you today, Portland is in a key position to live the change to protect people here and everywhere with fossil fuels and lead the way for others to do the same. I want to thank you, Mayor Hales and Commissioner Fritz, for bringing this resolution to city council. I call on the rest of the commissioners with all urgency, vote yes to this solution. Do what is just and necessary for Portland and the world. Thank you.

**Hales:** Thank you.

**Juliana:** Hello, I am Juliana and I am 13. I am here because I am concerned about my own future and that of my generation and all future generations. If we don't act now we will miss our chance to preserve a livable planet. I feel as if my future is an unnecessary dark cloud. All it would take for it to be lifted would be for our elected leaders to listen and lead. The city council has the choice now to stop all new fossil fuel projects in Portland. All the time I see scary and dangerous looking coal, oil, and gas trains rolling right through the middle of the city, and in the middle of the neighborhoods. I wonder why are our

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elected leaders letting this happen? Maybe the adults should let us help to make the decisions because they seem obvious, keep us healthy and safe to stop the dangerous and polluting fossil fuels from coming to the city. This will also influence other cities across the country and world to do the same. If you care at all about your children or grandchildren, vote for these resolutions today.

**Hales:** Thank you.

**Katie Behrendt:** I am Katie Behrendt, and I represent Portland rising tide and the coalition a-coalitions. In a few weeks leaders from around the world will gather for the 21st round of climate negotiations, but we would be naive to expect any real solutions to come out of them. We watched our leaders bow to corporate money and power. For 20 years they have clone to prop up a failing financial system and for 20 years fossil fuel use has continued to arise despite endless work to push back. Our leaders fail us because they are bought and paid for by the industries causing climate change and profiting from maintaining the status quo. We cannot afford to wait for them to save us because it's likely that they never will. We need to take action, it's the only place that people have any chance of being heard, and we have made ourselves heard here in Portland. It's because of the people in this room, and many more who couldn't be here today, that you are considering this measure. It was not wrong ago that you appeared ready to rubber stamp new fossil fuel without a second thought because a company offered a lot of money, and that's what the system prioritizes. You did not expect resistance but you got it, and it won't end here. Not only will we fight against the industries that threaten the future but pushing for real and just solutions. In order to get to the root cause, we need to take responsibility for our actions, and the roles we play in maintaining the destructive systems that cause it. As the biggest consumers of energy and resources we should be the first to cut back and we need to ensure that solutions are accessible to everyone, not just those that are financially privileged. It's time to begin a just transition away from fossil fuels and towards a sustainable and equitable future. Thank you very much. [applause]

**Hales:** You brought a backup group.

**Alice Shapiro:** I am Alice shaper, and I am here with the "your Portland region grannies, and we would like to sing a song in support of the resolutions.

**Hales:** Of course. No one can say no to a granny.

**Your Portland region grannies:** Thank you. ¶ oh, give us a home where the oil trends can't rome ¶ ¶ and we're safe from explosions and fire ¶ ¶ where children can play and the birds and Fish stay ¶ ¶ free from harm, that's our simple desire ¶ ¶ fossil fuels are not clean ¶ ¶ make all of our energy green ¶ ¶ we say no to those rigs and Their terminals so big ¶ ¶ and companies that rape our land ¶ ¶ there are so many ways to make power these days ¶ ¶ from the wind and the sun don't you see ¶ ¶ let's use your strength to ship grain ¶ ¶ not oil or propane ¶ ¶ this is good for our economy ¶¶

**Hales:** Wow.

**Fritz:** Even harder than the students to top.

**Hales:** I'm not sure which is harder to follow.

**Hales:** Thank you.

**Hales:** Thank you very much. Good afternoon.

**Tedine Roos:** I am Tedine Roos and I live in Vancouver near the edge of the bomb train blast zone, and across from the tank farms on non-reinforced soil across the river. As a girl, we learned much about the revered u.s. Constitution, the balance of powers, the we the people pursuit of happiness language, and I believed it all for a good half century. Until I read the people history, and I learned about the struggles of the vast majority who

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were not included in the we, the people. Our governing document was written by and for the 1% of that day, to protect and enhance their assets. Then I read Charles Beard's, an economic interpretation of the U.S. Constitution, first published in 1913, the dots really began to connect. The governing system worked very well for the 1% of 1787, and it has worked very well for the 1% for the next 240 years, and still, contracts and enhances the assets of the 1%. We, the disenfranchised majority are not only denied education, medical care, and housing and unadulterated food, but denied breathable air, clean water and the physical safety of our bodies. Our living planet is being sacrificed to corporate profit. I urge you, Portland city council, to vote in the direction of an updated code ordinance to prohibit projects to create or expand infrastructure or store or transport fossil fuels. This is probably unconstitutional but do it anyway. This is an opportunity to do what government should do, protect the citizens and promote their welfare. On Cascadia.  
[applause]

**Hales:** Ok, welcome.

**Adriana Voss-Andreae:** Mayor Hales, and city commissioner, I am Adriana Voss-Andreae, chair and co-founder of 350, PDX, and I wanted to begin by reading a statement of support for these resolutions from the executive director of Apono, Asian Pacific Network of Oregon who could not make it here today. "One of the best ways to make change is to transform our system and build the structures that reflect our values. I support this effort because it invests in a future that protects and preserves life, and this is a moment of turning away from fossil fuels we know are destructive to the people and the environment that ultimately undermine our economy and family wellbeing. I can't deny these changes are hard, and yet, together, we can move into a healthy new way with sustainable infrastructure," unquote. I wanted to add my own statement. I speak as a scientist, a doctor, a mother, and part of a movement of people who are watching you today. We also came out to city hall many taking time off work and school and busy lives because we are in a state of ecological public health and humanitarian crisis. These resolutions cannot wait one more year, one more month or even one more day. The time to show leadership is now. We here in city hall along with thousands more who could not come, are taking close note of who stands today with a bold leadership of Mayor Hales, and Commissioner Fritz on the right side of history.

**Hales:** Thank you very much.

**Hales:** Good afternoon and welcome. Who would like to go first? Pull the microphone down closer to you.

**Skip Tarr:** Mr. Mayor and city council, thank you for this opportunity. I am Skip Tarr, I am here today representing the Oregon Rail User's League, and the owner and president of Tar, LLC, a distribution company engaged in petrochemical distribution.

**Hales:** Can you pull in that closer to you? There we go. Low tech but it works.

**Tarr:** I would like to mention the tribal people are here earlier today. They are reminding us of our ancestors settling this region as a region for trade. It's because of that, why I am here today. The train is manufacturing in an agricultural base, and it stretches across the United States and the world. A strong, safe, rail system is vile for a region like Oregon, unlike any other region in the country, the thing we love so great about it is we are remote but there is a cost for that, and it requires the rail system. Because of that, I have some issues with the resolutions. The first resolution, to me, is too broad. There is too many opportunities potentially for challenges to come to stop other projects that could help, that could impair other commodity movements such as grain or apples or just shoes coming through the region. That would be an unfortunate situation, and because of the loose

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wording of the resolutions, that is a potential. Secondly, I am not sure that I agree, that it's the government's duty to single out commodities and eliminate them. I don't think that that's a role of government. Lastly, I just would ask that at the least that the train slow down a bit, in review of the resolutions because there are inaccuracies and misstatements in the resolutions that I think can be addressed by further involvement with the business community, and the railroads in particular. Thank you for your time.

**Hales:** Welcome.

**Joe Westby:** Thank you very much. Mayor Hales, I am Joe Westby the director of operations for Ferrell gas propane and also the past president of the Pacific Propane Gas Association and the chairman of the Oregon governmental affairs' committee, which works under the PPGA, and I believe that it was my testimony that Commissioner Saltzman was questioning earlier.

**Fish:** Commissioner Fish but I take the compliment.

**Westby:** Sorry.

**Fish:** It was your letter that referenced Portland public schools, prompted me to ask staff if that was intended to be covered and I think you got an answer you liked.

**Westby:** I did get an answer that I like, and there was a second point and I will make it quickly since we did cover that and I appreciate the fact that you looked at the material and you read it. It provides faith in the system that you guys were paying attention to all of this. Secondly, propane is listed by the federal government as a clean fuel and is important for reducing the clean house gas in transportation. During the discussion on Oregon's clean fuels program, in the state legislative process the Oregon department of environmental quality wanted propane dealers to become credit generators, the ability is optional for propane under the new law. The success of the program is dependent on getting enough credit generators to participate. Propane would be an important part of this program's success. My country and other dealers are currently considering whether or not to become involved with the clean city's program. However, if we are constrained from expanding the infrastructure for transportation related projects in the state's largest city, we may decide it's not worth participating in. Ferrell gas and the PPGA encourage you to slow down and rethink the wording of the resolution. Its effects will be broader than you might realize and harmful to the state as a whole, Portland is a fantastic city and you are doing great things, and everybody is watching. We appreciate your diligence.

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

**John Talberth:** Mayor Hales and commissioners, good afternoon, I am John Talberth, an economist for the Center for Sustainable Economy, and in addition to implementing what appears to be the will of the people, by a large margin, passing these resolutions makes good economic sense. Number one, the public financial liability issue, as we transition away from fossil fuels, the vast majority of the infrastructure will become obsolete ground fill, the need to be dismantled and had cleaned up. Now, it's something that I think that labor would support this, but experience has shown without bonding in other financial mechanisms in place, to guarantee the corporation and is not the people, have the funds to do that, cities like Portland will inevitably have to foot the bill or a large part of it. So as more is built this liability rises, as well. Add the under-insurance, associated with accidents and spills and explosions, it's clear that new fossil fuel infrastructure is a very risky proposition. Number two the cost of meeting the action plan. Portland's status as a champion hinges upon the cap but routine approval of new fossil fuel infrastructure subverts the goal and makes it more expensive to achieve like for example like the automobile dependent communities throughout metro and growth in the transportation

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sector emissions, which is the weak link in Portland's cap. In order to meet other cap goals we have to squeeze greater and greater efficiencies, expenses grow exponentially in this situation. The cost of climate change, the motivation behind the infrastructure is to both respond to and foster growth and consumption, the opposite of what the cap seeks to promote, and growth anywhere in the world helps grow the bill expected from climate change, something in the order of 300 trillion. Portland should no longer be an accomplice in growing this debt that generations down the line will have to pay.

**Hales:** You raised the superfund issue in a way that hasn't been well articulated. Commissioner Fish and I spent a Great deal of time on the Portland superfund. The superfund used to be a fund and now it's not, just a mandate to clean up often orphaned sites, and I don't expect that funding situation to improve, so I appreciate you making that point.

**Westby:** And I appreciate your point, and as we build new fossil fuel infrastructure that risk continues to grow, which is why we have to stop it right here.

**Hales:** Thank you very much, thank you all.

**Westby:** Thank you.

**Gregory Monahan:** Good afternoon, I am Gregory Monahan, a resident of Portland, and I was speaking on behalf of my grandchildren, and my children who all live here in Portland. I have two points to raise and I would like to get a response from the council. The first is it's unclear whether there is going to be a vote on both resolutions today.

**Hales:** Get closer.

**Monahan:** It's unclear whether both resolutions will be voted on today, and I wish you would clarify that. The second thing I would say, if I can be so bold, is to speak for supporters of the resolution. We would rather have the vote taken today than keep saying how bad this -- it would be to not approve these resolutions. I think our youth and our leaders have been eloquent about that, so those are my points.

**Hales:** We'll try to give you clarity about that, as the hearing goes on, and we wanted to give as many as possible an opportunity to speak, and we wanted to make sure that council members that wanted proposed amendments or get questions answered got a chance to, so my objective personally was, and always here, at this council, is to reach a high level of agreement on the council about what we do, it's ok to pass things by a 3-1 or 3-2 but the best way is unanimously so frankly, if a full discussion and complete understanding of the amendments, enables our colleagues to join commissioner Fritz and me in voting for these, I would be prepared to take more time. If that's not necessary, and we'll know that a little better in half an hour, there is, it is possible that we could act on both today, it is important we act on the first of the resolutions today because of timing issues in Vancouver.

**Rob Didelius:** Thank you. Mayor Hales, I am Rob Didelius, the general manager of Lake Railway in Lakeview, Oregon. I live in Portland a quarter mile from the river tracks, I am here to oppose both. Lake Railway does not transport oil but I am concerned about the economic impact these resolutions would have on Portland and the rest of the Pacific Northwest. Portland is and always has been a transportation town, and this community has a large industrial base and a lot of high paying jobs in industries like manufacturing, chemicals, rail transportation, and at the port. These industries would be severely impacted by these resolutions. A lot of good jobs would be lost, and in addition to hurting the current base in Portland these resolutions would dissuade further development in the city and the region. According to the U.S. Bureau of Labor Statistics our state has the sixth highest unemployment rate in the nation at 6.2%. The last thing the government should

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be doing now is chasing away high paying jobs, in industry and transportation. These measures hollow out the middle class and create income inequality in our society. These resolutions harm our city's bright future. Instead of serving a minority, our government should consider those harmed by these measures such as labor unions and the working class.

**Hales:** Folks, please. Go ahead.

**Didelius:** These ill-considered proposals need to be studied carefully and thoughtfully. I urge you to rethink these resolutions.

**Hales:** Thanks for coming.

**Randy Camp:** Thank you, Mr. Mayor and honorable council men. I am Randy Camp from Co-energy. I am a small businessman with operations in Albany and Redmond, and I felt there was a need to make the trip to Portland because I have some concerns about these resolutions. The resolution mentions it does not intend to restrict provisions of service directly to the end user, which I presume that would include propane customers. It could restrict service especially if we had what we had a couple of years ago in the Polar vortex or our neighboring states happen to use an enormous amount of propane for crop growing, which it has in the past. At that time, I had customers that didn't necessarily go without propane but I couldn't get propane to them, in the quantities they needed because there was not enough to support taking care of the customers in the Pacific Northwest. So, you know, with that in mind, the state's ability to transition to greener fuels also would restrict propane, auto gas, as well as natural gas's motor fuel, been brought up here a little earlier. Propane is a huge part of this country's move away from petroleum oil, by reducing the gasoline and diesel used through switching to the fleets to propane or natural gas, which is better for the environment and the economy. I oppose the resolution 1157. Please vote no for this resolution, it casts a cloud over Portland's economy, economic future, and many unintended consequences could be affected, not only in the state but in the region. Thank you.

**Hales:** Thanks for coming. Welcome. Appreciate you coming in. Ok. Let's hear from the next folks.

**Fritz:** For those in the lower chamber there are seats upstairs if you are interested in going up there.

**Hales:** Welcome. Good afternoon.

**Dr. Theodora Tsongas:** Good afternoon commissioners, I am Dr. Theodore Tsongas, an environmental health scientist retired from the Oregon Health Division, and formerly adjunct associate professor of community health at Portland State University. This past September was the hottest globally recorded in history, 2015 is on track to be the hottest year in 160 years of recording. Thank you. Seeing it as a major threat to civilization, 200 countries will demand action on climate change at the upcoming international meeting in Paris. Many leaders and scientific bodies have expressed concerns about climate change as a threat to human health and wellbeing and are speaking out about these threats with urgency. I have testified before the city's Bureau of Planning and Sustainability on the hazards to the health and safety of propane terminals and supported and congratulated you on the climate action plan. In addition to noting the climate changing impacts of the fossil fuel industry, public health professionals have demonstrated diesel emissions from trains, ships, and supporting infrastructure coming back after this to the adverse health impacts, including asthma, heart and lung disease, and cancer and developmental disorders. Today the city of Portland can take the lead on climate policy. The fossil fuel policy resolution and the oil train resolution together shows that the city recognizes the

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exceptional health, safety, and environmental and climate risks Associated with transport storage and use of coal, oil, propane, and gas. Responsible leadership means that there is no place for new fossil fuel infrastructure that will lock in decades of dangerous pollution. There is a better way. I am pleased that mayor Hales and Commissioner Fritz sponsored these policies and I wholeheartedly support passage by the full city council of the fossil fuel policy resolution and the oil train resolution, please vote yes for all of us. Thank you.

**Hales:** Thank you.

**Julie Chapman:** I am Julie Chapman representing the League of Women Voters of Portland. The League urges the Council's support of resolutions 1156 and 1157. Any major increase in fossil fuel infrastructure is not consistent with the current League of Women Voters. Natural resource and its climate change positions. Nor with Portland's climate action plan. Both of the resolutions recognize the implications of shipping fossil fuels within the U.S. and for export to foreign ports of Portland. The methods are dangerous to public health and safety and the remote use of fossil fuels has global and local climate effects. For example, a large body of research confirms a transfer of atmospheric pollutants from Asia to the U.S. and the Pacific Northwest. Asian pollution accounts for about 20% of the ozone pollution in the spring in the western states. In the widely cited study from 2014, the authors demonstrate how air pollution in the U.S. is affected by China's production of goods for the American market. Pollution emitted elsewhere does not drift off harmlessly into space as we know. In order to stay true to the climate action plan, we must take into account the effects of these decisions. We can ride our bikes to work in the rain, use tri-met instead of driving, and unless we adopt a global view of the impact of the local policies, have on carbon emissions, we risk fiddling around while Rome burns. We might be designing solar powered robots in our lead certified workshops while weather patterns become increasingly extreme and the oceans no longer support the life forms necessary to marine food. The League wholeheartedly supports the proposed resolutions, and we hope that you all do, as well. Thank you.

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

**Claudia Keith:** I am Claudia Keith, and I represent the League of Women Voters Oregon. Given a number of testimonies that the League of Women Voters, Oregon gave, in Salem this last session, we were in agreement with the testimony supporting both resolutions. Thank you.

**Hales:** Thanks for coming.

**Chris Fantain:** Good afternoon, I would like preface my remarks by saying these remarks have been submitted by Alabaster and Janice, Hayden Island residents in support of agenda items 1156 and 1157. Professor Rocksberg is an E.E. Professor, Chief Systems Engineering Architect in Applied Science and Discreet Math and also one of the founding members of the Northwest Citizen Science Initiatives and author of a two-part, 120-page white paper illuminating the risk of the proposed propane terminal. The professor's comments were edited to fit into the testimony, time allowed. To Mayor Hales and Commissioner Fritz, a heartfelt thank you for your wise leadership in proposing the building of new infrastructure in Portland. The predicted devastating Cascadia subduction zone they go thrust quake of magnitude 9.0 plus, is according to the geological history and absolute inevitability. The construction of new storage facilities in the earthquake liquefaction zones along the rivers would add to the dangerous and explosive situations presented by Portland's existing fossil fuel tank farms especially on the Willamette. These are built on water saturated riverside alluvial fill subject to an extreme liquefaction threat.

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The mind boggles at the prospect of the tank farm, let alone an even bigger future version of it, in post-earthquake disarray, burning and exploding. Even new ones can be expected to survive. Given the liquefaction threat is arguably the worst in the Cascadian subduction zone, Portland is not a place to expand fossil fuel infrastructure whether along the willamette, terminal 6 or in vancouver. The coastal areas such as coos bays are no better due to the tsunami risk. To survive the multiple challenges of climate change and earthquakes Portland should say no to fossil fuel transport and storage infrastructure. Portland needs to build new business infrastructure that trades in commodities other than fossil fuels and on increasing renewable energy, not combustible fossil fuel expansion.

**Hales:** Thank you very much.

**Hales:** Welcome.

**Don Steinke:** Hello, thank you. I am don, a retired science teacher from Vancouver, I would like to begin by thanking you for keeping propane trains out of Spokane, camas and Vancouver. There have been 14 oil train fires in the last 2.5 years and ten exploded. Is the fra says the only way to prevent the fireballs is to slow the trains to 12 miles per hour. On March 10 of 2014 the Seattle city council passed opposing new oil terminals until the cars were proven safe. In the city of South Portland Maine voters voted to prohibit crude by rail facility at its port. Life is full of risks but we have a right to choose which we accept and don't. We came in gasoline powered cars but our cars use half of the gasoline as our previous cars, and the next ones will use less. Norway plans to ban any new car that requires gasoline by 2025. We don't need to grow the oil industry, the gorge commission, the tribes, the firefighters of Vancouver are opposed to oil terminals and so are 30 cities including Spokane, Hood River, the dalles and moshier. Two months ago by a vote of 15-0 the los angeles city council passed a resolution opposing an oil terminal that would bring five oil trains a week to the city. The Oregonian ignores the risks. But you don't need to. I urge you to join south Portland maine, los angeles, vancouver, and 30 other cities throughout in oppose fossil fuel infrastructure. Thank you.

**Hales:** Thank you.

**Alona Steinke:** I am Alona Steinke a retired r. N. And one of your neighbors from vancouver. I was born and raised in Portland and graduated from the school of nursing, that long ago. You have heard so many good reasons to approve the resolutions before you. The unsafe cars, derailment spills, fires and explosions. The poisoning of our air by the increasing amount of diesel emissions, which results in higher rates of cancer, heart attacks, stroke, and asthma. There are the issues of overcrowded rails and big oil disregard for the safety and wellbeing of their workers. This is not just a Portland issue. The health and welfare of all the communities along the rail route are at stake. Please join the following who have also passed resolutions of concern and opposition to oil trains and terminals. The city councils of west port ocean shores, aberdeen, [inaudible], thain bridge island, edmonds, the quinalt nation and the port of olympia and the columbia waterfront llc and 14 neighborhood associations and 101 vancouver businesses. Last night vancouver again spoke up against the oil terminals by electing erik la brandt to the vancouver port commission. [applause] Portland and vancouver share the same air and the same great river. Did you know that the beautiful columbia river has been designated the second most endangered river in the nation. Our air is being poisoned and our cities are in danger of failing to meet air quality standards. It's urgent we transition away from fossil fuels and into a future where we have clean water and air that does not make us sick. A future that is safe for our children, and grandchildren and generations to come. I urge you to pass these resolutions.

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**Hales:** Thank you very much. Thanks for coming. Leave those with Karla and make sure that we get the copies.

**Hales:** Good afternoon and welcome.

**Hales:** Thank you.

**Linda Garcia:** Good afternoon, first I would like to thank you all for listening with open minds to everybody here today. And for giving me the opportunity to speak in favor of these resolutions. I know you have heard a lot of statistics from many large organizations and businesses, but I am here to speak about community.

**Hales:** Give us your name.

**Garcia:** Linda Garcia. Commissioner Fish you mentioned the need for a study on livability, I would like to address that as a resident of fruit valley, the closest neighborhood to the proposed oil terminal in Vancouver, Washington. It is an amazing place filled with people who care and want the best life for their families and their neighbors. It is a blue collar hard working community, that will rise up to fight when needed. In 2013, we entered the biggest fight that we have encountered, Tserro proposed the largest oil terminal in North America. This terminal will be less than one mile from my home, and from the moment it goes online it will put massive amounts of poisonous gases into the air. The amounts of those are listed in the papers. Every minute, every day, from the second that it starts up, this is what we're facing. I have said it before, and I will keep saying it until people start listening and people start hearing. There is no invisible wall around fruit valley, or Vancouver for that matter what is emitted will permeate the air within the neighborhoods and communities, throughout the Vancouver and Portland region. We don't want to knowingly endanger our families, our children, or our neighbors, and I am sure that I speak for so many when I say that we have expectations for those who represent us to protect us, our livability, and our futures. Mayor Hales, you stated earlier today the world is at a turning point, and we have a chance to make a difference. I appreciate you saying that, and I encourage all of you to consider it and listen to those speaking here today. Please approve these resolutions. Thank you.

**Dr Timme Helzer:** Good afternoon mayor and commissioners, I am Dr. Timme Helzer, a resident of Portland and professor of quantitative and qualitative research methods, and a co-founder of Northwest Citizen Science Initiative. This is a Portland-based association of civic leaders, scientists, and engineers, researcher using valid and reliable scientific methods to study and report on serious challenges to our systems of livability and sustainability across the Pacific Northwest. Here's the problem as you well know. Since 2013, fossil fuel train disasters in North America have increased, and Portland, Vancouver has been playing, as we have heard numerous times today, Russian roulette with the real transporters and manufacturing, and testing agencies and congressional oversight committees. Hundreds of fossil fuel rail car wrecks with major incidents in, across Canada and the United States, Portland, and Vancouver, maybe next. The date to be determined. Portland has become a beta site, a testing site for the industry. The cause.

National transportation safety board reports design flaws in all rail tank cars, including DOT 111, and DOT 112j, and DOT 117. The couplers don't work very well. They have tried to make fixes, and those have forced those couplers to snap off and become rams to these container cars. We have a manufacturer here in Gunderson who is building some of those. I am not accusing them of anything, I am I am grateful for their jobs and the things that they contribute, but you need to be proactive, in what they are doing, and take a look at improving what they are doing, and I think that a beginning first step is passing these two resolutions. Thank you.

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**Hales:** Thanks very much.

**Andy Maggi:** Mayor Hales and commissioners, I am Andy Maggi the director of the Sierra Club here in Portland and proud to be representing our thousands of members that reside here in the city and volunteers. -- thank you for having us here to discuss what is a critically important issue to our community neighborhoods and region. I also want to take this moment to thank all the volunteers and organizations who have made this possible, groups like 350, PDX, Columbia River Keepers, Physicians for Social Responsibility, the Audubon Society, Climate Action Coalition, and our tribal partners and businesses. I want to applaud the leadership of Mayor Hales and Commissioner Fritz, and offer my encouragement to the other commissioners to join them in supporting these two resolutions today. There is not a new issue. The negative impacts of climate change driven by the burning of fossil fuels are well documented, the health and safety risks of the fossil fuels and infrastructure and transport to local communities are well documented, and perhaps more importantly, the city of Portland has had some time, has had for some time a climate action plan. The newest version passed in June of this year, and that calls on the city to develop and establish a fossil fuel policy like the one you are considering today. What we do in Portland matters, leaders from across the country will watch what we do here today, and look for local strategies to push back on fossil fuels, in their communities. [inaudible] Safe Energy Leadership Alliance, is a group of local officials who recognize the significant threats and impacts, coal and oil transport, brings to their communities, and when proposals emerged they came together to use their local authority to protect those communities and represent, and even say no in some cases. From the northwest to the Gulf Coast, local elected officials are taking action on climate. With the Sierra Club, encourage you to do the same today, and thank you for your time.

**Fish:** Since you waited so long can I ask a question?

**Maggi:** You may.

**Fish:** We have gotten some emails or letters from people that have raised a question about the Hales resolution in the context of the Governor's, the State's Clean Fuels Program. We separate out coal, oil and coke to put that off to the side because we have gotten enough inquiries about this and I want to give you a chance to respond. Under the State Clean Fuels Program, there is an explicit encouragement we're going to move to a cleaner energy future by using bridge fuels and a specific encouragement we're going to display diesel consumption with natural gas and propane. And we have locally a manufacturer of heavy industrial trucks moving to a propane, a natural gas powered fleet. How do we reconcile the action taken by the state through that program with the prohibition and the, in the Hales' resolution about infrastructure for propane and natural gas.

**Maggi:** Thank you for the question. I will be the first to admit that I am not an expert on the specific language of the bill.

**Fish:** I am asking as a matter of policy.

**Maggi:** I think the point here is -- what we're talking about today is the need to move beyond traditional fossil fuels. The need to bring about cleaner, burning, or cleaner fuels, more renewable, and no one is arguing that in the short-term we're not going to continue to use some fossil fuels or some forms of energy. And I think that these two things can co-exist in the same world. I don't think that there is a prohibition on cleaner fuels, in Mayor Hales' resolution.

**Helzer:** I had a comment, your question was, how do we put these two together?

**Fish:** The state is encouraging us to do.

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**Helzer:** I understand. Thank you.

**Helzer:** The state has been ill-advised in preparing their position and I think it's an opportunity for the city council to make a significant correction in that. We have provided to the city council, as well as to the state our paper, parts 1 and 2, you all have copies and discs, and I recommend you look at it because propane is not a clean or safe fuel. And for you to go down that track, it will blow you up.

**Hales:** Thank you all.

**Hales:** After those folks I am going to take a process check here so go ahead.

**Patrica Bellamy:** Thank you for the opportunity to speak. And urge you to support this finding fossil fuel resolutions, I am here for many reasons, a great grandmother and a 30-year resident of the beautiful city of Portland. I am worried about climate change and my dear grandchildren's future health and safety. I also have 40 years of experience as an r.n. Caring for heart and lung patients, and nurses are worried about multiple mile long diesel oil and coal trains rumbling through the cities, communities, and country sides, and these dirty trains spewing up soot and toxic fumes known to cause cancer and heart and lung disease and is risks of fire and explosions from oil trains. Just to mention a few health hazards. I am a member of the Oregon nurse's oh, one which has 10,000 members. We have sent a letter to Governor Kate brown urging her to continue to support Oregon's no to coal exports. I am also a nurse in the sierra club health outreach. Sierra club's beyond coal and partners retired 205 coal plants, but there is still much to do, coal is the largest contributor to environmental co2, and these resolutions are steps in decreasing co2 and climate change. Nurses know climate change will bring many extreme risks to our citizen's health and safety, and risks from diseases to food scarcities, from floods, droughts and rising sea levels. Vote yes on these resolutions. You have an opportunity to show leadership on how communities and cities can impact climate change and keep our community safe. Thank you again.

**Hales:** Thank you. Welcome.

**Dr. Kelly O'Hanley:** In the interest of time I will truncate my remarks.

**Hales:** Your name.

**O'Hanley:** Thank you for allowing me to speak, and thank you for considering these resolutions, I Am dr. Kelly o'hanley, representing greenpeace usa and the thousands of members here in Portland. It takes climate leadership by the people, and those who represent them to make necessary peaceful transitions to clean energy future. The type of leadership Portland can show today, right here in these chambers. At a time when Oregon and the Pacific Northwest are under attack by fossil fuel industry, currently facing 27 or 28, proposed projects that would power climate chaos, the city of roses can be that beacon of light, setting an important example for other cities. While joining in solidarity with those who have taken climate actions. To stop dangerous fossil fuel projects in Portland, that put our environment and community at great risk, takes bold climate leadership. Please take a stand to protect the sacred by passing these resolutions. Thank you.

**Hales:** Thank you.

**Dr. Kristin Sheeran:** Hello mayor hales and members of the city council, I am dr. Kristin Sheeran here as Oregon state director of climate solutions, a regional nonprofit working to accelerate practical and profitable solutions to climate change. I submitted our comments online for the record. I will be brief because I know that others are waiting. As a core member of the stand up to oil coalition, and as a central player in the power pass coalition opposing coal export In Oregon and Washington, climate solutions strongly opposes

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expansion of coal and oil transportation storage and export facilities in Portland. You have heard many of the reasons, moral, environmental, and economic, and I will touch on some of the economic ones haven't been mentioned here today. The tide of global energy investments turning around us, the cost of renewables falls dramatically, and for example, the costing of wind power in the u.s. Is now cost competitive with coal and other fossil fuels and will continue to decline. And the u.s. oil firms are reporting lower profits and the coal industry is in decline and many are unaware, coal imports of Portland, in major oil coal consuming countries is falling dramatically, as well. The clean energy revolution is underway. The investments in renewable energy must be ramped up did in our city and world to transition to a low carbon future now. Investing in long lived capital intensive coal power infrastructure, and oil infrastructure will lock us into a global trajectory that guarantees catastrophic climate change. Portland and the northwest have been and she be a leader in the transition for fossil fuels to the clean energy economy. Proponents of coal and oil infrastructure project a choice between environmental protection and the economy and jobs. Pioneers and energy efficiency, renewable energy and sustainable fuels call the city of Portland The state of Oregon and the northwest home for a reason. We can succeed economically by innovating, commercializing and marketing energy strategies that reduce the dependence, promote clean development and deliver real climate solutions. Thank you for your continued leadership on climate and clean energy.

**Hales:** Ok, welcome.

**Jeff Giesler:** I am jeff Giesler, not timme helzer. He already testified. I am the current chair of the Hayden island neighborhood network, high noon. I am also a co-sponsor of the northwest citizen science initiative. And we want you to know that the north Portland neighborhoods all support both of these resolutions. High noon took that direction months ago, and the north Portland chairs followed us. So, it's time again for a new direction. Lewis & clark had Sacajawea for a guide. Today we have siri, not quite the same accent, quite different. Both are qualified for their intelligent assistance but the difference is most compelling in that siri relies on electricity and satellite technology. So the two-year journey that lewis & clark took could now be completed in four days round trip. This transition was made possible in just 210 years by fossil fuels and technology. You have to admit that, but our earth science teachers have explained the sources of energy are finite, and we should not exhaust these resources but find new ones and stop living on this planet as though we have the spare planet in our back pocket. More importantly to the issues today, try to cut this back but the transport and storage of fossil fuels in the northwest region is just really in the wrong place. I won't say any more, I have got the written testimony but I think that the kids did a great job. They covered everything from the seismic problems and everything else. I think as, it's courageous you wrote these and you are looking for an intelligent way to implement them and to encourage our current businesses to stay in business but to find new businesses and new sources of energy. I think that's to be applauded. We appreciate that, and one last comment, we are fighting a terrible odor problem from the oil refineries on hayden island, from orco and apes, interesting acronym. We need your help.

**Hales:** Thanks very much. Thanks.

**Ned Haskel:** Thanks very much, mayor hales and commissioners. Thanks for taking the testimony today. Thanks for the segue, I am ned haskell, a teacher at the metropolitan learning center, and I was lucky enough to witness my kids come up here and testify before you today. So, I am standing in for gwen sullivan today who had to run her own executive board meeting, so she sends her regrets. The message is the same. I am here

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on behalf of 4,000 Portland association of teachers, members, who voted unanimously to support the position of 350, pdx, Columbia River keepers, the audubon society and other organizations in supporting mayor hales and commissioner Fritz's propositions. We have strongly supported the resolution as written. And we support these resolutions because we don't want our communities put at risk. We support these to help aid in transitioning to low carbon energy sources while supporting renewable technology and resources. We support these resolutions for so many reasons that are stated here, but mostly, we support these resolutions on behalf of the children and the children you saw here today, 11 and 12-year-olds who, if we look 20 years ahead, they will be 32 years old in the prime of their career, and they are the ones whose shoulder this falls on. I am a white hair I am a white hair and surrounded by a couple of white hairs here. [laughter] I am asking we lead by example for them. Thank you.

**Paul Spindel:** I guess we're on a theme here. I am Paul spindel, and I was here about a month ago when you passed the proclamation for indigenous people's day. I was grateful that you took that leads, and to see more of that today. I came here today prepared to talk about the indigenous concept of seven generations. Everything that we are doing, keeping in mind the impact on seven generations from today. As I listen to the kids today, I came to this generation of children, it absolutely made me sad to listen to kids who are 12 years old talking about the pain and anguish that their younger brothers and sisters have about their concerns for the future. If that does not touch our hearts, and wake us up, I don't know what will. I come here representing them in generations that are not yet born. Thank you. [applause]

**Hales:** Thank you all, let me take a pause in our work here for a minute and work on some logistics. I believe we're going to lose a quorum at 6:00. We have some amendments in front of us. We have more people signed up to testify. So, here's what I would suggest, first we're going to take a five-minute compassion break. For everyone including city council and then we're going to come back. I want to put this to you and that is do we have the opportunity to act today or do we have the opportunity to act later. If we act today we'll deprive some of you of the opportunity to testify. If you really object to that and you feel like we must hear you today before we act you should talk to our clerk and let her know that and we'll see if there is still time to hear everyone today if we're going to try and act today. Secondly then I want--regardless I want to come back and I do want to act on the amendments today. So I want to put that to my council colleagues I think we should take action on both sets of amendments and both resolutions today, but [Applause] I want to cut short the process needlessly so let's take a five minute break, lets come back and go to work on that and again my apologies to those who have signed up to speak and if you really feel like a point you want to make hasn't been heard let our clerk know. We will be back in five minutes and take it up then.

[Break]

**Hales:** Ok folks lets get back to work here, I understand that we still have 13 who want to speak and so first thing we're going to do is hear them and then we'll see what we can get done. I both want to move on these issues, they're hugely important but I want to respect the process, both your opportunity to speak and my colleague's opportunity to get to yes. Bear with us all as we work on that and let's call people that would like to speak.

**Hales:** Good evening. Come on up.

**Dr. Nicki Navizadel:** Thank you for making time for us. My name is Nicki Navizadel and i'm a resident pediatician at the doernbecher. I'm not the only pediatician concerned about climate change and effects on children. In the past month, national organization,

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American academy of pediatrics released a statement encouraging health care professionals, local and national legislatures and community advocates to help the effects of climate change in any way possible we talked about some of the health effects already such as asthma, cardiovascular risk but wanted to highlight what climate change will cause in regards to family in climate sensitive regions of the world. Due to climate change, struggle for nutritious foods, essential for children development and overall growth potential will be greatly put at risk. If we ignore the global impacts associated with the continued fossil fuel transportation in use locally, increased co 2 emissions decreased quality of grain worldwide. Subsequently sacrifices nutritious components of a child's daily diet, such as protein, zinc, iron, and jeopardizes brain development and overall health nutrition for children. Malnutrition accounts for almost half of deaths for children under the age of five worldwide studies have projected up to a 20% increase in globally malnourished children in climate change continues at current rates. I hope we work together and pass the resolutions today and keep the children healthy locally and globally.

**Hales:** Welcome.

**Akash Singh:** Hello my name is Akash Singh. I will keep this very, very brief because I would love for both resolutions to be voted on today. The sun is not as generally assumed stable. It is warming rapidly as more and more heat is being trapped into the earth's atmosphere, arctic caps disintegrate, melting into the saltwater, instead it will be creating a mixture, ocean and oil which not only has the effect of prohibitively damaging aquatic ecosystems, also traps the heat that is rising from the oceans floors more to the point, term hypocrisy has been used repeatedly. Hypocrisy of using indian and china as a crutch, a crutch that is quote under the guise of patronizing generosity. Portland bills itself as being a climate leader around the world. It is time with this resolution that we uphold that very belief. Thank you.

**Hales:** Thank you. Welcome.

**Peter Teneau:** My name is peter Teneau, thank you mayor hales and Commissioner Fritz. In my opinion, we today in considering this resolution are addressing the single-most important issue imaginable. Why, Portland is a choke point in a global issue that strikes at the heart of the environmental crisis and Portland's identity. Which do we want to be known for, trendiness or world class leadership influencing the plants future there is no need here for me to expand on what is happily enumerated in the resolution before you allow me personally to call out one particular issue, since I live within one and a half miles of a zone of oil route into river gate. Do not try to assure my, inevitable -- there will not be loss of life -- to prevent any facility, pembina and the like is too recklessly -- to be recklessly irresponsible. It is insane. Risks that never should be. So say no to the oil and coal terminals and transport and enough of port of Portland pushing pembina on us, enough of oil company sweet talk of money and jobs. Are we not creative enough to find many more jobs -- I say yes -- we the redshirts call on you to show the integrity and intelligence and guts to pass this resolution. Please let the world know who we are in a great moment of decision. Let's lead. One more comment to commissioner Fish. The concern for fuels, we should be leading in this. We should not delay action for the state to act. The state is behind us. Portland is a leader. We do this now and let the state follow.

**Hales:** Thank you. [applause] next, please.

**Moore-Love:** Did you still want to testify? [inaudible]

**Hales:** Thank you. [names being read]

**Edith Gillis:** Thank you very much.

**Hales:** Thank you.

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**Gillis:** I care about this and i'm willing to risk my life and future over this. I was an activist at st. John's, not only prepared to embarrass my kids and have one child never forgive me, but to be imprisoned, malnourished and raped for many years because I care. If you have a -- if you have an existing and increased oil, coal, propane, methane gas, don't call it natural gas. Toxic fumes and methane at -- depending on what time you're talking about, more than 100 times what does carbon dioxide. If we have those, it will destroy our economy. We will lose jobs. We will lose businesses. We will lose business process. We will lose worker productivity. We will have increased insurance. We will have increased business and city costs? We will have reduced bond value, increased insurance, increased liability and increased lawsuits. We will lose the good businesses, good creatives, good workers, the good scientists that we need. More and more of our families will not be able to work productively, will not be able to volunteer, will not be able to add to our economy as good citizens as good scientist, as activists and volunteers because we'll be home taking care of our children that have increased lung disabilities and increased dementia of our elders because of the increased diesel. We will have increased terrorist risks because of the drones they are going to for political reasons don't work. Very simple. Simple pebble on a train track. We have uneven -- unstable railroad tracks, we have land rock slides, all you have to have is one oil train exploding at bonneville dam and you will lose bonneville dam, we will be flooded, we will lose the NSA, google, Facebook, and the drone factories, we lose jobs that they have. We will all destroy our shipping, we already are losing money from the apple and the wheat because they have to haul their product for the more profitable oil and coal trains. They're late to market. We cannot afford the harmful economy to our individuals. We will lose our jobs. Say yes.

**Hales:** Thank you so much. Welcome.

**Eric Labrant:** Good evening I am Eric Labrant. Chair of vancouver street valley neighborhood association and recent commissioner elect for the port of vancouver usa. [Applause] thank you. Here this evening on my own behalf. It was once taken for granted that some folks were less equal than others, stuck living in less desirable starts of town. Wrong side of the tracks where the coal dusts settled, near the refineries, downwind from the paper mill. Pacific Northwest future -- carbon stakeholders desperately want to move oil and coal along the river upon which our economy relies heavily. In order to chase large but declining markets in Asia. Expect dire warnings if they do not get their way. Urged to keep up business as unusual. These days business as unusual means following behind. In 19 countries, solar power has reached price parity with coal. Cheaper to make power from sunshine than from coal. U.S. will reach that tipping point next year changing the way we think about energy and the role on business, the way the internet changed the way we think about information. Portland is healthy and strong in part because of its progressive reputation, taking this large aggressive step forward builds that momentum. Paints us as hostile to the coal and oil barons -- if you consider the growth -- greater Portland 2020 plan, areas we are developing, health care, clean tech, agriculture. What you will not see on that list, resource extraction, fossil fuels, petrochemicals. They don't make the list. They are not a part of our long-term future. Drawing a clear boundary helps to avoid getting distracted by the industries of the past and continue building for our future ahead.

**Hales:** Thank you.

**Fritz:** Congratulations on your election.

**Hales:** Thank you.

**Hales:** Welcome.

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**Erwin Bergman:** Hello my name is Erwin Bergman I appreciate the opportunity to say a few words. I'm here in total support of the resolution. And I support this resolution with two concerns that I have. One is safety issue and the other is climate change. In -- I learned that pembina planned to run propane tanks through our neighborhood I contacted the national laboratory, a world renowned facility, and they advised me that they felt that transport of 100 car propane trains -- train cars is a highly unsafe, and very irresponsible if the -- if they run through a metropolitan area. Transport other fossil fuels, such as wyoming coal or crude from -- together with gas shipments over the same tracks obviously involve various level of risk to human and natural environment. Derailment in columbia gorge, foremost to my mind as an environmental catastrophe. Complication in the metropolitan area could be likewise catastrophic. Accidents -- not on the radar screen. Maximum production and getting it to the greatest quantity to the -- to greatly expanding market is their sole concern as it means revenue growth. New and expanded markets would allow the -- to plan for doubling or tripling in the near future. The -- climate change does not manifest itself through rising sea levels -- causes rapid changes in the environment and let me just permit me to add this to, as a note of interest, be aware that recently, 3,600 member aboriginal band in vancouver, bc, offered a payment of over \$1 billion to allow natural gas line to cross its land to -- leaving on the table approximately 300,000 for every man, woman and child. Portland this is time for your nickel.

**Hales:** Thank you. Thank you very much. Next.

**Moore-Love:** Next three.

**Hales:** Come on up. Welcome.

**\*\*\*\*:** Hi, I was going to --

**Hales:** Go ahead. She may not be here.

**Monica Bomber:** Okay. My name is Monica. Actually here on behalf of a company ecolude before I would have been all for this amendment, all of the resolutions and everything until he started to work with this company three months ago. They're a start-up and they are going to be taking oil from different companies and rerefining it so that it can be used again. But if it resolution passes, with the way it sits right now, they're not going to be able to do that. Portland is a city all about innovation but with this how are we going to be able to take clean case oil and refine it if we can't bring it in, all together, just going to the landfill. That is one of the reasons why I think that you guys need to add an amendment to this. I would like to end this with a quote from Obama. The solution to our problem is a new green economy. The last thing I want to do is delay it. If not, just -- it's not just bad for our planet, it's bad for our economy.

**Hales:** Thank you. I think we can make sure when we write code on this that reuse of existing material is not intended to be covered by this restriction.

**Bomber:** Okay.

**Fritz:** Thank you very much --

**Bomber:** I guess i'm new to this. How do we make sure that we're not going to be affected by this?

**Hales:** Well, what happens, these are resolutions, they are stating the intent of the city council, and then they actually, city bureau, particularly in this case, bureau of planning and sustainability brings back code that says here is how we actually change the city's laws and regulations to reflect this sense of the council. So, that's where we do the fine-tuning on issues like this. It is good that you raised this because it was not our intent to affect recycled oil operations --

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**Fish:** As commissioner Fritz noted, it is the first time we heard that issue. Testifying matters. Under one of the amendments before the council, there would be a work session before the council took up the code, and that would be a work session where you get to come and observe and if we drop the ball on it you can let us know.

**Hales:** Make sure we get the language right.

**Bomber:** When you guys vote today, it might not actually have an effect on us.

**Hales:** It doesn't have an effect right away. We have to write code and that is how we turn resolutions into law. Thank you. That is great that you raised the issue.

**Fritz:** If you turn around, Susan Anderson, director of the bureau of planning and sustainability, if you want to give her your contact information so it can be added to the list as this project continues to move forward we make sure that your company is pulled in. What a great employee, after three months you take initiative.

**Hales:** Change public policy in the first three months in your job. Doing fine. Good work. Thank you.

**Marion Haynes:** Marion Haynes, Portland business alliance but here on behalf of a broad coalition of businesses, organizations that employ thousands of workers in Portland and around the state. I really urge you to delay action on the fossil fuel policy today. The process has been a little lackluster I think from our perspective. We did participate in that and the work group. Very little analysis of the supply chain or market realities to inform the discussion. Little understanding of the statewide impact which is why so many of the organizations -- submitted to you are statewide organizations that are worried about impacts of this policy that might have an effect in eastern Oregon, southern Oregon other place throughout the state is a complex issues. Intricacies to it. I don't know what all of them are. I know there are many, many instances of things like that out there, people doing innovative things that this could potentially interfere with. I would ask that we take some time to fully understand what all of these things are. The amendments today that were introduced, I appreciate, I appreciate commissioner novick and Fish in approaching this in a thoughtful way to try to avoid some of the unintended consequences that something like this could bring up because it is a such a far-reaching policy. We don't see the need to act today and we do see the need and what we should do is take a little more time to explore what all of those types of different situations are so that we can -- so that any policy doesn't result in unintended consequences, hurt these types of companies, run into legal issues of which there are some related to the city's authority and things of that nature. It is a very complex topic. We urge that the vote not happen today. The amendments that were introduced again have had no vetting. Nobody has had an opportunity to see if they have addressed their specific situations or not and we ask for more time to allow that stakeholder input to occur.

**Hales:** Thank you. Welcome.

**Dick Harmon:** Mayor and commissioners, my name is dick harmon. I'm a resident. I'm 79. I'm here grandfather, great grandfather, and father of family in Portland. I have three quick points. The urgency question comes down to numbers. How many years is the best estimate for how long we have before the systems go nuts? The estimate that I look at is between 2030 and 2038. That's not very far away at all. And the kids who are here today are going to get hit hard by that. So, that's urgency. There is a huge opportunity in this situation, which has to do -- I will just be very quick on this. Specific opportunity in this situation is radical conservation of energy in big commercial buildings. That is going to require changes in incentives between utilities, investors, and building owners. There is a way to do this. And my testimony has a link to that source. Very creative, new way of

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looking at those incentives. The last point I want to make is about legacy and birth right. We have -- we have a breach between the generations including this question. We have an opportunity to heal it. The question has become vivid for people over 50. What is my legacy in this situation, not the stuff that I give away, but the values and vision that I present to my offspring? So, we have a choice here about whether or not we honor the elders by honoring that legacy, and, so, the question on the other side is birth right. Do the kids here today have a right to flourish just by virtue of being born?

**Fritz:** Thank you for your testimony.

**Harmon:** I want to support the resolutions. I want to support the resolutions.

**Fritz:** Thank you.

**Harmon:** Here is what I want. I want a situation in which our young and your young can flourish and exercise their birth right and say about us, they did not fold, they did not betray us, they stood up for us with great courage and determination. Thank you.

**Hales:** Thank you. Thank you very much. [applause]

**Moore-Love:** The next three.

**Willie Myers:** Mr. Mayor, members of the council, thank you for taking my testimony today. My name is Willie Myers, executive secretary treasurer of the Columbia Pacific Building Construction Trades Council representing more than 15,000 union working men and women in the northwest region of our state. 15,000 families that receive as compensation for their labor, including family health care coverage, retirement with dignity with a defined benefit pension plan, the craft's best training in the industry and family wages. We are the middle class. The negative impacts on the middle class from these resolutions by opposing infrastructure will be devastating and will have -- will add to the wage inequality in our state. By the city taking the stand against the working class to earn a living in these sectors through our helmets to hard hats program includes many veterans returning from service to our country. Our ability to provide these important services, contingent on our ability to have jobs in every sector, heavy industrial and infrastructure. State of Oregon and all communities that make up our great state rely on fossil fuel to operate our transit system, whether personal or public, fossil fuels to heat and light their homes and grow and harvest their crops. Vast majority of all fossil fuels imported come -- it is not just about Portland. I have received several phone calls from concerned citizens in neighboring counties that heavily rely on jobs created from the import and export of these fuels. I will skip ahead since I'm running out of time. With respect to Commissioner Novick and Fish's amendments, they certainly bring forth some interesting ideas that should be explored further and deserve further discussion. I urge you to delay a yes vote for the public vetting and review to have time to take place. Thank you.

**Hales:** Thank you. Who's next?

**Dave Tischer:** Good evening, Mayor Hales and Commissioners. My name is Dave Tischer, proud 27 year member of Laborers Local 737. We're the folks that bring you the windmills, solar farms, geothermal energy and all of that clean energy everybody is talking about today. I'm here tonight to oppose these resolutions for actually a number of reasons. One of which I think they're broadly written in Commissioner Fritz' -- primary purpose is transporting could be defined in a lot of different ways. I think it is problematic. I do believe that in the other resolution that Mayor Hales put forward that I believe when you say they actively oppose and you are looking at codes to actually change the way Portland does business, I think and I have sat in these rooms and I have heard from all of you folks about the needs of Portland. We need affordable housing. We have a homeless issue, road and infrastructure issue, and I think that is a very poor steward of the taxpayers'

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money to place a special interest, fight on the burden of the taxpayers, because basically what Portland is doing is taking on the fight of special interests. I believe these resolutions are bad for jobs. They're bad for business. They're bad policy and they're bad for Portland. Thank you.

**Hales:** Thank you. Good evening.

**Joe Esmond:** Good evening, mr. Mayor, members of the commission. My name is joe Esmond, resident of a Portland, work for ibw number 48. I have -- was appointed by the governor Kitzhaber, low carbon fuel standard, about eight months to hash out. We had all of the interested -- not all, most of the parties in the room, a lot of give and take, some bad feelings, but at the end of the day we came up with a policy. Part of that was propane. We will move on from that. I was also asked to serve on the fossil fuel export advisory committee. And I served there for two meetings. We were told that we would have input into anything coming out of that committee. We have had none. I heard about this resolution from somebody else on the phone. I brought up the subject of people, how come other groups aren't in here? People of color or low income advocacy groups who would be affected by this. I was told that the city council would be able to handle that, would be -- would reach out to them. As far as I know, end of story. Very disappointed in the process and I think it is very unfair. I have the documentation on that. Before I go, I wish the people in this room had the same passion for income inequality as they have for fossil fuels. And I want to especially mention Michael Armstrong, bps, has done a very good job for the city. Good civil servant. Thank you.

**Hales:** Thank you. Thank you very much. The next three. Questions?

**Moore-Love:** The last person who signed up at the break requesting to speak was rob mathers.

**Hales:** Come on up.

**Rob Mathers:** Actually I did sign up originally. I am rob Mathers working waterfront coalition and the Portland freight committee. Owns and operates a significant amount of critical energy infrastructure in Portland and Oregon. We provide facilities and services to a range of customers, refiners, suppliers, marketers, occasionally end users. Serve as a key link in a complex supply chain whose purpose is to deliver on spec fit for purpose fuels to the market in a safe, reliable, and timely manner and we blend a heck of a lot of renewable fuels into the conventional fuels. My understanding of the proposed resolutions were that this he were to oppose the development of major projects related to fuel exports, however, it's clear that the city is using fuel export resolutions as a pretext for declaring war on the working harbor and use of all fossil fuels. Economic prosperity as one of the guiding principles in the comprehensive plan the resolutions are actually counter productive negatively impact all of the other guiding principles including equity. Regarding the process being conducted by the city, I think it was a contrived fossil fuel export policy advisory committee, and the whole process is typical of the city's ready, fire approach to conducting business. These are polarizing policies that divide our community. I urge the council to vote no, but at least take some time before finalizing and signing the death warrants. Thank you.

**Hales:** Thank you. Anyone else that we have on the list at this point?

**Moore-Love:** A request for someone else who wanted to speak.

**Hales:** I'm sorry.

**Moore-Love:** Someone else wanted to speak.

**Hales:** Sure, come on up.

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**Rose Christopherson:** Hi i'm rose Christopherson, a retired physician at the va and a ph.d. In philosophy and used to teach logic a long time ago. Thank you all so much for coming up with these resolutions and for listening to all of us with all of our opinions. I didn't choose to speak initially, but I had this instinct that the people that were going to choose to keep speaking were going to be the people that kind of had money in the game. So, I thought -- when I saw that that was true, I thought I would just speak a little bit and from the logic point of view. We basically have two kinds of reasons for both of these resolutions. First is the local. The local includes two things. The danger of these storage tanks that can blow up for a variety of reasons of the trains and so forth. That's the number one reason. Number two, the ongoing illness that will be caused by the air pollution, etc. Well, maybe some economic reasons also when you can't ship apples because of the oil trains. But then the second important reason for supporting this is the planet, the really large picture. So we have two reasons, two levels there. Either of these is a sufficient reason to support these resolutions. Either one. And certainly both. Thank you.

**Hales:** Thank you. That was very logical, if you don't mind me saying that. Good evening.

**Sydney Herbert:** Thank you for your patience. I'm sydney herbert, conservation chair of the trails club of Oregon, a 100-year-old, 400-member recreational organization. We have two lodges. One is on lodge mountain in the columbia river gorge national recreation area. We have an investment, you might say, in the gorge where our members recreate as well as citizens in the community impacted by these developments. The trails club is a member of the federation of western outdoor clubs. At their annual meeting, 2014, august, past resolutions having to do with yours today called transport of fossil fuels through the columbia river gorge. I gave five copies of the resolution to your clerk. I don't know whether they're in your packets or not -- but you can borrow any whereases you would like from them. Adamantly opposed to the export of fossil fuels. All efforts should be expended to support local communities in their opposition to export terminals while at the same time working to increase safety. Thank you.

**Hales:** Thank you. Okay. Let's bring staff up and talk a bit about how we would like to proceed. And maybe we can sort of poll our colleagues. I have thoughts about that. Go ahead, Commissioner Fritz.

**Fritz:** Commissioner Fish and I said at the outset we needed to leave at 6:00. It is already past that. This has been a great hearing with lots and lots of thoughtful testimony including thoughtful who didn't give their testimony at the end so we can have this debate so I appreciate everyone showing up. I believe everyone on the council is resolved that we are going to adopt these resolutions. At least I hope that is the case. I hope i'm reading the will of the council correctly. In order to be able to give the second resolution the amount of time it deserves given that most of the amendments are on the second resolution, what I would suggest we do is discuss and vote on the amendments to the first resolution and take a vote on the first resolution since that is the one that is time sensitive and then set a time certain to come back and discuss the other amendments and to finalize the fossil fuel policy.

**Hales:** I agree with that approach. I want to hear from our colleagues as well. Let me both explain and reassure people, there are two reasons to not complete this work tonight. One is legitimate and one is not. The legitimate reason is that it is always good to measure twice and cut once. They've heard that too often. I should apply it to myself in this instance as well as in others. And I respect the process at this dias in which we work with each other and try to resolve each other's concerns about important public policy. I believe if we

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take more time on the second resolution, we will get to a four or five-zero vote on this important piece of work. That is an ideal outcome that I would love the chance to get to. If I push my council to move too quickly tonight, I might not get that level of support for this resolution. So, I'm willing to be that patient. I am unmoved by arguments that we should just take this off into some amorphous process and get back some other time. We have been there on other issues and got nowhere on one thing or another. If we are not going to act tonight on the second resolution, I will set a time certain, probably next week, for when we will vote on the second resolution. Because it is very important that we do this soon if not now. Because we don't have much time and because we have had this extraordinary interest in the community for us to take a clear stand. But I do believe that the council is willing and able to take that kind of clear stand. The other caveat that I will lay down on the table and I don't think there is any disagreement with those who are sitting at this table, is that we will not water down or dilute the intent of these two resolutions by whatever word craft we do to make sure that they work the way we intended them to work. Both Commissioner Fritz and I and our staffs put time into the drafting of these resolutions and they're good, but I do want to acknowledge that at least some of the amendments that have been brought forward tonight improve them. I always want to give my colleagues a chance in the collaborative work that we do in this chamber to improve something that I bring forward and I think that is going to happen tonight and over the next week and then by the second vote that we will take next week, we will have completed that process. So, that's my suggestion. Commissioner Novick, your thoughts?

**Novick:** I can live with that.

**Fish:** I support it and I'm ready to vote on it. I would ask that we set a time certain for next week, even if it means displacing some other issue because I think this has to be resolved next week.

**Hales:** What's the time available for us to take a second reading and vote on 1157?

**Moore-Love:** I have 15 minutes on the 12th.

**Hales:** Might need a little more than that.

**Moore-Love:** 2:00 p.m. On Thursday the 12<sup>th</sup>

**Moore-Love:** November 12th at 2:00 p.m.

**Hales:** Now let's take up the amendments to 1156. We need to review and discuss those. We have four different amendments.

**Fish:** Just two. Novick one and two.

**Hales:** Novick one is removing the adverse impacts of train noise because that is not specific to these kinds of trains, right?

**Fritz:** If I might speak to that. Commissioner Novick spoke to why we should do that. I would like to speak to why I don't want to support that. Dr. Kullberg and others mentioned in testimony, increased impact of -- people are worried about the trains exploding and whatever, that is going to add to the distress of having more and more of these trains coming through. So, and, in fact, Oregon physicians with social responsibility have looked at the literature, and there are peer review studies showing adverse health impacts from living with train noise. That is why I won't be supporting this.

**Hales:** Other comments?

**Novick:** Well, if the question is the total number of trains causing noise, then maybe we should adopt a restriction on the total number of trains that can come through. I just think that this is -- this resolution is specific to oil trains, and the issue of noise is not specific to oil trains and that is why I offer the amendment.

**Fish:** I move the amendment.

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**Novick:** Second.

**Hales:** Let's take a vote on that amendment, please.

**Novick:** Aye. **Fritz:** No. **Fish:** Aye.

**Hales:** I am concerned about the adverse impacts of train noise, but I think we do need to target these resolutions specifically to these environmental issues that are -- that are discreet and related to fossil fuels. I will vote aye. That amendment is approved. Now, the second one. This is -- this is this caveat unless and until transport by rail is demonstrated to be safe, is that right --

**Novick:** Unsafe, and carries the same level of risk as transport by tanker ship and pipeline.

**Hales:** Further discussion.

**Fritz:** Yes I would like to -- vehemently opposed to this amendment. There is no gauge to when it will be safe or safer. It implies that we will be building more pipelines which I don't think is correct and it weakens the resolution. I don't support this one and I ask you not to support this either. It has significant concern for the advocacy organizations that helped craft the resolution. Am I missing anything cristina?

**Nieves:** No, I think you hit it right.

**Novick:** My concern we every day rely on the transportation of fossil fuels by tanker ship and pipelines because that is how the gasoline we use in our cars get to us. For us to say that we are okay -- I mean, if we want to ban the import of fossil fuels, then I think that it is okay for us to been any fossil fuels coming through here. But we don't. So, I am uncomfortable saying that we are going to ban a form of transportation if that form happens to be proven to be as safe as the form by which we get our own fossil fuels. So, it is a matter of being able to look at myself in the mirror and thinking of not being hypocritical. It is possible that nobody will ever be able to demonstrate that transportation of oil by rail is as safe as by pipeline and by boat. But I think that that's something that we should at least allow people to try to demonstrate.

**Fritz:** How would they do that? They would have to come back to council to get rid of the policy at which they could do without this language.

**Novick:** They can demonstrate it to us, come back and demonstrate it to us.

**Fritz:** They can do that without having this language in here. This language implies that somebody -- which, in fact, city club last friday, proposals of the terminal vancouver said it is just as safe as all of the other ways. They are going to say this policy doesn't apply because it is just as safe. Testimony to that effect from the vancouver folks.

**Novick:** Resolution would say city opposes oil by rail transportation unless and until transport by rail is demonstrated, etc., so that clearly implies that we oppose oil-by-rail transportation until somebody comes to us and proves it has become safe.

**Hales:** I think you have articulated the two views. Let's take a vote please.

**Hales:** Commissioner novick moved and I believe commissioner Fish seconded this amendment.

**Moore-Love:** Thank you.

**Novick:** Aye. **Fritz:** No.

**Fish:** I seconded this for discussion. I listened carefully to the discussion and I am actually not persuaded. No.

**Hales:** And i'm also not persuaded. [applause]

**Hales:** Folks, please, if somebody wants to make the case later, that's fine. This is solid policy for now, no. [gavel pounded].

**Hales:** Amendments dealt with.

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**Fish:** Move the resolution.

**Hales:** Let's take a vote on the resolution.

**Novick:** Aye.

**Fritz:** Thank you, commissioner. This has been a really amazing afternoon. We started with Native American cultural celebration with the amazing violin playing and the reminder from the children that this is about the future. And each one of you has come in good faith whether you have supported or opposed and have stayed here all of this time. Because it is really important. And it is not just symbolic. This is about the future. We do need to start taking specific steps. I'm very honored to have worked with the community, with my colleagues on the council. With my amazing staff Cristina Nieves, an enormous amount of work on this project and in partnership with everybody involved in it to make this significant step. Thank you so much. Aye.

**Fish:** Want to thank Commissioner Fritz for bringing this resolution forward. Today we are asked to stand in solidarity with Native Americans, with the city of Vancouver, with the gorge commission, with first responders, and with other communities and advocates who have spoken out against oil trains. While this action is largely symbolic because federal law preempts us from interfering with railroads and so much of the constitutional law goes against us, part of our job as a city council is to be explicit about our values even if our authority is limited. Safety is a core value. Clean energy is a core value. Supporting our regional partners is a core value, and today I vote aye.

**Hales:** Let me talk about a couple of small moments and a big moment. We have talked about all aspects of this resolution this afternoon. It has been a remarkable hearing and remarkable piece of leadership on your part, Commissioner Fritz, thank you. And one of those issues that was touched on but that I want to return to is safety. Couple of small moments that occurred in my thought about this issue. My wife and I own an old sailboat. We spend some time on the Columbia. Because it has a mast, it means the railroad bridge has to rotate and open when we pass through going up and down the river, inconveniencing no one because they make us wait for the trains. But this summer once we actually took that trip, went down to Sauvie Island and back, and they were having trouble with the bridge because it is 100 years old. And believe it or not, they couldn't get the bridge to close all of the way and they sent a worker out on to the bridge with a big sledge hammer who racked on the rails until they were aligned enough that they could bring a train across. We're often assured by corporations that there is nothing to worry about. Everything is safe. But as -- as an Amtrak passenger, frankly that scared the hell out of me. And that's the same bridge that, of course, would have to carry even more oil trains if we facilitate that movement. And that's not safe. Secondly, we have a wonderful fire chief. Because she is the first woman fire chief, some people probably assume that she is a radical, but actually she is a firefighter's firefighter. She is as tough as they come. And I had a very disturbing conversation with her, and I asked her if we had a major oil fire in Portland, are we ready? And she said no. That's pretty scary. That's not safe. So, the safety issue is serious. So, those two small moments re-enforce why this is good public policy and why a city of Portland, whose fundamental responsibilities include public safety have a responsibility to weigh in on the issue. Back to the bigger moment. I do believe as I have said today that this is a chance for Portland, these two resolutions, are that chance for Portland to start changing the national debate and the international debate. It sounds egotistical -- we have done with it green roofs, bioswales, and bike lanes, and we have changed the world by what we have done here for us and the way that we want to live and the way we want to reflect our values. Finally, back to values. The city has a charter that

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informs each of us about what we're supposed to do. And there is this big, big general provision that describes the mayor's job and it is in old language. It says, on my desk on a little piece of paper, it says the mayor shall exercise a careful supervision over the general affairs of the city. I think that the translation of that in today's more succinct words would be pay attention. Vote your conscience. Aye. [gavel pounded] [cheers and applause]

**Hales:** We're adjourned. [gavel pounded]

At 6:20 p.m. Council recessed

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## Closed Caption File of Portland City Council Meeting

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

Key: \*\*\*\*\* means unidentified speaker.

**NOVEMBER 5, 2015      2:00 PM**

**Hales:** Welcome everybody and welcome to the November 5 meeting of the Portland city council. Please call the roll.

[roll call taken]

**Hales:** welcome. We have two completely different items on the council calendar this afternoon. The first is it a time certain at 2:00 which we'll get to in a moment. The other will come after we finish that. So stand by if you're here to speak on the second item. If you're here to speak on one of these council items this afternoon, you need just let our council clerk know and she will have you on the list of those speaking. We have some invited speakers at least for one of these items this afternoon. If you're here to speak we typically allow three minutes per person and I don't think we'll have such a huge crowd that that won't be possible. I possibly will limit testimony on items depending on the number of people here to make sure everyone who wants to speak gets a chance to be heard if at all possible. Also we maintain the rules of decorum. If you agree with somebody that's speaking and you want to indicate your support for their position do feel free to give them a thumbs up or way wave of the hand. If you have to show your displeasure give them a polite hand gesture to the negative but we ask you don't make vocal demonstrations or applaud against our fellow citizens when they are having their moment to speak to city council. Welcome and we'll proceed, please, with reading items 1158 through 1161 as a package.

**Item 1158.**

**Item 1159.**

**Item 1160.**

**Item 1161.**

**Hales:** Thank you very much. I'm very pleased to be bringing this package of decisions to the city council this afternoon. We have been talking about this particular city shaping opportunity for at least 20 years that I can recall. It's wonderful that we're now at the point where we can actually make that city shaping moment real. The post office has been located in its current position in downtown Portland because that's where the trains brought the mail. That's how long this particular location has not made sense. This is a story about growth management and the story about the continuation of the success of the pearl district, of the creation of a new neighborhood in what was once a railroad shipping and switching yard. It's a story of an urban neighborhood that fits changing urban demographics and now we can shape it further to fit the demographics and housing needs of today. It's a story of about a thousand affordable housing units and more on the way. A story about transit investments that have reduced our carbon footprint and made us a more livable city. It's a story about brownfields being reused and parks that weren't there before now work for people of all ages and abilities, and it's a story about Portland as a destination. The pearl district and the other areas where we have created new urban

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life in the heart of our city are one of the great attractions of our city, in fact we'll be joined later by a delegation from hero sake, japan, this week's group studying our city. One more affirmation we have created something special here. We have an opportunity today to write a really important chapter if we act soon. It's not something that will be around for the next 20 years if we don't seize the moment. There are a couple of locations right now where the United States post office mail sorting facility can be relocated. Next year there might be one, a few years after that there will be none. So we have the moment now and we have a team that worked really hard on queuing up this opportunity for us as a city and want to welcome patrick Quinton, lisa Abuaf and our chief financial officer along with other staff here to support the presentation. Then we have some invited panels after them. So patrick, please.

**Patrick Quinton, director, Portland Development Commission:** Thank you, mayor hales. Good afternoon, commissioners. I'm just going to do a brief introduction here. The mayor actually covered much of it. I'll turn it over to Lisa first who will walk you through the Broadway corridor framework plan and the action before you then ken russ will walk you through the three different actions related to the financing and as the mayor walked through, we spent a lot of time in recent time, past few months, discussing this transaction and really thinking about the nuts and bolts of the transaction, the financing, the risk, the planning around it. That's all appropriate. That's what people expect us to do when we take on a transaction of this magnitude. I have been reminded by many that we don't talk about the opportunity enough and just follow on with what the mayor said, this really is a once in a generation opportunity to acquire a significant piece of land so close to many different assets within our city and accomplish so many objectives at the same time. I do in my role as head of pdc, I view it as part of what we're supposed to do, seize these opportunities. So I and my team are very excited about this. I think what's special about this moment in time as opposed to all the other moments in time in the past where we thought we had the opportunity to acquire the site, I think we're beginning -- we can see better the purpose of doing this because of the challenges that we now face as a city, a city that is experiencing tremendous growth and we need additional places within the city to accommodate that growth but also to provide public benefits that our city needs. We have the ton to bring this into our arsenal and to add all the different elements to it that I think the city needs. In particular, and lisa will talk about this, but when people think about the challenges of growth that we're facing as a city and what that means for residents and neighborhoods, this adds new space for all that to occur. It doesn't displace, it doesn't actually put pressure on other parts of the city. Even from a growth management perspective alone it actually begins to address a lot of issues. But more than that we have the opportunity to express our values around affordable housing, around open space, around density and around connectivity, around finally making connections between these vital elements to our central city, which include the downtown, old town Chinatown, the pearl district and union station right now these are in some respect disconnected because of the existence of the post office. Each of those areas now has crucial moments in time where with these added connectivity they can actually achieve full potential. So this is an exciting time. I hope we all think about the magnitude of it. What is happening today is we have this high level framework plan at least I'll walk you through to create the context of the decisions that both city council and the board will make. The framework plan doesn't lock us into a prescribed development plan for the future. It establishes principles and assumptions to guide us in the future but also like I said for the decisions that are in front of us. So this obviously will come back and Lisa will talk to you about the process for

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master planning and what not. Then ken is going to walk you through the financing pieces. We're grateful for partnership of ken's office to make this happen, and the partnership between the city and pdc to help this financing package come together. When you think about right now we're talking about financing, there isn't a deal to actually buy the post office and move them. We're working on that, but the locking in the financing to make that happen and making sure all the parties are taken care of gives us the certainty to go forward and actually finalize a deal with the u.s. Postal service and with their eventually home. This is the key foundation that we need to then go ahead and finalize our agreement with the post office and bring that to our board for approval. We hope that that's going to happen in the next few months. So some big decisions in front of you. Like I said, I feel confident that we have done a lot of homework to answer all your questions, but we're happy to follow up on any additional questions. We have three panels afterwards and we can introduce those after the presentation. But one panel is to give the context from the city's perspective in terms of planning and housing and what not, one to give the perspective of the stakeholders that were brought in to advise us on the framework plan. The last is a group of real estate professionals who can give you a sense for how the market views this opportunity and what it means to the city and pdc to take on this risk and this investment. So with that I will turn it over to our central city manager lisa who will walk you through the action for the framework plan.

**Hales:** Thank you.

**Lisa Abuaf, Portland Development Commission:** Thank you, good afternoon, mayor hales and commissioners, just as a reminder we have a lot of guests in the audience who were not here at the work session, I'm going to go briefly over some of the updates based on work we did subsequent to a work session that we had with city council regarding the framework plan. Before I jump in to a brief recap of the framework plan and updates I wanted to say a bunch of thank yous. Not only did we have extensive public outreach process where we got over 1,000 points of feedback from the public, first and foremost thank you. It really was indicative of how exciting an opportunity it is. I also wanted to thank our advisory committee. We had an advisory committee made up of staff, a stakeholder committee, and I wanted to make a special thank you to sarah harpole, who la carried the yeoman's amount of work in getting this process under way and engaging the public and being there on a day in, day out basis. The framework plan looked at an area broader than the usps site. It looked at that with intentionality because pdc owns and controls a lot of the properties adjacent to the post office site. It's what you see in this map, like union station, block r, then the significance of pnca having relocated to the area. Adoption of the framework plan is really intended to be multifold as patrick mentioned it does set the stage and gave us a feasibility modeling to understand the financial performance of the site, the public benefits that could be brought out of the valley of the site. It's also intended to guide investment in broader areas. If you imagine multiple properties within the framework area plan understanding what the public's priority for redevelopment were and we'll talk about this at the end of my presentation it's intended to set the stage for a few master plan which is called for in the central city 2035 west quadrant plan. What we heard, we heard questions around the financial risk, around making sure that the affordable housing target alliance with the central city 2035 goals, and you'll see we did a lot of work with the housing bureau as follow-up to that. Making sure as we thought about next steps we thought about other public improvements like the park in front of the pnca campus, the plaza in front of union station, making sure those are thought about as we enter into a master plan scope.

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**Hales:** Sorry, looking at that site it's important to remember I think in terms of the scale of this opportunity that that area, about 20 acres, is just about exactly half the size of the Hoyt Street yards property that was the heart of the pearl district. To unlock the development potential of Hoyt street yards we had to take down an aerial roadway, build a streetcar and do a lot of other infrastructure to even make it developable. This is a much more favorable situation to the city.

**Fish:** Is the park to the west of pnca part of the framework plan because pdc intends to have a formal role in developing that park or you're just looking at it as part of the overall vision for the area? Or both?

**Abauf:** As part of the framework plan it was something we heard I would say both from the public as well as from parks, making sure as we thought about the park or park space within the post office site that it was done intentionally as a terminus to the park blocks. We will see this at the back end, it's clearly in parks' ownership and control. I think we heard from Commissioner Fritz during the work session that she certainly has interest as we move forward with a master planning process that it be included and we think of it as part of financial package of what happens within the framework plan area.

**Fish:** I'm not sure whether it's the terminus of the north park blocks or the ankle into the river district. We can debate that, but I also think there's public-private partnership opportunities that we should capitalize on.

**Hales:** Absolutely.

**Fish:** The benefits of having pdc engaged, parks is already spread thin but there may be an opportunity here to develop something in connection with this overall plan.

**Hales:** Thank you.

**Abauf:** Staying at that broader framework level, we just wanted to give you a quick refresher in terms of strategic vision and the unique opportunity this area holds. The other thing not called out in this brief discussion is the regional role that union station plays. If you think about the fact the airport is the gateway to Portland when you arrive via airline, the union station is really our gateway for anyone arriving via rail from the south or from the north, so it's an important come tonight that we thought about the framework plan. The strategic vision had a series laid out a series of concepts one of which you see here, kind of diagramming out the different kinds of public realm that could exist should the post office site and broader area redevelop. Those are three different categories. Clearly there was an area around the north park blocks. At the terminus you see the connection of green into the pearl district. The soaked is at the Broadway Bridge, quite actively used pedestrian and bike way into the city. You'll see in the preferred concept we incorporated that into our design considerations. Last is thinking about what is that front door to union station, for folks who live or work here or folks coming to visit Portland. It also took a look at thinking about multi-modal connections through the area so union station doesn't just play a role as a plaza but for light-rail as well as heavy rail and then thinking about gateway. These are clearly all gateways not only for the region but for neighborhoods. So moving between old town Chinatown and the pearl district how do we link those together? So this slide summarizes where we landed on from a preferred concept for an urban design forum. If you imagine this is the preferred concept just for the post office site. We took that broader strategic vision for the 24-acre side site and said what does that mean for the post office's 15 acres? We landed on something that really became a template for looking at different urban design options with items that were always constant, those being park avenue and Johnson street as major public rights of way, two blocks of the north park blocks that's sitting north of the pnca block, really thinking

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intentionally about the green loop. The framework plan does model the financials to test the feasibility in terms of affordable housing of reserving 25% of all of the residential floor area ratio that we modeled as building for residential use for affordable housing. We then following on our discussion with council worked with the housing bureau to identify how we could get to 30%. That's what came before council last week as part of the set-aside policy package update. Then last but not least it does include a recommendation or model development at a higher entitlement than currently sits on the books. It does model development at 7-1 far where today it's at 4-1 far. It's something you see will come back as part of the central city 2035 work as well as the master plan. That ties not only to the plan of density but also some of the financials that ken will walk you through. This gives you a general concept of where we landed as our preferred approach to the density and the layout of the site. There's a lot of interest and we heard from the community thinking about additional height on the site so not just development capacity but creating a landmark gateway for Portland if you think about our downtown skyline we have a lot of areas with high towers that mark the site. There was a lot of interest to how that would play out particularly at the Broadway Bridge. The lower left you actually see what the breakdown is that was modeled between commercial use and residential use. It's about one-third commercial use, two-thirds housing. That one-third commercial use there was a lot of interest both through the central city 2035 process as well as outreach with the public to make sure we don't lose the jobs component of the program of what happens on the site. At that density of commercial development you would actually have just as high a ratio of commercial use on that particular parcel as we have in our central business district. We also took a look at phasing. It becomes important as we think about the ability of our market to both take down kind of the developable potential of the site but also thinking about making it accessible to different kinds of commercial tenants, residential tenants. What you see that we phased is starting from the northwest corner, moving south, preserving there's actually an existing parking garage there today as well as the existing postal building thinking about what portion of that building could potentially be reused and retented for some of our local companies. There's about 100,000 square feet of retail and then the new development as part of phase 1 was pretty heavily focused on residential, and this was both tied again to programmatic ales but also to financial goals. That's really the value of the property that generates the amount of resources that we you need to invest in some of the infrastructure during phase 1. Phase 2 shows the full buildout at about the 4 million square feet, so an additional million square feet of residential added and another 1 million square feet of commercial. That would be the time we would actually demo the remainder of the u.s. Positive postal building and the garage. This is a pretty extended timeline. We did tie what we would call absorption to market development we have seen in Portland in the past. The financial analysis recommendations recommended starting with residential and having the new commercial come in on the back end. But also coordinating infrastructure and development so we're not getting ahead of the game in terms of our infrastructure investments as a city. So just to go over a little bit in terms of affordable housing approach we heard a lot from council as well as the planning and sustainability commission about pdc working with the housing to target the 30% figure that is the goal of the central city 2035 plan. So what came before council last week is part of the 2015 set-aside policy recommendations was for the river district to allocate \$20 million towards affordable housing in the river district urban renewal area with a significant portion of that serving to acquire rights for phb to acquire rights within the development of the postal site. That's what you see before you. This is

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just a resumé for folks who are in the audience and putting the pieces back together so to speak in terms of the framework plan and the set-aside policy. This really kind of commits and reserves 30% of the residential far as it was modeled for phb to develop affordable housing then there was also a commitment that phb and pdc would work jointly. The flag reviews assuming the 13 million of the site is acquired by being needed for demolition and site preparation so top figure is the -- once you model the development the land sales that are tied to that development program, ie, scale of residential development that maybe model the scale of commercial development that we modeled and what we believe that the private sector would be willing to pay in terms of the value of the property together with our tif. The second line item we also mottled system development charges particularly for transportation and parks tied to that development program, so tied to the units and that commercial square footage. You then see a subtotal that becomes the aggregate available resources that we mottled from the city to reinvest back into the site. Then deducts we did model the cost for the streets at Johnson and park and for the two open space parks as well, the two park blocks as well as the green loop and clearly as part of phase 2 there's a demolition cost involved in preparing the site for development that generates that land sale. There are additional public benefits. We had a pretty extensive conversation when we brought this before you at the work session. What you don't see internalized through these numbers that clearly will take additional work as we move forward with the master plan as a cost estimate for the pnca part, cost estimate to rehabbing of union station as an important anchor to development of the broader Broadway corridor area. The framework plan contemplates a plaza in front of union station on a parcel they own amongst other public goals that came out of our conversations with the public and other city staff. Next steps, this is clearly the first of many times that we will be before council. This schedule lines up what pdcs will be doing in our negotiations with the post office as Patrick referenced we're having ongoing negotiations with the post office both around site due diligence and negotiating an acquisition agreement. That would result in them continuing to design a replacement facility and moving into more formalized design and construction which would take the next two to two and a half years. Concurrently we will continue to work with our city bureau partners around the central city 2035 goals and objectives and language that comes back before you in the fall of next year particularly around the master plan requirement that's contemplated in the west quadrant component of the central city 2035 plan as well as entitlement changes then a development solicitation and agreement to go after the private sector, get our private partner on board, come back to you with a master plan, particularly if there's public investment contemplated both via affordable housing as well as infrastructure with the goal of having the first sale complete and construction under way in 2019. That alliance back with our phasing strategy that we had in the framework plan. So with that I'm going to stop and welcome any questions or we have a few slides where tim is going to walk through how does the framework plan feed into the financing structure.

**Hales:** Thank you. Any questions about the plan itself before we get to the rest of the financing piece with ken? Okay. Proceed and I'm sure we'll have more questions as we go along.

**Ken Rust, director, Office of Management and Finance:** Thank you, commissioners, thank you, Lisa. When we talked last time about this project the big challenge has been that being able to acquire the post office within side the river district means there are sufficient resources. Normally that creates a real challenge for us. The unique

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opportunity here is that by buying the property it also brings to the city an asset. That asset can be monetized and we can use the value of that asset in the future to repay other obligations. The challenge that we have been working on, we think we have a plan for, is to utilize both the tax increment capacity of the district and the resources of the city's general fund along with assets created as a result of the acquisition of property to be able to do more as a consequence of that. I want to thank pdc finance staff working hard with the management staff along with the city attorney's office in crafting the agreements in front of you today. What we have is three ordinances that put into place the financing pending for the remainder of the river district and the post office itself. Ordinance 1159 is the intergovernmental agreement setting forth terms and conditions under which pdc would be obligated to repay the city for interim financing associated with a general fund back-borrowing that would enable certain public projects to be funded that would otherwise be displaced by the post office project. We have laid out those terms and conditions. We have claims on pdc's resources and a plan for how they would be repaired and what pdc will be obligated to do in terms of moving forward with the post office site and what it can and can't do without our approval. We feel comfortable the iga protects the city's financial interests and is the underpinning for ordinance 1160, which authorizes up to 45 million of general fund backed line of credit used to fund public improvement projects in the river district that otherwise would have been paid for with tax increment proceeds. This is the consequence of being able to fit into the urban renewal district the acquisition of the post office property. Things would be paid for with this general fund-backed line of credit in an amount not to exceed \$45 million. The third ordinance, 1161, has the authorization to move forward with a line of credit that we would develop for the tax increment related projects inside of the river district up to an amount not to exceed 90 million which may be secured by general fund or tax increment revenues in the future. That particular line of credit will be taken out completely from the future issuance of tax increment bonds. From the standpoint of how we normally do business with pdcs at the not unusual to have a line of credit to draw on as we wait for increment to build. Pay off a line of credit, in effect that's what the 90 million represents. If the post office project didn't proceed we would be asking for the same authorization to complete projects in the river district. Those three actions together provide p.c. With the comfort level to complete negotiations with the u.s. Postal service, acquire the property, then when they realize the sale proceeds from the sale of that property the city's obligation would be unwound. We think the iga lays out an appropriate framework for protecting the city's financial interests and as a consequence of that I think the financial plan we have constructed allows all projects to proceed on a timely basis and to complete the goals and objectives for the river district.

**Hales:** Thank you. Other questions for any of our team? All right, we'll stand by and call up the first of the panels.

**Quinton:** You have the names?

**Hales:** The first three are Joe zehnder from bureau of sustainability. Javier Mena from the housing bureau and patti welcome. Go ahead.

**Joe Zehnder, Bureau of planning and sustainability:** Good afternoon.

Commissioners, mayor, I'm Joe zehnder with the bureau of planning and sustainability. I'm going to be brief because I believe patti is going to address the urban design elements. You're heard a bunch of them already. Part of the point I want to make is we were part of the city team that consulted with the pdc and their consultant team on development of the framework plan. In that the issues that you see, the ingredients you

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see included in that framework plan were versions of the issues raised in the west quadrant policy plan that you all approved. The urban design elements, streets and transitions to the neighborhoods, that's something that was considered. Open space and parks, actually here its civic space and parks, which includes extension of the park districts and the inclusion of some version of the green loop. Meeting our housing goals. You've heard about that in terms of inclusion of affordability housing and meeting our development goals. This had two prongs. One, what's the appropriate mix of uses to plan for this site? It's going to be market driven. 100% don't know but we're trying to establish that the amount of development that could be accommodated on a site in a way that design supports also provides jobs and met aspiration for the sites and supplements it with mixed use of housing because we have seen that actually makes a more vibrant and effective employment district. So the result is the framework plan that you see. That the site has a high level of potential. It's a legacy site. So the design, the development thinking, the discourse is all going to take more time and detail. That's where that legacy level of attention will come from. The central city plan that you'll see later in the early part of next year includes a master plan provision that we are designing to be able to at least set up the urban design look that we think the site warrants and bring the design commission into that, open up the opportunity for phasing diagram, open up some flexibility for the site. This framework plan is a good first step.

**Hales:** Thank you. Good afternoon, patti.

**Patti:** Good afternoon. I would like to address the urban design aspects. The side of the central post office has long been conspicuous as a void in Portland's urban fabric. The opportunity presented by redevelopment of these 14 acres is to make it an active connector between the pearl district and old town Chinatown. Critical link in the green loop, the northern terminus to the north park blocks and the nexus to public transit. Proposed urban design responses by the combined team include connecting the pearl district and old town Chinatown with a street network through the site together with living, business and employment opportunities that will benefit both neighborhoods. Connecting the green loop from the east side or Broadway Bridge to its west side continuation of the north park blocks with accessible connections across the 30-foot elevation difference from the bridge to the ground will be addressed. Extending the north park blocks open space into an inverted u of substantial buildings and marking the northern terminus with a landmark tower which is also centered on the Broadway Bridge. Extending northwest Johnson Street through the usps site to connect with the transit hub at union station physically and visibly from the pearl district. The landmark go by train Italian at union station will be clearly visible from the west along wide pedestrian and bicycle friendly extension to Johnson Street. As a transit capacity of the union station hub expands with new services to the southeast and southwest suburbs, the occupants of the redeveloped usps site and adjacent buildings will have unmatched transit access. A new plaza at union station will be energized with both social and commercial activities from these folks. Scale of development envisaged at the post office site will create a new and substantial focus for employment and housing including affordable housing. This will be defacto transit oriented development advancing the city's goals of reduced dependence on automobile traffic, reducing atmospheric carbon and increasing walkability throughout the central city. It will advance our reputation as a city where quality urban design continues to grow and to thrive. Thank you.

**Hales:** Thank you, javier, good afternoon.

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**Javier Mena, Portland Housing Bureau:** Good afternoon. I'm Javier Mena at the housing bureau. We don't get a lot of do-overs at the city and this is a unique opportunity for the housing district learning from the pearl, north mack. This provides -- also the potential density bonus maximizing affordable units it's a very exciting opportunity. We're very thankful and appreciative of being part of this discussion. The Broadway corridor framework is consistent with central city plan, 2035 plan, 30% of all units made available for families zero to 80% median family income. Through the tif approved last week an additional \$20 million was allocated to the bureau for this investment or investments for affordable housing in the area and the bureau is going through an analysis to the best way it will invest those resources to maximize units and diversity within this framework. We're very appreciative of that. Thank you.

**Hales:** Thank you. Questions?

**Fish:** Couple questions.

**Fish:** The 20 million we agreed to for the river district is not actually contingent on us adopting this framework. It's in the alternative.

**Mena:** Correct.

**Fish:** In any event, what is the earliest time that we would have resources available to invest?

**Mena:** That's a question for pdc, honestly. I don't recall the time frame in terms of resources. There were \$17 million that would have been made available if there was an agreement with the postal service to buy the site that the city would be invested in and the subsequent 7 million would be something we would be looking to invest as resources within that site.

**Fish:** In terms of the need in the district, what has the housing bureau identified as the particular need in terms of median family income housing?

**Mena:** We know the greatest need is the lowest income, zero to 30. That's where the greatest number of units are needed. What we have looked at in terms of any of our developments is a mixed use that addresses those -- sorry mixed income that addresses the need. But with the limited resources we also are looking at maximizing units that are affordable. So it's a balance that we're looking to create.

**Fish:** Are you considering working with home forward?

**Mena:** That's always on the table. We always have continuous conversations with home forward with that regard.

**Hales:** Other questions? Thank you all very much. Thank you for being here today.

**Hales:** Happy to have you two here.

**Ruth Adkins:** Thanks so much. Good afternoon. I'm Ruth Adkins, with Oregon opportunity network, statewide association affordable housing nonprofits, about 20 members in the Portland area. I have the pleasure of serving on the stakeholder advisory committee. Appreciated having a place at that table and the robust conversations we had. Staff did a great job running a quick time frame with very rich discussion and lots of great folks on the committee. Obviously from the housing affordable housing committee perspective we're excited about this commitment up front and this intentional plan as part of this exciting massive redevelopment opportunity. Also like the collaboration between housing bureau and pdc directors and the staff. That's something we would love to see going forward as well as transparency around not just the dollar amounts but the units, number of units highlighting a moment ago. And what the plan is. We know certainly and appreciate javier mentioning this is in some ways a do-over to with we saw the late great gretchen kafoury may she rest in peace came here to talk about what missed opportunity

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around affordable housing. I'm excited to see this up front commitment and we'll certainly be involved in watching to make sure that those commitments -- other commitments hold fast and that really before the land values get out of control we can mark those in and look not just at the post office site but other surrounding sites currently owned by pdc, those in private hands. Again, really appreciate this commitment. We want to -- one of the issues I raised, though, in the committee was in terms of the huge numbers of folk's currently experiencing homelessness in this entire study area development area. So obviously we're going to want to look at avoiding displacement, figuring out how the opportunity for housing and services will be a part of this going forward for those folks. And in the larger sense making sure that this is truly a welcoming and inclusive area for all Portlanders, it does not become an enclave for the wealthy fueled by massive public investment. I know that's built into the guiding values of this framework plan, but that's something that is just absolutely essential that we see this is a place for all Portlanders to live and work and play. Thanks so much.

**Hales:** Thank you. Peter, welcome.

**Peter Andrews:** Thank you, mayor, commissioners. Peter Andrews with bellmarc brokerage. I had the pleasure of sitting on the committee with Ruth and many others. We had four working sessions within that group. There was a broad range of interests and expertise a part of it. Portland public schools, adjacent property owners, Multnomah County, pnca, numerous experienced developers, affordable housing interests, adjacent neighborhood associations. It was well informed as Ruth said, a really great process to be part of with som and dgf bringing forward what we think is a really exciting plan for the neighborhood. It's definitely a once in a generation opportunity for the city from my perspective. I can speak on behalf and others are going to say the same but there's no other site that is quite as exciting for downtown and the opportunities for the mixed use is really incredible. I can say we know there are more institutional developers looking at Portland than any time in recent history. That kind of interest also creates opportunity to have the capacity and the wherewithal to look at a major project like this. So again really excited, really impressed by the process that was put forward. Happy to answer any questions.

**Saltzman:** Since you mentioned institutional investors, I feel that a lot of the institutional investors from out of state have no interest in affordable housing. That's been my experience to date with the vast majority of ones I have had outreach with. What do we do to change that?

**Andrews:** There actually are a number that have really incredible expertise in working places like New York where that's a part of the policy. So if you do housing that's included.

**Saltzman:** They have inclusionary zoning in New York City.

**Andrews:** They have that expertise of dealing with that.

**Saltzman:** Give me a name. [laughter]

**Andrews:** I can't do that.

**Saltzman:** You can't?

**Adkins:** Where there's a will, there's a way.

**Fritz:** Where it's our property surely we can require that. You don't get to develop here -- I would suggest maybe you don't get to develop here unless you're going to do affordable housing somewhere else as well or mixed use or mixed income level.

**Saltzman:** The policies we passed last week certainly create that floor, but it's always a floor and we like to see somebody come in and do better.

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**Fish:** Can I just make an observation? There's an irony in what you just said. 22,000 apartments have been built in the last three years by the private sector, developers. Less than 2% are affordable. When a number of the developers were interviewed recently in a newspaper article, they cited generally red tape and bureaucracy as the impediments to using that program. The irony is you just mentioned a program in New York City where they are mandated to provide affordable housing. It's not an incentive plan. What would it take to get the development community in your judgment to join the city in seeking a lifting of the preemption on inclusionary zoning so we can mandate out of state developers to do the right thing?

**Andrews:** First off I would say my expertise as a commercial real estate broker is an office so asking me about residential unit in particular affordable housing which is very complex and takes subsidizing is probably not my area of expertise. I would punt to some of the market people that are following me in this presentation.

**Fish:** You're very respected in your niche. I'm being somewhat playful, but it just is worth noting that in places where developers are required to set aside a certain number of affordable units the sky hasn't fallen. They are making record profits. But in a place where they are not required to, they blame the government for the -- insufficiently generous incentive and refuse to join with us in going into the legislature to lift the preemption on the one tool that seems to be working in every other city. There's an irony there.

**Andrews:** The only thing I can say in particular about the mixed use is that this only works if it's financially feasible. So from any of their stakes there has to be the rents that justify -- we need density to justify the building. We're seeing that happens in Portland. We have never seen rents increase as well in the office market that justify and create the opportunity to build density and users interested in it. It needs to be financially feasible for them to then look at it. There are those opportunities but again I think the right group of people to answer that would probably be some of the residential develop there's have that area of expertise that can speak on their experience with the city. I personally don't and our company doesn't.

**Hales:** Thank you both very much. Appreciate your willingness to work on this for the good of the community.

**Hales:** okay, we have one more panel which are real estate experts. Mark edlen and tim mitchell and eric sporre. Appreciate you all being here. Look forward to hearing the benefit of your wisdom on this idea.

**Hales:** Who would like to go first? Go ahead. Mark, you get special status.

**Mark Edlen:** I want to talk about the financial wisdom of the investment we're making but I would like to make a few comments before that. As other said, this is truly a generational opportunity for our city. I have always viewed this as a linch-pin between the pearl and the old town district and you look down towards the train depot all the infrastructure we put in there, the depot is a beautiful piece of architecture. This is a great opportunity to make good things happen. I would advocate that we in addition to other properties we emphasize local design, engineering and construction. I would love to see it empower some young local developers to help move their career along. It's our tax dollars, it ought to be our jobs. As for the affordable housing, I would be a big advocate of putting that on the private sector and I would look for out comes from that and I would love it mixed in with the balance of the project as opposed to taking a block for affordable housing and five blocks for private sector work. For the value basically I have been the information shared with me based on what I understand of the zoning is contemplated I

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think after pdc and the city does their work with entitlements in place assuming the far that comes off the streets and parks goes on to the developable land, assuming that we take this to market in a very competitive, brokered fashion to get the highest value possible and net of the public improvements including affordable housing so straight market rate stuff, my estimate after the work is done that this on the low ends will be worth \$135 million worth of dirt, on the high ends 177 million. The finance numbers we heard earlier as a city our investment is very, very secure. These numbers in my opinion are today. I think we have talked about phasing. I think if it was the city's priority and I understand we have issues dealing with the usps and requirements upon us, if you go to market today and get somebody to pick up this dirt after it's entitled with improvements in place. I don't think it's necessarily a ten-year program. I think you can do it very quickly based on today's marketplace. Biggest impediment I see is the vagrancy along the north park walks. I know it's been a topic discussed many times. We have taken time to address it but I think it's probably the biggest impediment to achieving the highest value to this property.

**Fritz:** Vacancy?

**Edlen:** Vagrancy.

**fritz:** People living outside because they have nowhere else to go?

**Edlen:** I'm not so worried about that as I am the young toughs, road warriors.

Homelessness, drugs and alcohol are certainly an issue. Chronic homeless people are an issue, but the big issue is the vagrancy and the young toughs.

**Saltzman:** When you just attached a value I think you said 130 to 135 million you said net of affordable housing. Elaborate on that.

**Edlen:** To 177.

**Saltzman:** I'm sorry.

**Edlen:** I'm saying if you go out and sell this as a retail entitled piece of land today that's the value I think you achieve. If we're going to require the private party to do whatever it is you start pulling back off that value to dampen the value to accommodate what we're requiring a private party to do. I would be an advocate of selling to one party keep control of it.

**Fish:** You would be an advocate --

**Edlen:** Selling to one party to have a master developer control the entire project. I would not be an advocate of selling one piece to one party, another piece to another party.

**Fish:** Mark, with the action we took recently kicking urban renewal, the percentage of money for affordable housing to 45%, some have argued that's haze anything the demise of pdc as an economic development agency because we're choking off some resources that they need to do their job. Well, we all agree that if pdc is going to be successful long term we have to find a new model for them to generate revenue. There are models of other cities that have economic development agencies not dependent on urban renewal funding but become entrepreneurial, develop dirt, act somewhat like support, which owns dirt and generates revenue and profit. In light of that do you think it would make sense for pdc to retain ownership and develop it so it has a long-term income stream and has some say over the development?

**Edlen:** Great question. I think there's a number of opportunities out there. We could rook at -- look at a land lease model. That's not done in Portland except the port of Portland and a few other limited instances. This property is significant enough we could do that. Pdc would lead into the pot but say it's \$100 forsake of argument, pdc could pull out \$50 to repay whatever financial commitments it has, go along for the ride as a joint

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venture partner. There's a number of ways to make it happen. Yes, I think that's a viable option.

**Fish:** Mayor, since this is dovetailing at the same time, if we want pdc to be successful long term we have to help them reinvent themselves post using urban renewal funds. It seems to me that if you look at the rose quarter, if you look at the post office site, even if you look at some of the dirt that Omf currently manages, if we viewed pdc as an entrepreneurial agency that developed public land and maintained ownership stake so it had a long-term revenue source, that may be a model worth considering here and in some other things we're doing because we know we're about to run over a cliff -- the alternatives will be shrinking your budget year after year.

**Edlen:** I completely agree. I think hybrid models of public-private partnerships are the future where you're pnc in terms of making your budget work or -- how do we get more bang for the buck so to speak. There's a point where it's a private sector's role and a point where it's the public sector's role and there's a place in between I think pdc can capture value. One of the things I'm a very big advocate for is I want to milk sure we get every value of dollar out of this that we can for the city s.

**Hales:** Thank you so much, mark. Who would like to go next?

**Eric Sporre:** I'll go. Eric sporre with pac trust. We have been in Portland since 1972. Have been a greenfield suburban developer for 40 of those years. We just in the last few years have seen what's going very clearly on in Portland and in other markets across the country where people are going back into urban locations. We teamed with venerable properties on the Washington height school redevelopment. I would say going forward that our focus is on urban investment. And our industrial as well, but I think that it's a cliché but I think that the public sector should do what the private sector cannot, and I think that the Portland market right now at 20 million square feet in the central city is still a very small market and with the jobs that are coming here and clearly the demand that's coming here I think it's a great investment that the site as ben said is a gateway site. I think it's the best site in Portland and I think it -- I believe it's a very good investment for the city. Also to provide certainty to what's going on that certainty in real estate translates into higher pricing.

**Hales:** Thank you.

**Tim Mitchell:** Tim Mitchell with norris and stevens, a locally owned commercial real estate firm. Next year will be our 50th anniversary. We lease and sell all types of commercial properties and multi-family properties both in the central city and all over the Portland metro area. I think that I'm also a member of the central city standing committee for Portland business alliance and we were given a presentation on this program and I would like to say that we are fully behind it. I think that the scope of it is appropriate for the site. I think the mix of uses are also appropriate for the site, the density, also the connectivity that it is going to provide in that part of town. Portland marketplace, we find ourselves as one of the tightest both office and multi-family markets in all the country. So this is something that is definitely needed going forward and I think we would not have very much trouble leasing any of those opportunities going forward.

**Hales:** This is one of those anecdotal things I have not absolutely confirmed but I heard it said a couple times this is the largest redevelopment site in downtown in the united states. Which is both wonderful and scary at the same time. [laughter] is that your sense from what you see around the country? This is a big one?

**Mitchell:** It's a pretty good size piece of land that you don't find very often in the central core. I think what mark's company has done previously with brewery blocks was fantastic.

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I think this is another opportunity to do something like that and make a big statement for Portland.

**Hales:** Question for this panel? Thank you very much. Appreciate your help with this. Those are our invited panels. We'll see if we have folks signed up to speak on this package of resolutions and ordinance.

**Saltzman:** Mayor, hi a couple amendments.

**Hales:** This would be a good time. Please.

**Saltzman:** I think you all have copies. One amendment is to the resolution, one to the iga, between pdc and housing bureau. They are nothing new they reflect everything said here today as the intent and everything that's been agreed to by pdc and the housing bureau. I want to put them in one place just because I often find our office when we're trying to legislative history research we're looking for exhibits or language and we can't seem to find it, and I think that's not a problem unique to my office. It's some of the way we do business around here. The first amendment to the resolution reflects the central city concept plan goal that we agreed on last week and has been said here is already part of the purpose, to have the housing 30% of the housing be affordable to zero to 80% median family income. That's the amendment to the resolution. Then the amendment to iga really adds language that reflects the memo developed between the housing bureau and pdc, which I have here as well. It would include that memo as an attachment to make for a compact legislative history. And simply says that pdc and housing bureau will full fill all their obligations as agreed to council in the last couple weeks.

**Fish:** Mayor, I'll second it for discussion. I have a question to the sponsor. I support the amendments but I want to ask a question about the first of the amendments. The language says that 30% of all new units targeting affordability zero to 80%. It raises an important question which I think we have to grapple with. That is is the additional money that we added by bumping up the 45%, is it covered by our 30% set-aside or covered by a different standard? Because if it is covered by 30% set-aside the focus would be on zero to 60. When I look at the outstanding report that the housing bureau brought to council last month, that's exactly where we're not meeting our goals in the river district and in the central city. Also the policy goal of the zero to -- 30% set-aside which we bumped to 45% is zero to 60. The shortfall is in that area. The policy was intended. My question is why have you proposed bumping it to 80%?

**Saltzman:** I haven't. The intent remains that the money we adjusted last week is to still go for zero to 60%. This is simply the language that the planning and sustainability commission has included in the concept plan that there will be a target throughout the central city of 30% of all new units being affordable to incomes between zero and 80. The tax increment dollars would still be confined to the 60% as you observed. I know it's confusing.

**Fish:** I know what you're trying to do and I support you. It just seems to me it might be confusing. The dollars we're going to invent are zero to 60, but this says 30% of all units zero to 80, and I'm not sure how we reconcile that.

**Fritz:** Zero to -- 60 to 80 was for homeownership, not for rental.

**Saltzman:** Homeownership is up to 100%. I think the best way to respond is we do have a sense of direction from the city concept plan, speaks to 80%. We have the urban renewal guidelines which are zero to 60% but as we all agree we want to see some mixed income development here so I think this really speaks aspirationally to we also want to include if we can through private resources or through our multi-program units that serve that 60 to 80% as well.

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**Fish:** I share -- I support the central city goal and I share what -- the point that you made, mark, you made about mixed income development. Sometimes that's the strongest development where we blend the deeply affordable housing with middle income housing and everyone wins. The only thing, I guess I'm gun shy because of north mcadam, I don't want this to be interpreted as saying that somehow we don't invest the first dollar into where the greatest need is and the first dollars and the money we're generating in this area if we adopt the resolution before us will be set aside money for deeply affordable housing.

**Hales:** Might want to ask Patrick and Joe and Javier to come up and respond to this about how this would be administered if we adopt these amendments.

**Quinton:** Just me.

**Hales:** Okay.

**Saltzman:** To restate we're not treading new ground, simply restating what we have already done. But I'll let Patrick.

**Quinton:** Yeah, I don't do think I have talked to some of you individually I think this is an outstanding question. The planning and sustainability commission put forth this goal as part of the comprehensive plan and its zero to 80. It's up funded. So I don't -- the funding we have is zero to 60 and there's no intent to change. There's nothing to suggest that there's any intent to change that. Nor is it suggestive that the money invested as part of the purchase price would do anything other than reserve space for set-aside eligible units which is zero-60. We have a conflict but the conflict is just because we haven't fully talked about what the zero -- 30% zero to 80 city-wide means.

**Fish:** Let me make a suggestion. I don't like the word conflict.

**Quinton:** I didn't mean personal conflict.

**Fish:** I know.

**Quinton:** Thought and ideas.

**Fish:** The word conflict -- let me see if I can harmonize it. Commissioner Saltzman and you have both said reaffirmed that the set-aside money goes to people at zero to 60.

**Quinton:** Yes.

**Fish:** Commissioner Saltzman referred to the central city 2035 plan which has an overall goal and to get housing above 40% he -- 60% he has noted we have other tools like the tif, so to harmonize this perhaps the answer is, yes, our 20 million will go for zero to 60 with an emphasis on deeply affordable units but commissioner Saltzman reminds us in a mixed use development complex we will use other tools to add apartments up to 80% through other incentives but subsidized housing, which is what our urban renewal dollars fund, will be focused on zero to 60.

**Mena:** That's correct. Set-aside resources have been limited and will be continue to be limited to zero to 60.

**Fish:** We have a electronic -- this council has been very clear, front load the set-asides dollars and invest in families in need. I hope the goal is not to hold back on the tif, in hopes of some other project down the road, that we get as much built now for people in need.

**Mena:** The investment will be to help acquire the site from my understanding. So eventually through proceeds is when we will get the resources to begin to develop.

**Saltzman:** Great harmony.

**Hales:** What's the effect of adding this language?

**Saltzman:** Restating something --

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**Saltzman:** We're really restating what is already in the central city concept plan. The goal is to have everything that we have done, our actions and the actions of the planning and sustainability commission be reflected in these ordinances and resolutions that we're adopted so future years, future city hall staffers are trying to figure out the legislative history or agency staffers all the documents and language will be in one place as opposed to several different documents and ordinances.

**Fritz:** In that case there needs to be a clarifying ending phrase about the tif set-aside dollars going to zero to 60.

**Saltzman:** Okay.

**Fish:** Future council might read this as superseding our policy --

**Fritz:** Given that the set aside money is zero to 60%.

**Saltzman:** Sure. Friendly amendment.

**Fritz:** Thank you.

**Fish:** What about the second?

**Saltzman:** The second amendment is really speaking to the iga between the city and Portland development commission. That the housing bureau is to retain 20 million property interest in the property if purchased.

**Quinton:** Up to 20 million but I thought you said they were going to take a 90-day period to discuss what that looks like, size and how restructured. It's an up to 20 million. The rest would come to the housing bureau as straight up debt proceeds that can be used for other projects. Which is memorialized in a memo we shared with council.

**Saltzman:** We're just trying to put what's understood and what's been memorialized in the memo as part of legislative history.

**Hales:** You're not troubled by these amendments. You consider then enshrining work we did else where --

**Quinton:** I still think that as I mentioned I won't use the word conflict but I still think there's in the first piece there is the number of units that basically get land banked potential units for the purchases that they are, it will be future funding source. It will not be tif. It's beyond the tif that's available in the river district. So it could very well be that those units get built without tif. I don't know whether you want to contemplate that today but that's part of what -- that's part of the rationale for the way it's presented in the first amendment as being this longer term post set aside policy that actually drives how things -- I think that's the complexity of this 600, 800 units whatever gets bought through the far is well beyond any forecast for tif in the river district. So it would have another funding source.

**Fish:** If you acquire the dirt with set-aside money it must be developed consistent with --

**Quinton:** That would be clarification. I think that would be clarification that is needed and kind of future councils or to yourself in the future.

**Saltzman:** That was sort of the friendly amendment.

**Fish:** By the way, this is even beyond set-aside money. The proposal is to use the general fund as a backstop on this transaction. If we are not utterly clear that we're meeting our most important policy goal in terms of the who we are going to serve we should clarify that before the final vote.

**Hales:** I think we have done that given the further amendment commissioner Saltzman articulated.

**Fish:** The area, the study area that you described earlier includes block u. Back side of the commons. There was a story in the paper this week that county's potentially gotten more hype and have come up with a design for that building. Are we satisfied that it does

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not intrude on light and air of bud Clark commons as was a condition of our doing that deal?

**Quinton:** I can't speak to that.

**Quinton:** We are working with the county on those developments. At this moment in time I can't tell you whether there's an impact on that. That's something we continue to.

**Fish:** As the author of the agreement I would say that each time I see a picture that shows the building moving closer to the moon it makes me nervous because it's encroaching on the air and light of a building designed to have an outdoor space so I would appreciate a briefing on that.

**Hales:** Will do.

**Hales:** Other questions for staff? Okay. Thank you both very much. Let's take a vote to accept the amendments then take testimony.

**Novick:** On the amendments?

**Hales:** Just the amendments.

**Novick:** Are we voting on them as a package.

**Hales:** Yes. Unless you have a problem.

**Novick:** No, no, no. I wanted to be clear. I have a comment on the amendment to 1159, telling pdc not to create covenant, restrictions on the use of post office property that would further reduce pdc's ability to obtain market value. We're more likely to impose those.

Aye.

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

**Moore-Love:** We have two people signed up. Jim Whittenburg and lightning watchdog pdx.

**Hales:** Please come on up.

**Lightning:** I'm lightning, I represent lightning watchdog pdx. I do agree this is a legacy project. Some of the concerns I have is when we buy the property at \$80 million and we add a lot more costs we'll be in it for 121 million, as Mr. Edlen said the value of the dirt will be worth maybe 177 million. That will give about a 56 million dollar profit if we decide to not go farther at that time. Why are we not talking about the city stepping out earlier? If we bring in an investor that does want to step in right now that investor would probably be willing to pay a certain amount and we step out and avoid all the risk. That's one option. Option number 2 if we do decide to go forward I understand we have \$3,800,000 gross square feet of this project. We're talking about residential as about 67% of the project. That will be around 2 million square feet. Now, I want to make sure that we stay within that parameter of that residential if we decide to go forward. Another issue I have is that we have done a lot of urban renewal shuffling in the last couple weeks. One of the big concerns I have is I don't want to see put on the shelf is centennial mills. I know he asked for \$38 million urban renewal funds. Pdc, I hope you will follow through on this because what we're doing right now is we're shuffling a lot of the money around and I think we are going to push some projects off to the side. I would hate to see centennial mills pushed to the side. Jordan Schnitzer is a well-respected developer, knows what he's doing. When he steps up to the table he's ready to perform, and when he states a certain number it's because he's done a tremendous amount of data to get to that point. He's not an amateur at the game and he knows what he's doing and what he's looking at. I would hate to see him put on the shelf to get this U.S. Post Office. Another issue I have is when you're talking relocation of the post office, I understand Troutdale has some properties in their industrial center. Where are we stopping on the overall cost to transfer them over to this property? That has not been made clear to me. Now, as far as on Union Station,

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absolutely I want to see that basically restored, a plaza put there. One concern I do have is the actual clock at union station has restrictions on how high you can go and to make sure they have clear visibility from all areas on that clock and I want to see how you're going to try to get around that. Again, I don't want any height limitations on this u.s. Post office land, period. Thank you.

**Hales:** Thank you. Jim, welcome.

**Jim Whittenburg:** Hi. I almost didn't make it because I almost got ran down on broadway avenue on Monday because a car was going about 60 mile high city an hour down on her cell phone and she wanted to make the lights. That was more important than my life. I'm convinced of that. I think we ought to not forget to do the roads in this town because these people are not going to have anything to drive on if you guys don't fix them pretty soon. So I heard once the first duty of a mayor and the city council is to keep the good roads in the city and to take care of the water and the sewers. If they didn't do that probably they wouldn't last too long. I personally like you. You've done things for me in the past. You were helpful. But that's one of the problems we have. Secondly, I put in this piece of paper here which shows that we're going to be out of money pretty soon here, be in the red. Shows a lot of red areas for about ten years. I'm not going to be probably alive ten years from now. I'll probably be in a pot on a mantle somewhere, but most of you people will still be here, and you're going to have to pay for this. You're going to have to come out of your salary. I don't know how much that you're going to have to pay. I know my brothers, my three nieces and their eight grand nieces and nephews and my sister are going to be paying for this. Maybe if my brother is around he will pay too. I just want to hear that -- so I understand what you're doing here. The last thing that I have is the post office itself. For 50 years I have been using that post office, about 55. I used to own a pharmacy in town. I took my bills down there every month and posted them. Then I got other amenities from the post office that will have. It's going to be hard for me to ever use the post office if you move it out of there. I want some assurances they are not going to take the post office, the retail part of it, the front, and put that out in cedar hills or somewhere where I used to live. Other than that I just hope you guys can pay for all these things because it's going to be some real juggling to get all these things done and paid for.

**Fish:** Let me answer. You're a frequent visitor. You have lots of interesting things to tell us. We have two options before us. One, do nothing. In which case the post office continues to occupy that site, pays no taxes, and it creates a lot of conflicts with the community that is built around them.

**Whittenburg:** Sure.

**Fish:** Trucks that can't really get in and out and a use not compatible for that site. The alternatives is to acquire the site, develop it, put properties on the tax rolls, create wealth then generate a return for the city. The risk is in the short term with veto provide backstop financing but the cfo of the city, an independent actor that reports to us, says he's comfortable with the arrangement. One of the leading developers say if we don't screw it up we could make a premium on the property. That's what's before us. As between the two which do you recommend?

**Whittenburg:** I'm not against that. I'm not against you developing the post office property and moving that, but what we want is a retail post office down there. The retail part of it. The other stuffer can go. Put it in china.

**Fish:** Keep some retail office there.

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**Whittenburg:** That's what I hear again and again from every time I bring this up that's the first thing I hear almost. People don't want to have to go to these little post offices in buildings downtown that they can't find to post something. Those are the main things. I don't care -- I just hope that you can spend all this money that you're spending you can pay for it down the road because now we're talking hundreds of millions of dollars which is going to take creative financing to pay that off in the future. I'm sure these guys are up to it, I just want to make sure you make sure they do it right. We'll watch you from out here. I don't expect to be here too much in the future but --

**Fish:** Jim, you will not be in some urn in ten years. You'll be right in this chair wagging your finger at a future mayor and giving the same speech. We're counting on it.

**Whittenburg:** You created this debt for this new mayor that's coming in. He has to pay it off.

**Fish:** You'll be here for several more mayors i'm sure.

**Whittenburg:** You'll be on a south sea island.

**Hales:** Oh, yeah. Anyone else want to speak? Then let's move, please, to the vote on the first of these which is the resolution 1158.

**Novick:** So I think that one thing that people -- public might be concerned about is we're voting to adopt a framework plan which has a preferred concept in it which says what a bunch of people that looked at this would like this area to look like. I expect some would say you want it to look like that, it will wind up being incredibly expensive and the city general fund will never be repaid. I want to make it clear we're not saying that we are going to have precisely this concept no matter how much it costs. It's a primary importance that any general fund resources be repaid and if that means the concept for this area might be somewhat different from the preferred concept outlined that is what will happen. I'm very reassured by what our chief financial officer is telling us about the inherent value of this site and our confidence that the city will be repaid for any general fund line of credit. Aye.

**Fritz:** Congratulations, mayor hales, for bringing this home with Portland development commission Patrick Quinton. This site has been talked about for as long as I have been on the council. It's quite amazing to be here today without 60,000 people turning out for it to pass this resolution. Aye.

**Fish:** Mayor, when this first proposal percolated forward I was skeptical because number one I wasn't sure about the financing, and number two I wasn't clear about the sequence because we have a -- sequence because we have a lot of big asks in the pipeline. Portland building, memorial coliseum, this site. As well as ongoing infrastructure needs. Three things changed my mind. One was the professionals who told us that it's an historic opportunity for us to control the destiny of a very important piece of dirt, developing consistent with Portland values and do so in a way that may provide a significant return to the public. That's pretty good if we can pull that off. Number two is we have a cfo in this city, Municipal Corporation, whose job it is to tell us if we're getting too close to the line on debt or risk and the cfo has done a comprehensive analysis and is satisfied this financing mechanism is prudent. The third is that we have a chance in this development to make another significant contribution towards affordable housing and do at the right way, which is at the front end within binding commitments. Learning from our experience in north McAdam. So for those reasons and then just an extra credit one for me, that if we are serious about pdc moving beyond tif as a funding source and if we want them to play a long-term role in economic development we are going to have to develop a new model for them to be successful. In lots of cities there's an economic development agency that

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controls dirt and develops dirt and when there's a profit it accrues to the public benefit. Sustains the economic development agency. I actually think that this project could be a test case to see whether we can -- whether pdc can become more entrepreneurial and be given more flexibility as a property owner and operate more like the port than the old pdc. For those reasons I think this is the right approach and I would second what commissioner Fritz said, which is thank you for bringing this forward, mayor, and thank you to pdc and the team for the work you put into this. Aye.

**Saltzman:** Well, I want to let Commissioner Fritz know this has been a quest even longer than since you have been on the council. Goes back to when mayor katz was here. One of those illusive dreams of city council to finally get hold of the post office site. I think what's different is two things, mayor haless' leadership and determination but two, as the panelists reflected, the market is right now for this. In the past we only said well, we will take this 14 acres but I don't think we had the economic engine to see something happen with vacancy rates. Tell us that development is primed and particularly on affordable housing further commitment of public resources to do that. I really do think it's a question of having the right leadership and being in the right time at the right place. I don't want to make it sound that easy, so I thank again the mayor's office, Portland development commission and also the office of management and finance, our cfo, for coming up with a rather ingenious but I believe secure plan of attack here to really take these 14 acres and turn them into a real asset for our city. Aye.

**Hales:** Thank you all for your support for this bold venture. Bold but prudent venture. In addition to the folks that have been thanked excellent work by the Portland development commission and the bureau of planning and sustainability, office of management and finance and housing bureau. Also want to thank jillian detweiler on my team in my office whose advice about development and growth in the city is essential to my good work. Thank you, jillian. I just want to return to a metaphor I mentioned in our work session on this. Not just in this issue but in so many we can look around and realize we're in a very fast-moving river of change right now in Portland, and what you can do in that situation is you can drift and hope or you can paddle to where you want to go. That's what we're trying to do here. This is growth that's coming. We can deal with it or not. But if we do this, this is 2300 households that we don't have to shoe horn into other neighborhoods. This is 4,000 jobs that can make use of existing infrastructure including being really close to some of the biggest transit assets and bicycle networks in our city. And that's why the central city 2030 plan -- 2035 plan calls for relocating the post office. It's also important to reflect that in these situations again going to the drift or paddle metaphor, it's easier to do nothing. If we had done that in a couple of other cases we would now really regret it. What we call the pearl district was envisioned at one time as something of cruise way north. Low rise office district with lots of parking. We could have drifted to that outcome and not have the great neighborhood we have now. In the south waterfront we could have allowed a gated community that was proposed for the prime 10 acres of the southern edge of the district. We could have let ohsu go to the suburbs which is what they were planning on at the time, but we paddled to a different objective and are getting an amazing place for our venture there. So very much the same here. We could let this opportunity slip by and keep putting up with semi-trucks on the Broadway bridge at rush hour for the rest of time because that industrial use doesn't make any sense where it is today. So this is a great opportunity to go to where we want to go as a city and i'm very proud of the fact that we now have the chance with this good advice and these good partners and patti and nolan, the best architects around, to think about another great part

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of Portland. Thank you all for queuing up this great opportunity for our city. Aye. Let's take the next item. Emergency ordinance.

**Novick:** So I can now correct my mistake of not previously thanking the mayor and Jillian and Patrick and Patti and Ken Rust and everybody else who worked so hard to bring this about. Another point I wanted to make about this whole deal is that I think a lot of people might ask if this is such valuable property why isn't some private party buying it from the post office? Why is the city buying it? And if a private isn't buying it doesn't that mean the city's being sold bill of goods and what we've been told is the post office operates under legal restrictions as to how they can dispose of their property and they can't under federal law they can't simply sell it to a private developer. They can more easily transfer it to the city and that's why we're stepping in to play this role. Aye.

**Fritz:** Ordinance on the draft and intergovernmental agreement. It says that Portland development commission will provide quarterly reports and I'm assuming that those will be coming to the entire council as well as the office of management and finance and the mayor and I would like to request that they go to the city budget office and add my thanks to that independent group as well as our chief financial officer Ken Rust for vetting the financing mechanism. Which does have some risk, but I'm comfortable that it is a risk that is manageable and worth taking. Aye.

**Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye. [gavel pounded].

**Hales:** The others move to second reading next week. [gavel pounded]

**Moore-Love:** Have to go out to the 18th.

**Hales:** To the 18th for that. That's right. That's right. Veteran's day. 1160 and 1161 to November 18th. We are ready to move to 1162.

**Item 1162.**

**Hales:** Commissioner Novick.

**Novick:** Mayor, sometimes Portland leads the nation, other times we like any other jurisdiction get dragged kicking and screaming into the future. This would fall into the latter category. As of about a year ago, we were being constantly pounded by the media and by tnc companies for not allowing in tnc who were providing service to millions of people around the country and the world. We made it clear, I think, that we were open to the idea of taking another look at the private-for-hire regulations, but we didn't want to rush it. There was a point where Uber did decide to rush it and come in and start breaking the law. And we told them that that was unacceptable and they backed off. Since then, we have been engaged in a lengthy and thorough process of trying to determine what the new rules for this industry, both taxis and tncs should be. We have been honored to have the advice of our citizen task force, which spent countless hours listening to testimony, doing research, deliberating, back and forth with us to come up with the final recommendations. We are allowing for competition in the private-for-hire industry. We want to be sure that it is fair competition. So, we are requiring both tnc companies and taxis to provide 24/7 citywide service. Requiring tnc companies and taxis to provide service to people who have wheelchair accessible vehicles. We are requiring criminal background checks for all drivers. We're requiring inspections for all vehicles. There are going to continue to be some differences between how we treat tncs and how we treat taxis. We are going to allow taxis but not tncs to take street tails it won't be legal for somebody to flag down a Uber or Lyft vehicle, only a taxi. There also will under the proposed rules continue to be some difference when it comes to insurance. Specifically there has been a debate about what level of insurance should be required when tnc drivers app is on but before they have been asked for -- asked to go give somebody a ride or be in the process of giving

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somebody a ride. People on the taxi industry have said that once the app is on, it is a commercial vehicle, and, therefore, they should have the same level of insurance as required by taxis. I don't think that is an unreasonable argument. The counterargument, which has been accepted by numerous other jurisdictions, period when the app is on but a ride has not been requested, is sort of a period in between being a private automobile and being a commercial automobile, so a different level of insurance higher than what is required of a normal driver, but lower than what is required of a taxi cab should be adopted. I spent a lot of time thinking about this issue, noting that a large number of other jurisdictions have taken this approach. We have talked to people in the insurance industry who said that they think that this approach is reasonable, but it is something that we should watch. That we should wait and see what data there is on the actual insurance claims data during that quote period one, and might be something that gets re-evaluated down the line. The Colorado public utilities commission came to the same conclusion. This struck them as a reasonable way of doing insurance now for period one, but they want to look at data and make come to a different conclusion somewhere down the line. This is an issue, insurance in period one, where we are continuing the rules in the pilot for now, but I want to bring a report to the council a year from now where we look at data from around this city and the country and see if it might be appropriate to revisit that. We have also made a commitment that we are going to analyze and bring a report at the end of next year on what the impact of lifting the cap on the total number of vehicles has been on both drivers and consumers because that's a new thing, and some folks have asked, we take a look at what the effect of that has been and I think that that is appropriate. One thing that I want to mention is that we have been monitoring the provision of service to everybody and also we have been doing monitoring particularly of what level of service has been to people who need wheelchair accessible vehicles. What we have seen over the last few months is that nobody seems to truly provide 24/7 citywide accessible service, but both taxis and tncs have been making significant progress towards that in the past couple of months. There was a period in the beginning of the pilot. When the tncs acknowledged that they were actually not providing 24/7 citywide wheelchair accessible service. And I have asked pbot staff and the city attorney to determine what penalties should be assessed against them for knowingly not complying with that requirement which was there from the beginning. That is something that you should see in the next couple of weeks I think that we will say you were subject to this requirement all along. We meant it. You acknowledged you were violating it, therefore, you are going to have to pay penalties. With that, I will turn it over to either you, mayor, or --

**Fish:** Question.

**Novick:** Yes.

**Fish:** So the penalties for the wav violations, that -- that is in addition to -- you have a penalty schedule in the proposed legislation for these violations going forward?

**Novick:** Yes.

**Fish:** And one of the issues, steve, that you and I care deeply about is the terms of service agreements. And could you tell us where you landed on that?

**Novick:** Thank you, commissioner, appreciate you bringing that up. That is something where this is an issue that commissioner Fish brought up and I thought he was right, looking at the tncs, uber's terms of service, language in there, you have to click on before you get a ride. Language to the effect of, no matter how negligent we are we are not liable and if we are libel -- we are only liable for 500 dollars that kind of language is not valid in Oregon the supreme court decision came down last year that said that you can't have a

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disclaimer like that. However, somebody reading these terms of service might not know about that Oregon Supreme Court decision, so they might have a problem with the uber and take a look at this language and say I guess I can't do anything because I gave up all of my legal rights. We said that we're going to insist and we are insisting that any such disclaimer of liability be followed by a statement that such disclaimers are not legal in Portland, and normal tort laws apply so that people who are injured will know that. I thank commissioner Fish very much for highlighting that issue.

**Fish:** Thank you. And, also, my understanding is that lyft has, in fact, agreed to comply with that requirement?

**Novick:** They have said they will comply with it and uber has also acknowledged that it is the rule and they are going to have to comply with it.

**Fish:** Thank you.

**Novick:** While thanking my fellow commissioners, one other concept we are adopting forwarded by another commissioner, we're replacing a system of permit fees being assessed to -- annual permit fees being assessed to drivers and companies with having the cost of administering the tnc program, which includes monitoring performance and making sure that people are behaving legally and bringing enforcement actions, the cost of all of that activity will be paid for per commissioner Saltzman's suggestion, a per-trip charge. Which we estimate will be between 40 and 50 cents per trip, which means that the customers will be paying for the oversight of this program, which I think is preferable to saying that the city taxpayers as a whole will be paying for the cost of the program, or for that matter, having individual drivers have to pay for the cost by annual permit fees.

**Hales:** Transportation director Leah treat. I will walk through the procedure. Suspend the rules for a moment and welcome a delegation from japan here studying our city. Welcome to Portland. [applause]

**Hales:** Again, let everybody know how we're proceeding. This is a hearing. The first reading of the proposed regulations that commissioner novick has just summarized. We're not going to vote today. We will vote in a subsequent council meeting, but this is the public hearing. Actually it looks like November 18th is the day in which we will have that vote. We, of course, have had several hearings on this subject since we first took it up in the spring. And it is very important that we hear from both sides of the issue today. We have a couple of hours for testimony this afternoon and this hearing is going to end at 6:00 p.m. And we are going to make sure that we hear from people again who are on opposite, perhaps, sides of the question of whether these regulations have it right or not. So, we're going to allow an hour of testimony for each point of view. I'm going to limit testimony to two minutes per person just because we have a very large number of people signed up to speak. And, again, we will be alternating between support and opposition. If for some reason we have it wrong about where you are on the issue, just check back in with our council clerk and we will make sure that she gets you in the queue. As always we maintain the rules of decorum here, clap for visitors, students, but we ask in this kind of hearing environment, you are welcome to indicate your support or opposition for other points of view by giving them a thumbs up or thumbs down or other polite hand gesture, but we do not allow people to make demonstrations and clap for points of view. We don't want people to feel intimidated here. So, with that, we have a presentation and some questions and then -- any questions about the procedure?

**Fritz:** Question about the procedure. When are we taking amendments?

**Hales:** Good question. I would say we should probably take them early.

**Fritz:** Staff presentation maybe then amendments --

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**Hales:** Is that okay with you commissioner novick, beginning or end of the hearing?

**Novick:** I think the beginning is preferable.

**Saltzman:** I'm excused at 5:00 p.m., a hard 5:00 p.m.

**Hales:** We will be in the hearing phase at that point. Director treat and others make your presentation and then we will take amendments.

**Leah Treat, Director, Portland Bureau of transportation:** Thank you very much, commissioner, mayor. I'm joined by dave benson and mark williams, fellow staff from pbot. So, across the country, we are seeing very rapid and far-reaching changes in how people are getting around. And Portland is no stranger to this trend. We have seen a very fast evolution of our private-for-hire transportation market. The number of private-for-hire options available to Portlanders has expanded, and we have seen an impressive growth in demand for private-for-hire service. The regulations that we are presenting today have been developed to shape this evolution and with two over-arching goals in mind. First is when Portlanders use private-for-hire transportation we want them to be safe and we want the service to be reliable. Second, when private-for-hire companies and drivers operate in Portland, we want them to encounter a market that is fair and a market that is competitive. To achieve these goals, we have undertaken an extensive revision of chapter 16. Its 153 pages and there is more than 53,000 words of code there. So, before I turn the presentation over to mark and Dave, I want to highlight what has informed the new rules that are before you today. In January, we formed a private-for-hire innovation task force. Task force members contributed almost 700 hours of volunteer service and received input from a broad cross-section of stakeholders with interest in this program. They delivered their final recommendations in august and I want to take this opportunity to thank the task force members for their service, industry experts and Portlanders who participated in the process. All of those insights were very valuable to us and directly influenced the changes before you today. As an example, I would like to highlight the new accessibility requirements. Working in collaboration with the task force and the Portland commission on disability, pbot developed new accessibility requirements to improve service and expand transportation options to people with disabilities and specifically those needing wheelchair accessible vehicles, otherwise known as wavs. The new retirements are rooted in performance standards and later in the presentation, dave benson, joe vanderveer and nickole cheron will explain them in more detail to you. It is also important to note the rule reliable data has played in helping shape the recommendations. In April, at the council's direction, pbot initiated a pilot program to expand taxi service and allow tnccs, transportation network companies, to operate. As part of this pilot program, we collected data on more than a million rides. Portlanders took during the first four months of the program. The information we received on trip durations, ride destinations, passenger wait times, wav rides, all of this has been invaluable. According to the data, we saw an incredible growth in ridership in just the first few months of the pilot. From may to august, taxi ridership did decline slightly, at about 16%, but we saw overall ridership increase by 40%. The report also showed that taxi and tnc service improved throughout the city. And specifically in east Portland neighborhoods where ridership increased by about 50%. Thanks to the data, we do understand the private-for-hire market is much more comprehensive way and is understanding has helped us focus on the regulatory changes. It is important to know that we are going to continue to collect data and we will use it to inform any future regulatory decisions. And these regulations have also been informed by input that we have received from you, our city council. Private-for-hire Service is a key part of our transportation ecosystem. It is also one of the most innovative and dynamic

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parts of it. We believe that the proposed regulations will allow Portland to take full advantage of the innovation and ensure that public safety and fair competition are protected. Thank you very much for the opportunity to provide opening remarks. I'm now going to turn it over to mark and dave.

**Mark Williams, Portland Bureau of Transportation:** Hi, good afternoon mayor and commissioners. Mark williams, private-for-hire program manager.

**Dave Benson, Portland Bureau of Transportation:** Good afternoon mayor and commissioners. My name is dave benson, parking group manager at pbot.

**Benson:** So, I appreciate director treat's and commissioner novick's introductory comments. It's been said, but it is worth repeating, that the changes here before you today have been guided by a lot of work from a lot of people, innovation task force, a million rides, the data that we were able to derive out of those rides, your input, and evolving market and providing a safe service for the consumer and doing so in adopting regulations and our recommendations that are fair and equitable, we believe, to the providers.

Commissioner novick mentioned it, but it is a cornerstone of the private-for-hire service, citywide service and requires service 24 hours a day, seven days a week throughout the city, and it also requires that both taxi and tnc operators must accommodate all requests for service for wheelchair accessible vehicles. Permit caps, prior to the pilot in april of this year, the private-for-hire board had the ability to cap the number of private-for-hire vehicles in the city of Portland and they rarely granted exceptions to that. We're proposing that there is no caps on the number of vehicles that a company can permit similar to what has been going on during the pilot. This way, companies can have as many vehicles as they want, and the market will determine the appropriate number of private-for-hire vehicles. Fares, prior to the pilot, the city had a long list of mandated fare requirements. Our proposed change similar to what's been happening in the pilot is there is no mandated fares. But we're requiring the companies to establish base fares, report them to us, and they have to be approved by the director prior to implementation. All of the fares have to be made in a way that's readily available and clear and transparent to the consumer. And while dynamic pricing is allowed during emergencies declared by the mayor, they can be suspended and they're never allowed for wav services.

**Hales:** Before you leave that, dave, maybe a quick sketch. That is the base fare rates are submitted to the director for approval. What criteria are there for why you might turn down a fare rate? In other words, if we're partially or significantly deregulating fares, when would you say no, that fare schedule is unacceptable and here is why?

**Benson:** Well, it is so that the bureau can be fully informed of what's going on in the market. We wouldn't turn down a fare rate. They are deregulated. But we are suggesting there will be an advisory board and they will be informed of what a company or companies are proposing. It is part of that connection of fair and transparent rate structure.

**Hales:** These fares include -- you say base fares, but also peak fares?

**Benson:** Dynamic pricing. Dynamic pricing, as you know, is when it is a friday or a saturday night, late in the night, especially the tncs raise their fares to adjust for the demand in the marketplace.

**Hales:** Would those also be submitted?

**Benson:** No.

**Hales:** Only the base --

**benson:** Just the base fares.

**Fritz:** All fare rates made available to the consumer in a clear and transparent way. What does that mean?

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**Benson:** So, when you bring up on your app --

**Fritz:** No, no, i'm talking about a taxi, how do I know --

**Benson:** Taxis have had the rates and we expect they would in the future posted in the cab what the rates are.

**Fritz:** Literally I have to go down the line to ask them what the rate is before I get into the cab.

**Benson:** That's one of the issues I imagine when you call for a ride you can ask them what their rates are. To be competitive, I would expect -- I don't know, but I would expect maybe taxi companies would adopt a similar rate structure. But, yes, there will be some variation.

**Fritz:** I won't know if i'm not calling --

**Benson:** Well, if you are calling to ask for a cab you can. Hopefully they are posted in the cab when the cab arrives. You can ask the driver what the rates are.

**Fish:** You know, this may be far-fetched, but i'm the guy that always goes to the bar thinking that i'm going to take advantage of happy hour but i'm two minutes past the expiration of happy hour and I get the regular menu prices. When you book the trip or when you get in the car that determines whether you are covered by the established pricing or dynamic pricing?

**Williams:** Well, for the app, I think the dynamic pricing is indicated when you book the trip. That is with the uber app. You know when you are in dynamic pricing. It will tell you your price will be between a dollar amounts. In the cab, we expect you to have a posted so that the consumer can see that when you get in the car.

**Fish:** I want to be clear on this point, if you are using an app and you reserve a lift, but it takes 20 minutes to get there, can they charge you a higher rate because you now into a period of time in which dynamic pricing kicks in or are they bound by whatever the price was at the time you engage them?

**Williams:** That's a good question. I'm not sure I know the answer to that one.

**Treat:** We should ask the industry when they come up. When you book the ride at that time, you are locking in the rate when you request the ride.

**Novick:** Actually, commissioner, we need to make sure that that is the rule. I mean, so, if we need any sort of clarification on that in our rules, then we will make it and specify exactly what you just said.

**Fritz:** Just getting back to my line of questioning for those of us who are going to want to continue to use taxis, not going to be any limit on the number of taxi cab companies, right? Anybody can come in and get a taxi. Is there going to be any centralized place that will post what the base rates of a taxi company or do you have to call through all of them?

**Williams:** You probably call the one you normally call and you know what their rates are, I would suspect. But there will be no requirement from us to have a centralized bulletin board or anything else that lists the prices.

**Fritz:** Why not? If we're trying to make it so that people like me can still not happen to pick a cab, the most expensive taxi company, why would the city not have some responsibility to help consumers find out what the prices are?

**Novick:** Commissioner, governments don't generally do that for prices of most things.

**Fritz:** Governments generally in the past in Portland have regulated the price of taxis. Now we're not.

**Benson:** The way I look at it, commissioner, is the same we have dynamic pricing at hotels. We have dynamic pricing for airlines, dynamic pricing for a lot of things in the

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marketplace. And you do have to be a consumer and shop. And I think that would apply to taxis as well.

**Hales:** Thank you. Let's go forward.

**Benson:** Accessible service, prior to the pilot, 20% of the vehicle fleet must be wheelchair accessible. What we're proposing is that we move from a percentage of the fleet to a performance metric so that all companies are required to reasonably accommodate persons with disabilities, including individuals with mobility devices and those accompanied by service animals. They have to provide 24 hour service. And the service is, again, based on wait times. And the line we have established is a 30-minute time, wait time, is a rebuttable proposition of unacceptable service.

**Fish:** One issue that came up last time when we had this conversation was that a service standard doesn't provide universal access if the app doesn't require that everybody who seeks a vehicle gets service. And we -- it was the example of people in east county trying to reserve a car and being told there were no cars available. So, what is the mechanism that you are building in to make sure that everybody is reasonably accommodated and no one is essentially red lined from accessing the service.

**Benson:** I think commissioner novick in his introductory comments talked about that. Industry has been doing a good job moving that way, but they're not there yet. And we're going to have to work with the industry to ensure that they are in compliance and if they're not in compliance, take the appropriate enforcement actions to help them bring it into compliance. Certainly one of the issues for the industry is finding or having enough wavy vehicles to accommodate most all requests. Now, is there going to be a time period during the day or during special events when taxis and tncs, private-for-hire vehicles are just not available at all, I think we would say that would probably be true. But our metric is for most all occasions that a wavy vehicle would always be accessible.

**Novick:** The way to do that is simply, which I thought we were doing actually, I can't cite chapter and verse, assumption will be if you get a message saying nothing is available, that will be treated as being beyond the 30 minutes.

**Benson:** Yes, I mean, we have some of that. I mean, if we get a message on the app, if that's what you are talking about, that a wavy vehicle is not accessible or not available, that, yes, that -- not in compliance.

**Novick:** Treated as a violation, treated as if they showed up more than 30 minutes later.

**Benson:** We've heard from providers that the higher cost of providing accessible transportation is a barrier to providing wavy service. This new revision allows the director to establish a fund for the purposes of providing an incentive for private-for-hire wavy service. But the stated goal of the fund would help the providers mitigate the higher costs of providing wavy service. I think council recalls hearing testimony about the cost of providing wavy service and we heard that and that is what this fund is designed -- would be designed to do. We think and later in the presentation, you will hear about establishing a private-for-hire advisory committee. We think this will be one of the first jobs to conduct research and recommend a fee rate to the director so that we could establish this fund.

**Fish:** Just a philosophical question. This fund is intended to compensate people for the -- create incentives to offset the higher cost of complying with the wavy service. But commissioner novick, you had raised, we had raised together at one point the question about what about taxi companies that have already made that investment in fleets that are now arguably competitive disadvantage? Are we contemplating compensating them?

**Novick:** We actually had asked the taxi companies to collectively to give us data on how many had recently made purchase of wavs, before the rules changed, and we have gotten

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somewhat spotty response to that request. I would still be open to the idea of pursuing something like that if we have the right -- I think that is something that we can take up later on. We have been struggling to get the appropriate data.

**Fritz:** And what's the uses of the fund? Who does it go to?

**Benson:** What we anticipate is as we envision it, that we would have a fund of proceeds from rides. We would probably charge an additional few cents a ride and that we would divide that amongst the providers that have given retail wavy rides. There is lots of discussion about the actual costs of providing a wavy ride. What is a wavy ride compared to a non-emergency medical transportation, reimbursed to providers at a different rate. All work an advisory committee would do to determine what that fee should be, and then how it would be divided in their criteria of dividing it among the providers.

**Fritz:** You mean the actual drivers?

**Benson:** No, I'm talking about -- well, that's a good question. I think we're talking about the companies that provide the service.

**Fritz:** I think that's a problem. The drivers are still disadvantaged if they're providing the extra time to help folks needing a little more time to get into the vehicle, it was my understanding that then they would get compensated for that.

**Benson:** Nothing in this code prevents that. I think that would, again, that's good feedback to the advisory committee to help develop a structure for moving forward.

**Fritz:** Do I need to make an amendment to this code in order to allow that to happen?

**Benson:** I don't think so. There is nothing that prevents it from happening.

**Fritz:** I'm not clear as to why we would be giving additional compensation to the company. They either have the vehicles or they don't.

**Novick:** Buying the vehicles costs money. So if in effect you are compensating them for the fact that they have made this additional purchase in order to be able to provide this service.

**Fritz:** Taxi companies have already done that. Are you saying we are going to subsidize the tncs to get more vehicles that the taxi companies already have?

**Novick:** Well, actually subsidizing the taxi companies for the past purchases which we don't do now. Right now they don't get additional money for wavy rides, simply required to buy the wavy vehicles. When they give a wavy ride, they will be paid more money. Tncs are contracting people with wavy vehicles in order to get the rides and they are paying for that, too. So, basically we go to a situation where we require the taxis to have a certain number of wavy vehicles and didn't compensate them for that in any way to assist them where we are compensating for the additional costs of wavy rides or a per-ride basis.

**Fritz:** That would, in fact, address commissioner Fish's concern about companies that have already made the investment. They then get a higher per-ride fee when they use those vehicles.

**Novick:** They will. One reason that I'm still receptive to commissioner Fish's suggestion is that you don't know that the companies that recently bought a bunch of wavy vehicles will get that many requests for wavy service. If green cab has a bunch of wavy vehicles but they never get calls for wavy service, then they would never get reimbursed. I think it might be reasonable to shoe horn commissioner Fish's concept into the structure.

**Fritz:** Why would a transportation network company get more money for having, independent drivers who have accessible vehicles when they are required to provide the service anyway?

**Novick:** Well, we're trying to meet -- the same argument could be applied to the taxis. What we are doing is acknowledging that we are imposing a requirement on this industry

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of providing waw rides, which does cost extra money. And it seems reasonable to us to set up a system where that is acknowledged and where anybody who is having to pay the additional cost for providing waw rides gets some compensation.

**Fritz:** I would encourage the committee to look at yes, certainly if the tnc is contracting with the company then that is an appropriate use of the conversation then yes, if they have private drivers who have accessible vehicles, it doesn't seem reasonable that the tnc should get the money. It seems like the owner of the vehicle should get the money.

**Hales:** Okay.

**Fish:** Can I follow-up on one other item. Private-for-hire transportation advisory board that you are referring to, when do you intend to constitute that body?

**Treat:** That's a good question that I can't answer. Can you help me out?

**Benson:** It would be soon after the rules are established. We would have to identify the folks as contemplated in the code, and bring them together. I would think sometime after the first of the year.

**Fish:** So, we are disbanding the existing oversight body?

**Benson:** Correct.

**Fish:** And we are disbanding the task force?

**Benson:** Yes. Task force has already been disbanded.

**Fish:** So, is it currently anticipated that you would bring nominees to the council for approval?

**Williams:** I don't think the language currently reads that way. I think the nominees are brought to the director for approval.

**Fish:** In light of some of the controversy we've had, composition of the task force and sun setting of the existing body, I would request whatever the criteria is and the nominees come to council for approval.

**Novick:** I have no problem with that.

**Hales:** That might need to be an amendment. We will get back to that. Okay. I guess we have more slides.

**Benson:** Yeah, I do.

**Hales:** We will let you continue with those, Dave.

**Benson:** Sure.

**Benson:** Driver background checks, prior to the pilot, city conducted background checks and city conducted driver checks. Background, criminal background checks were through the law enforcement data system and they used -- we used that portal to access the national crime information center and driving records were, Oregon dmv and out of state driving records -- October 15th this year, letter from the department of state police, charged with interpreting the state statutes relating to the use of the data system and through that -- ncic or national crime information center, in short, our request to continue using those systems are denied. Last time I was in council, I heard Commissioner Fritz and I appreciate her desire to have government conduct these background checks through governmental systems, in part, that's why I spoke on multiple occasions to the department of state police as recently as yesterday. I spoke to the head of the division that manages this. Tom worthy, and he acts and his division acts as the gatekeeper for the law enforcement data system. He asked me to pass along that the state of Oregon adopted the federal guidelines for security practices, written by the fbi, and as you know, data security is a top priority for government, and private business, as well, so it is no surprise that security of these systems, not only here in Oregon but around the country is a big issue, however we think that we have an acceptable alternative to that that is very

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good. The background checks shall be performed by a third party accredited by the national association of professional background screeners. I will tell you that I know many law enforcement agencies use this tool on an ongoing basis to supplement their criminal investigations and it has been very helpful. The companies can opt to have the city run the background checks on their drivers for a fee or they can conduct their own. If they conduct their own, we will require them to maintain records and the city will audit these records.

**Fritz:** How often and how many of the records will be audited?

**Benson:** We will do some random audits. In terms of how many compliance audits and mark is going to talk about that, but in the hundreds of audits per year for these companies running these background checks. We will quickly transition to what we call a target auditing because random audits get random results, and if you know there is a problem or problems out there, we will do targeted auditing of companies to make sure that they're complying with the rules. So, like I said very quickly we will know if there is problems or there is some lack of understanding of what needs to happen.

**Fritz:** What's the standard for when we would and what are the penalties for, you know, how many -- if they come back that they didn't do it properly, what's in the penalty for that?

**Williams:** We have penalties outlined. We did revise some of the penalties. We will -- the companies are required to submit a list of all of the vehicles and all of their drivers that they on board to the service or drivers that they have actually permitting. We handle this the same way with the tncs right now and we audit their drivers list and their vehicle information as well. And we do find a violation, we can issue a warning. We can also issue civil penalties as well. But we do and plan to use the same process to monitor any of the taxi companies that choose to go ahead and provide their own background services through one of the approved providers.

**Fritz:** That really didn't answer my question.

**Williams:** I'm sorry.

**Fritz:** How many times do we need to find a company has not done a proper background check or that they -- that there is issues that come up that the background check missed? At what point do we say that they can't continue to operate or that they have to have the city do their background checks?

**Williams:** Sure, I think if we issue a warning a first time, civil penalty the second time, if they can't seem to figure it out, maybe we take that privilege away from them and we do it.

**Fritz:** Do I need to make that as an amendment?

**Benson:** I don't think so, commissioner. Civil penalties are described in code. We have no problem issuing civil penalties, nor in consultation with the director revoking of permit to operate. If we have a company that is not conducting appropriate background checks, we certainly have not only the ability to do that, we would do that.

**Fritz:** Could you direct me to the section of the code that I should be looking at?

**Benson:** That's what we're looking up right now.

**Hales:** Keep going with the presentation while you do that, please.

**Benson:** Sure. We thought you might want to know some of the disqualifying factors for background checks. It is a variety of criminal history and traffic infractions and traffic crimes. Any felony conviction clearly in the preceding 10 years, although not listed here, any felony conviction involving the use or threat of physical harm, no matter when it occurred would be a disqualifying factor. Greater than five traffic infractions, if the driver's permit was revoked by the director, if the driver is a match on the national sex offender public registry, all reasons that we would -- that applicant would not qualify for a permit and clearly if the driver is under 21 years of age.

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**Fish:** Where would a dui fall within those categories?

**Benson:** It would be driving privileges that were revoked and we use that broadly, suspended or revoked within the last three years. A dui would clearly fit into that category.

**Fritz:** Does the individual driver have a permit that we issue?

**Benson:** Yeah, the driver has to go through and obtain a city business license and they have to go through this process.

**Fritz:** We're going to be issuing a private-for-hire permit.

**Benson:** Not specifically. They have to get a city business license that we can clearly identify they have been through this process.

**Fritz:** What does this third from the bottom bullet mean, in the preceding years the driver's permit was revoked by the director?

**Hales:** Existing permittees.

**Williams:** If a driver for whatever reason had a number of violations where we actually revoked their permit within the last three years, they would not be able to reapply.

**Fritz:** Not getting a permit under the new system.

**Williams:** Right. We wouldn't certify them.

**Fritz:** I'm not following how a driver in a tnc gets to be told that they can't drive anymore.

**Williams:** If they don't meet the requirements within the code, parameters of the code, they're not legal to drive.

**Novick:** To Commissioner Fritz's question, I mean, I think that the rule should be the same going forward for people who are operating because they are authorized to be in a platform and have a business license as for previously people who had permits. So, we should be sure that it is clear if you were told that you had to get off of the platform, or otherwise have privileges suspended, then you're not allowed back in for three years.

**Benson:** And, commissioner, forgive us, it's choice of language, what the new code says, certification, and that's what this slide should have said. The effect is the same.

**Fritz:** We are going to certify every driver.

**Benson:** Yes.

**Fritz:** Thank you.

**Treat:** Would you like to -- if you would like to return back to the previous question about the fees and fines. Current -- it starts -- chapter 16, 40.930 civil penalties, and penalty table. And if you are looking at the same document, start from page 142.

**Fritz:** Thanks.

**Treat:** And perhaps assuming the question that you are going to ask, alluded to previously, the proposed regulations have a series of fees and fines. A first offense, second offense, and then subsequent offenses. And revocation of permits or certification is can be revoked by the director under stipulated reasons. So, that would require a change to the code if you want that to be after a certain offense, if you want it to be revoked, that would have to be changed.

**Fritz:** Thank you.

**Treat:** You're welcome.

**Treat:** Should we go ahead --

**Benson:** Within 30 days of certification, new drivers have to complete a driver approved training course that is going to contain relevant city code provision, administrative rules. We have a great opportunity to educate these drivers on vision zero principles of traffic safety. They will have to know about Portland area attractions and have customer service training.

**Fritz:** How long do you envision the training being?

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**Williams:** Well in the past, drivers training, allowed one hour. If you are talking about the amount of time that they have been given to take the test.

**Hales:** That's the test.

**Williams:** Right.

**Fritz:** We are going to go through all of this in an hour?

**Benson:** Yes.

**Fritz:** I would suggest that it might -- we have an opportunity here for 2,000 plus additional drivers to get more education on how to be a good driver. When I lived in New York, I took a defensive driving course which was I think eight hours long because it got me a 10% discount on my insurance and it was excellent and I think it has changed -- I know it has changed the way I have driven ever since. If we really are committed to vision zero and we have this group of folks who want to be employed as drivers, it seems like we could require them to take an outside defensive driving course as part of one of the requirements to being on the platform.

**Novick:** Just to be clear, it is -- the test completed in an hour, that doesn't mean that the training is only an hour.

**Treat:** Yes, thank you for clarifying. The employer will be made aware of all of the requirements for their drivers and they will be given a test. They will be given a test in which they will have an hour to complete that test.

**Fritz:** The companies will be providing this education.

**Treat:** Correct.

**Fritz:** And we don't know what that looks like.

**Williams:** Once they determine what they're going to -- they basically have what is -- send their test to us for approval. We get to see everything that is on the test to make sure all items are covered.

**Fritz:** And they certify that people have passed the test.

**Williams:** Correct.

**Fritz:** Thank you.

**Benson:** Vehicle inspections, talk a little bit about that. Part of the pilot, every private-for-hire vehicle had to have an annual ase, which is automotive service excellence inspection by an approved master mechanic. And the proposed changes, it will require annual ase inspection by an approved mechanic, blue seal shop, required to have a fire extinguisher, first aid kit, and hands-free device. Vehicle identification -- every taxi cab must display both sides of the vehicle, the following, have unique colors of their company, the name of the taxi cab company. The company assigned taxi number. The telephone number where they can request the service. And the word taxi cab or taxi cab. In contrast, tncs must have trade dress signage clearly visible from the front and rear of the vehicles from a distance of 20 feet, and has to be placed on the interior or exterior of the vehicles.

**Saltzman:** That's different from the present practice of tncs, right? There is nothing in the rear.

**Benson:** Correct. Many tncs there is nothing in the rear. I have seen some out there, but we are asking them to have it both front and rear.

**Saltzman:** For the taxis, the color, I mean, does it really -- why do we care what color?

**Williams:** Typically all of the taxi cab companies are required to have a unique design so that all of the cabs look identical and when we have a new taxi company enter the city once approved, we do as part of the approval process, look at the color scheme to make sure that it is unique and doesn't match any of the existing companies permitted.

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**Saltzman:** If you have an overlying -- you can have a logo. I can understand a unique logo, can't that be over lane or -- by a different color of the vehicles?

**Williams:** I can imagine prior to the new code, maybe the private-for-hire board probably approved that sometime ago. I'm not privy to the history as to why we have that requirement.

**Treat:** We didn't contemplate changing, and -- if that is something that you would like to see changed, we don't have objection to that. It just carried over from the previous code.

**Saltzman:** I was talking with a representative from eco-cab this afternoon, and I think it is their desire to use teslas, and they are hard to come by, so if you can broaden the color spectrum, it makes it easier for them to secure more vehicles but keep the same eco-cab logo. Just a flexibility that we should allow.

**Benson:** You know, and this standard is years old. I think the standard was so that you could tell one cab company from another. And I think you see the same thing across the country.

**Novick:** Commissioner, Oregon ducks football team would not be allowed to establish a taxi company because they change their colors every week.

**Saltzman:** Yeah, really, every game. [laughter]

**Benson:** Taxis have the exclusive right to cue and designate taxi stands on which there are 46 around the city, and such street hales to include hotel zones and in contrast, tncs cannot accept street hails, and only through a tnc app. The color scheme, ability to have a taxi like, and that cabs are required to have the internal camera system so when they have somebody hail them and get into the cab who is a stranger to them, there is some sense of security for that driver. Clearly one of the most challenging issues the development of regulations governing the insurance requirements for this industry. We're recommending the following. General commercial liability insurance with limits of at least \$1 million per occurrence, \$2 million in aggregate, auto insurance, \$500,000 per occurrence. Tncs, recommending \$1 million in general and commercial liability and \$2 million in aggregate. And in period one and just to revisit period one, that's when a driver has the app on, but they have not accepted a ride or have a passenger in the car. We're recommending \$50,000 in death, injury per person. \$100,000 per incident, and \$25,000 in property damage. In periods two and three, periods two is when the driver is accepted a ride from a passenger and is in route to pick the passenger up. Period three when they have the passenger or passengers in the vehicle. \$1 million in death, personal injury, property damage per incident. \$1 million --

**Fritz:** If I have an amendment --

**Hales:** Let's get them through the presentation and then we will get to amendments. I have some questions.

**Benson:** Advisory committee, pre pilot, I think I talked a little about this. The board had rules for the for-hire transportation industry in Portland. We're recommending the private-for-hire advisory committee is a community advisory body representing those with interest in the private-for-hire transportation in the city of Portland. They would be charged with monitoring the industry and making recommendations providing feedback to the public, director, and city council on the private-for-hire market. They could make recommendations for changes in code, administrative rules and monitoring us, pbob, as we enforce the code and regulations for effectiveness. Data reporting, prior to the pilot, taxi drivers were required to keep a log. During the pilot and our recommended changes is that we want to keep data including date and time of trips, the time and date of unfulfilled requests. The trip origin, trip destination, trip wait time, trip duration, this is critical

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information. It informs us about the private-for-hire business generally. If it is growing, if it's shrinking over time we will get a sense of seasonal impact, gaps in service, especially wavy service, trends, help and advise the advisory committee and council and us about what's going on in the industry and what rules or policies need to be changed to address them. While we haven't had a lot of data yet, we have -- we're six months into our second in total into the pilots. Over time we will have nearly contemporaneous information and much historical data to really advise and give us information so we can make those changes going forward and we think it is a critical component to the work we do. Program cost recovery, we talked a little about this. For the renewals, Taxi Company had to pay between \$503,000 a driver every time they renewed, every year, \$100, and to renew a cab, \$600. What we're proposing going forward is a 50 cent ride fee. Commissioner Saltzman was already thanked and I will thank him again for coming up with that suggestion. We explored a whole number of models for cost recovery, and as it turned out, this was in our view, the best, the 50 cent ride fee is simply to recover the costs of personnel and materials and services to regulate the taxis and tncs we feel is the fairest and most equitable way to handle our expenses and allows the providers to pass their costs directly through to the consumer on a receipt labeled city of Portland surcharge. This relieves these providers and their drivers of shouldering the annual renewal fees which we have heard about as being burdensome and we hope improves their profit margin. As we continue to collect ride data, we will measure our expenses against the number of trips originating in Portland, and make adjustments annually. If we collect too much money, we will establish a set-aside and use the excess moneys to help with expenses and adjustment sure charge downward

**Fritz:** The wavy fee is on top of that?

**Benson:** Yes, that would be something that would come with the advisory committee and they would recommend the fee.

**Hales:** They would recommend a level for that fee?

**Benson:** Correct.

**Williams:** Continue to conduct random compliance checks, reviewing the driver's background, criminal history, dmv records. If companies choose to use a third-party checker, they must be accredited by the national association of professional background screeners. We will make sure that each driver has a valid business license and pbot may choose to run additional background checks on these drivers through another third party driver accredited by the association to make sure that the information that we are getting is the same as the taxi cab companies and tncs.

**Fish:** Does a tnc have to have a valid Oregon driver's license,

**Williams:** valid driver's license, not necessarily Oregon?

**Fish:** So, for the tncs operating in Portland under let's say a Washington driver's license, Washington plates, does that complicate our enforcement in any way?

**Williams:** Not necessarily, no, it does not. If I'm understanding your question. We will still enforce -- we will still -- we will still check for compliance audits on all drivers on boarded on to the system.

**Fish:** But it is possible that the law and liability and other things will change once you cross the state border, right?

**Williams:** Sure. I probably would need to check with the tnc companies to make sure when they have a driver that is in Washington, authorized to drive in Oregon through their platform, we need to make sure that they are on that approved list so that we can certify

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those drivers. We may need to have that conversation to make sure that we are handling that right logistically.

**Fish:** I see a lot of tncs downtown with Washington plates. I assume they comply with all of the regulations.

**Benson:** Yes, they do, commissioner. We would have to check in with ken mcgair to make sure, but I don't perceive anything. They come through the normal on-boarding process like an Oregon driver would. Their cars have to meet Oregon emission standards. So, I feel confident that they are, but I think it is a good question that we certainly can check on it.

**Fritz:** If somebody comes up from California, like we had somebody who testified that she had driven -- she used to live in San Francisco and decided to come up here. Are they automatically on the platform up here or do they have to then run -- go through our process as well?

**Treat:** They will have to go through -- anybody who is driving on the platform in the city of Portland is going to have to go through the Portland certification process. And we do random audits of all of the driver certifications that are provided to us by the tncs and then we enforce randomly in the field.

**Fritz:** How do they know whether someone has driven up from San Francisco from the weekend and wants to do some moonlighting?

**Treat:** It is a question that I would ask the tncs of how they capture that data on their app.

**Fritz:** It would come into our compliance. If we don't know that those drivers are here, there is no way we can audit them.

**Treat:** We would enforce in the field and catch them that way.

**Saltzman:** I don't know if this is the right place to ask this question, but, you know, we're hearing a lot about vehicle recalls lately by the national highway traffic safety administration. And, you know, and lawsuits against gm. What if a vehicle is recalled and it is a prominent vehicle in the fleet of a taxi cab or tncs? Do we have any ability to say this vehicle has been subject to an nhtsa enforcement order and therefore it can't be on the streets?

**Williams:** I can say all vehicle types, records, models are all tracked. If we run into a scenario like that, we can reach out to the tnc and the taxi companies, hey, listen, are you removing these vehicles off of the road or taking them in to have the recall item repaired or fixed.

**Saltzman:** That would be within our scope of authority.

**Williams:** I believe so.

**Novick:** We will make sure of that commissioner because that is a good idea.

**Williams:** So, while we are also doing the compliance checks on drivers, we also do the compliance checks on vehicles, making sure that they have the proper insurance and all have the mechanical inspection, certification. We will continue to conduct field audits which gives us an opportunity to observe wait times, including for wav service, driver's performance. We get a chance to look at all vehicle equipment, signs, decals, cameras, meters, make sure that permits are posted if required, fire extinguisher and first aid kit. Compliance officers an opportunity to look at the condition of the vehicle. Make sure that it is clean and presentable to consumers that are using the services here in Portland. We obviously want to keep an eye on the tires. Those are sometimes things that get overlooked. We check to make sure they're safe to operate on the road. Strategic compliance, more complaint driven. If we receive a number of complaints about a particular company or a lack of a particular service, we will focus our compliance efforts in

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that direction. That is including wavy service as well and work closely with the port of Portland. When they have issues, they will notify us and we will often follow-up and make sure whatever issue that is that that particular company is in compliance with the city.

**Fish:** Commissioner Novick, can I ask a broader enforcement question which goes to the status of the drivers? Currently we require that tncs conform to all applicable law. How does the advisory opinion issued by the labor commissioner impact whatever we're doing today in terms of the regulatory framework for tncs?

**Novick:** Well, we don't -- I mean, our rules don't regulate or haven't regulated the question of whether somebody is an employee. And I have been assuming that it will be left to the state to act on the commissioners' opinion. So, I had not assumed that we would take on the role of regulating the treatment of driver's employees or not employees. I thought that would in the normal course be taken care of at the state level. Despite the fact that I was the one that asked the labor commissioner to review the issue.

**Williams:** Okay. We will conduct the majority of our audits. They're not strategic. They will be proportional to the amount of rides a particular company is providing. Companies that provide the most rides in city will more than likely be audited more often. We want to approach this a little bit differently. We don't want to go out there and just start issuing fines. We want to educate the drivers and help them understand what they're required to do. We want drivers to understand that their vehicles need to be safe and what to look for before they start operating those vehicles for private-for-hire service. We want to do more outreach to the drivers as well.

**Hales:** Anything else?

**Benson:** Future developments. Certainly some of the things we want to do early on next year is establish an advisory committee. We want to closely monitor the ride data and the cost recovery models that we're recommending to you today. Obviously we are going to come back to council every year with a report to council, along with our partners on the advisory committee. One of the most interesting questions out there is to assess the environmental and traffic congestion impacts that the surge of new private-for-hire vehicles are making on our city and around the nation. I know other cities and other countries are actually studying this issue and it is going to be interesting to find out and the data we're collecting will help us determine what is happening here and work with our partners and our counterparts --

**Novick:** On that point, there is wildly different views of the environmental impact of the advent of more private-for-hire vehicles. Some people will say obviously this means that people are driving a lot more and that is bad for the environment. Others who wrote the view that this means that people who have -- knowing they have access to this service won't drive their own cars as much, might not have cars at all, and given that they know every ride they take has a cost, which is something that doesn't always occur to you when driving your own car, overall automobile use will go down. I was talking recently to my friend, Chris, transportation director at [inaudible] cautiously of the opinion that the -- an issue being studied around the country and an important issue that I don't think has been resolved.

**Benson:** I haven't read any definitive report on this issue because it is such a new market. And certainly we're interested in improved wavy service, and that's something that we have been working on since the beginning of the pilot and we will continue to focus on work on. We want to do a labor market study on the impacts to the drivers and while it is not listed here, mayor, you raised an issue about the impact to DUI statistics. As you know, we

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weren't able to, again, give you any declarative information but I think over time we may be able to do that and so we will keep looking at that.

**Hales:** Thank you. Before we get to amendments, anything else that you want to cover?

**Benson:** No, that's the end.

**Hales:** Okay --

**Novick:** Mayor, we had a presentation, the wavy issues --

**Hales:** I want to do that in a minute. Before we get to amendments and invited testimony. You have given us a very detailed presentation on the proposed new regulations which is obviously informative to us and hopefully to everybody. I want to get you to go back up a few thousand feet and just help me understand the context for this a little better. We have gone from the old private-for-hire world in which cities heavily regulated taxi companies and that's how people accessed private-for-hire transportation. Maybe limousines, too. New York City, sold medallions for \$1 million apiece, an old regulatory system. And then tncs came along, and they're everywhere, or most everywhere. And back to your initial comments, commissioner novick, about how we're not the first to this event. We're certainly not the only either. What I'm trying to get at is we went from the old world to the new world. Now here we are in the city of Portland where we have had a taxi regulatory system, where we, I believe, are surrounded by 27 other cities, and I believe none of them regulate tncs in any way whatsoever.

**Benson:** That's correct.

**Hales:** We are in a region of 2.5 million people, city of 600,000, one of 28 cities, and the other 27 don't do anything at all about tncs. Have I got that right?

**Benson:** I believe so, yes.

**Hales:** These issues are being addressed in other major cities which have had legacy regulatory systems like we have had. The question I am working my way up to. You have given us this list, or this set of issues and how you're regulating them. Give me a quick box score of which one of -- which of these regulatory proposals, like the 50 cent per ride fee structure. Or the insurance levels, which of these are unique to Portland versus common in the new world order of how other major cities are attempting to regulate this new environment? In other words, where are we being innovative here and where are we in the mainstream of what other cities are doing?

**Benson:** I think a couple of things. I will backtrack a little bit. 120 day pilot study was very unique and very innovative and I'm unaware of anybody that has undertaken that work anywhere. That was a very thoughtful piece of research. I will address the ride fees. The fees assessor all over the board, all over the country, Chicago has a ride fee of 30 cents. Talking about upping it to 50 cents. Seattle a 10 cent wavy fee. Orlando last year imposed taxi-like fees to their regulation. So, it is truly a rapidly changing evolving market. But I do think in many ways we are the leader, because I think the work we have done has been the most informed by research.

**Treat:** If I could add to that. I think in talking to other city transportation officials, the agreement that we have for wavy accessible vehicle service is very unique to Portland and the highest standard that I have found in talking to other cities. So, having a performance metric of an outcome-based service model, requiring 24/7 service within 30 minutes is very unique to Portland.

**Hales:** Back to my other descriptor, we are not the only major city surrounded by lots of smaller ones. Is this the norm in the country? True in Seattle or Minneapolis where the major city that used to have the traditional taxi system regulations is doing this work and the suburbs are the Wild West like they are here?

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**Treat:** I actually don't know. I have only talked to other people in major cities and how they're handling --

**Hales:** Interesting to find out. Again we sometimes think of ourselves of being in a Portland bubble here, but we are a city that represents about a quarter of the metropolitan area's population and one of 27 or 28 cities depending on how you count the ones on the Washington side. I want us to try to keep that context in mind while we're working on this issue and many others too,

**Fish:** Would this be an appropriate time to put forth the amendment?

**Hales:** Yes it would. Let's hear the wav presentation first and then take up amendments, please.

**Hales:** Thank you very much.

**Treat:** Thank you.

**Hales:** Good afternoon.

**Hales:** Good afternoon, joe. Are you on first?

**Joe Vanderveer:** Yes, turn me on here. All right. You can hear me? All right. I'm joe vanderveer and I'm here on behalf of the commission on disability. And I have been on the task force since the second phase began. I have been in the accessibility subcommittee working on that committee, too, but they did get the accessibility part of this recommendation together. And before I started our previous commissioner that served on the task force at that time, phase one, worked with Lewis and Clarke students to come up with the Portland equal access plan which is where this access time part comes from. And we are very pleased that that is in there. Wav service has traditionally been an issue in Portland and so we're glad that it is being addressed now through this and we think this is a very effective way of doing that. Ensuring that that service is at least reasonably equitable to regular service. So, the devil is in the details, enforcement needs to be there. But we support it fully. We also look forward to working with the new committee that they're putting together, and going forward. And that's pretty much it. I also wanted to say it has been a pleasure working with you all. I'm going to be timing off the commission after six years.

**Hales:** Wow.

**Vanderveer:** I will not be around for a year but I will be back after that.

**Hales:** Good, we're glad that you are going to be back. Thank you, joe. Thank you very much.

**Nickole Cheron:** Can you hear me?

**Hales:** I sure can. Just speak up.

**Cheron:** You asked about a box score.

**Hales:** Put the name in the record.

**Cheron:** I'm nickole cheron -- thank you, Karla. You asked about a box score. I would say that what we are doing isn't innovative just around the wav vehicles, we have in the code regulations that stipulate that all people with disabilities visual impairments, people who have service animals, have to be accommodated by tnccs, and my understanding is that we are the only city who has integrated that into our actual regulations. And I think that's pretty awesome of us. I would like to say that there is a big difference between what we have in code and how it plays out once we move on from here. And that will be something that is handled through administrative rules and policies and procedures and some of the things that we want to be on the lookout for is accessibility fund. Commissioner Fritz asked questions about it. For me the reason why it is such an imperative, it creates an incentive to bring parity to the service for people with disabilities, which has never been

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there. How we do that? I'm not sure yet. And I know it is going to take a lot of thinking and implementing to make that happen. In the meantime, I think we will have to think of other innovative ways to make sure that the way service is continuing. The other thing I think that is really important that we keep our eyes to is with compliance, and the way we do compliance not just on focusing on how many rides are given, but also the rides that are requested and are -- aren't able to be fulfilled. And that is something that gets penalized and these are things that I know everyone is here to keep on top of. How we do that, yet, I think we are still needing to figure that out. I think we have a really great start. And under your guidance, it will actually improve the transportation options for people with disabilities in Portland beyond anything that has ever existed and probably exists in any other city.

**Hales:** Good to hear. Thank you. Questions? Thank you both very much.

**Vanderveer:** Thank you very much.

**Hales:** Okay. I think it is a good point in which to take up amendments and then we can take up testimony.

**Novick:** Let me kick things off, colleagues, an amendment which codifies what the commissioner in charge has already agreed to, which would simply amend 16.40.960 paren capital b, by clarifying that the -- that members of the private-for-hire transportation advisory committee shall be nominated by the commissioner in charge of the bureau and approved by the city council.

**Hales:** Is there a second?

**Fritz:** Second.

**Hales:** Any discussion about accepting the amendment

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

**Hales:** Aye. Others?

**Fritz:** Yes, mayor, thank you, amendment on insurance. Unfortunately we can't go back to that slide. Essentially the insurance should be the same for all commercial drivers. And, so, i'm proposing to amend two sections of the code, well, actually three. One is on for auto insurance for the taxi companies. We heard during testimony that all taxi companies currently have \$1 million per occurrence and that is the same of what we are asking for the tncs. 1640-130-g-1, combined single limit, not less than \$1 million per occurrence rather than \$500,000. Paired amendments offer the tncs that the insurance company needs to be \$1 million throughout. We would delete 1640-230-g, number one, which says that you can have -- \$50,000 for death in the primary coverage which the driver is looking at their phone every two minutes in order to find out whether they are going to accept a ride and just make it throughout, if you have your app switched on, it would be \$1 million. Just so you know. Commissioner Fish's staff did some research, and Birmingham, Alabama, Columbus, Ohio, already have this million dollar coverage for all three periods. So it is not something that is completely out of the ordinary.

**Fish:** Second.

**Hales:** Further discuss about accepting that amendment?

**Fish:** I would like to add, mayor, little rock, arkansas, and milwaukee, wisconsin, require equal levels of insurance across all three periods, although the levels are lower than those being proposed in Portland.

**Fritz:** What we're trying to do here is provide a safe system where everything is covered and the taxi companies and tncs have the same responsibilities. These amendments would do that.

**Hales:** Further discussion? Roll call on that please.

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**Novick:** I don't think this amendment is at all unreasonable, as I said, I have been rather torn over this issue. For the moment, I have decided to stick with the rules in Maryland and Minnesota and Washington, Wisconsin, vast majority of jurisdictions but I think it is an issue we should revisit as more data comes available on what actually happens in period one. I respectfully vote no.

**Fritz:** I believe we should advocating at the state level to greatly increase the minimum coverage for all private drivers as well as commercial. I found out today we don't even have standards for how much commercial drivers have to have in coverage. And that many companies are covered much by their corporate insurance, as much by their vehicle insurance. In the meantime, before we can change that throughout the system at least we should make sure that commercial drivers, if they are in a crash that they are going to be able to provide something appropriate to their victims. Aye.

**Fish:** I am going to support this because I think we have an obligation to protect the safety and health of the people of Portland. This is not a novel idea. Other cities have reached the same conclusion. And I have yet to be persuaded that this is any meaningful distinction between periods one, two, and three from the point of view of the person who is seeking compensation for damages. And until that distinction has been made clear to me, I think we should treat all periods equally and therefore I will support the amendment. Aye.

**Saltzman:** No.

**Hales:** I'm going to vote against this amendment for now but I want to hear testimony on the subject. The first I have heard actually that other cities have actually accomplished this goal of having a higher level of insurance protection, birmingham, columbus, milwaukee and I think you mentioned one other. Major cities that have done this, it does undercut the argument that I have heard relayed from tncs that this would drive them from our marketplace. So, I would like to hear testimony on that question of how it's working in those cities where these higher insurance limits are in effect and I will consider, reconsidering my vote later in the hearing or later -- next week when we -- when we act on the ordinance. For now I will stick with the commissioner in charge's recommendation and bureau's recommendation but, again, I would like to hear testimony on that. No.

Amendment fails. [gavel pounded]

**Hales:** Any others? Okay. Let's move to --

**Fritz:** Point of clarification. Is it your -- I didn't hear anything about limousines and town cars, it seems to me we are taking off the restriction of having a one hour ahead of time reservation, is that correct?

**Novick:** Director, can you help with this?

**Treat:** That's correct.

**Fritz:** Further impact to the taxi companies and I have one more question and that's on -- right on the first page of the code where 1641020-a, it says it is not a defense to any regulatory action including penalties and fines to assert that the city cannot act because of pfht service operator does not possess a valid city issued permit certification decal or taxi plate. I don't know what that means.

**Ken McGair, City Attorney:** That's language that has existed in the code prior to the pilot period and it actually is in artfully worded, I would admit, but basically says that we have jurisdiction over anybody that is operating within city of Portland regardless of whether they claim to have a permit or not. It makes clear that our jurisdiction applies to people who are rogue operators. It is not a defense to say that you have no jurisdiction over me. In a roundabout sort of way, when uber began operating on December 5th of 2014, that

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was one of the provisions that was invoked to find them initially. In artfully worded and in the double negative --

**Fritz:** Triple negative. You would potentially support some kind of rewording of that particular section.

**McGair:** Sure. I mean, to get it -- of course, to get the intent which is that we have jurisdiction over whoever is operating within the city.

**Fritz:** I would be happy to work with you on that before the vote next week.

**McGair:** Thank you.

**Fritz:** Commissioner Saltzman has left all together. I guess we are going to testimony now.

**Fish:** I move the reconsideration of your amendment.

**Novick:** We do have some invited -- madam president, we do have invited testimony from the transportation fairness alliance and the tncs.

**Fritz:** Thank you.

**Novick:** We are going to hear from the transportation fairness alliance.

\*\*\*\*\*: Commissioner, if I might, could we ask -- [inaudible].

**Tim Ramis:** Thank you members of the council. Tim on behalf of the transportation alliance and my task is to introduce the testimony that you will be hearing on this subject this afternoon. You will hear two subjects addressed. First the question of whether or not the ordinance actually achieves the fair and equal playing field for tncs and taxis. And the question -- the second question is to the extent parody is achieved, the policies adopted the correct policies for the city of Portland. This ordinance sets up two separate sets of regulation and makes an effort to have them be close to the same. In some cases, it achieves that result. In some cases it fails. And so you will have testimony on those subjects. One example, the subject of 24/7 service. If you look at the language of the two sections involved, you will find that for tncs, there is a requirement that there be an app available 24/7 capable of providing service. But with respect to taxis, there is a requirements that dispatch service available and cars actually available. And unless we intend a different result, it seems to me to make sense that we use the same language to achieve the same result. Unless there is a different policy result we want there in terms of 24/7 service, we ought to use the same language. That would require an amendment. On the policy side, question that arises is why are we reducing the qualifications for the techs who do the safety inspections? Currently, under your law, a master technician certification is required for eight areas of specialty. Under the new regulations, that is reduced to one area of specialty. Meaning that a person who is qualified as an air-conditioner repair person could be doing the inspections, qualify to do the inspections for breaks, steering, suspension. The question is whether that is really the policy direction the city wants to go. It is clearly a reduction in terms of the qualifications. Next on the question of air quality. Why not specifically require each vehicle to have the deq compliance certificate? Instead we make a reference in the code to meeting the deq standards for the area, but those exempt cars that are not registered in this area. Again, is that just a drafting issue or do we really intend to allow cars from outside of the area to not comply with the deq requirements? Finally you will hear testimony that we clearly need more revenue for purposes of enforcement, but how should that revenue be collected? Historically the companies have been willing to shoulder that burden. We think that should continue. There is really not a good reason that we can see for exempting uber from those fees and transferring the cost directly to the consumer.

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**Fish:** Can I ask you -- maybe it is a dumb question, will deq give a certificate of compliance to an operator who has out of state license plates?

**Ramis:** Yes, for \$12, and going down to the station and making it through, you will get the certificate.

**Hales:** Thank you. Who is next?

**Stephen Kafoury:** Mr. Mayor, members of the council, my name is Stephen kafoury I represent Broadway Cab, the purpose of requiring liability insurance to providers of transportation services is obvious, protection to the public. Uber, first failure to clearly place responsibility for obtaining the insurance on the transportation company and second to establish a sufficient level of coverage during all periods. Taxi companies as you know are required to provide 24 hour, seven day a week coverage on their vehicles regardless of whether they are being used for commercial or private purposes. Should that car be involved in an accident, there is no question about where the liability lies. The port of Portland requires tncs to provide coverage at all times that the tnc vehicle is on port property regardless of how the vehicle is being used. No reason for the city of Portland to have a lower level --

**Fritz:** What level does the port require?

**Kafoury:** Talking two issues, madam chair. It is a million all three periods.

**Fritz:** Port of Portland requires that. It

**Kafoury:** Port of Portland today. Yes, and I can show you the certificates. In fact, they're probably in your office because we provide that information to the commissioners.

**Fritz:** Thank you.

**Kafoury:** If I can just do a quick interjection here, the reason the port of Portland can do this as opposed to other cities is because they're not elected. If you look at what happens in other cities, there is a \$50 billion company called Uber that comes into cities like Portland and says you will take our way or we will leave. This is -- if you look at what has happened across the country, time and time again, they come to cities and say you take what I want or we will pull out of your city. And then they have a marvelous technique everybody on the app, push a button, automatically sends an email to the commissioners, let me keep my Uber ride. Don't vote for this. What happens around the country, say commissioners get 50,000 emails and they say I better not vote against Uber. Port of Portland doesn't have that problem because they don't get elected. I would hope that you will be able to stand up to Uber and say this is what is right to do and that is protect our citizens and not protect Uber.

**Novick:** I will know, if a car is at the port, unless somebody happens to live at the port, their car is clearly operating commercially and it is not like they're sitting at home drinking coffee with the app on. I think there is a distinction.

**Kafoury:** Let me say something about that, Mr. Commissioner. The major advantage that Uber has in the consumers' mind, they can provide a car to your door within two, three minutes. How can they make that claim and how can they back that claim up? Very simply. They have hundreds, if not thousands of cars driving around, sitting around, with their apps turned on. That is an essential part of Uber's business model. And if that didn't happen, if you didn't have those people sitting waiting for the call, Uber could not operate profitably. Therefore, those people are part of Uber's business while they're waiting for the call. And the other reason we ought to have the limit of \$1 million for everybody is exactly Commissioner Fish's comment, and that is if you are on the receiving end of an accident, you don't care a lot whether it is period one or period two or period three. You want to and should be required to and every right under the constitution compensated for your injuries.

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And to say that somebody has a lesser need of compensation because it happened to be period one rather than period two is irrational. The only reason that happens is because there is a compromise that was reached a few months ago between the insurance companies and uber. Uber didn't want to have any insurance on anybody. The insurance companies wanted to sell insurance policies, and that's the reason that you have this national model of one rate for people who have period one, another rate for period two, and another rate for period three. It is all a matter of a national compromise between the two industries, not looking out for the public, but better ways. Lobbyist industry, insurance industry, legislature, a bill in to require uber alone to have primarily insurance and not spread it out as your plan does, or the driver, they say the reason we want this language is we want to sell a lot more policies and we can sell a lot more policies if we have a requirement that either uber or the drivers buys insurance. That's bad policy.

**Novick:** We are requiring uber to have primary insurance all three periods.

**Kafoury:** No, you don't. Read it again. Everyone says either uber or a driver or the combination of the both. If you have either or to have primary, you have nobody that has primary.

**Hales:** A process note. As you speak tonight, people may be cheering, don't take it personally. They're actually having a protest outside on a completely different issue.

**Kafoury:** I think I am going to pick up a t-shirt on the way home. Port of Portland requires it, I think more cities would if they didn't have the obligation to run for re-election, to have 10,000 emails come in and say don't do this. Uber does a great job of bluffing. They tell you they are going to leave. They may leave for a little while and they come right back again. And I can show you that pattern happen over and over again. Don't be fooled by it. Two things you need to change. Number one, you need to have the all three periods to be the same amount. Commissioner Fritz's suggestion. Secondly, you have to have the liability placed squarely on the company. And not pretend that they're going to pass it off on to somebody else. Thank you.

**Hales:** Thank you.

**Fish:** By the way, steve on that point, one of the arguments we heard at a prior hearing was that no one is underwriting insurance, and, therefore, we are mandating a requirement that can't be meant. That is certainly not the case in to pretend that it is by having something in your code that says either the driver or uber can get insurance is just nonsense.

**Kafoury:** Let me say first I think Uber does something that is really cynical. Uber requires every one of their drivers and this is reflected in your proposal, that Uber requires every one of their driver to have personal auto insurance. The never tell their divers that, that personal auto insurance is no good if their driving for Uber. Right you know you have if you may recall the meeting of the task force, your staff, your city staff said there is no insurance in the state of Oregon for somebody who is driving for uber during the time they are driving for uber. It's not available and to pretend that it is by having something in your code that says either driver or uber can get insurance is just nonsense.

**Fish:** The concern I would have about that is that the victim would then have to hire a lawyer to litigate the question of who is -- who is going to provide the coverage, and we -- one of the -- I have often had because of my wife's employment, and until recently, I had double health care coverage, but it was clear that someone was primary and someone was secondary. I was in good shape. Exhaust the limits of one and then have a back-up. The problem with that issue not being clear is that both of the insurance providers can essentially take the position that it is not their problem and you have to have a court or

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some process determine that. And that sounds a little like what we took up yesterday about some of the insurance companies deflecting responsibilities for -- one of the whereas in a resolution we passed we were lamenting the fact that people were not getting prompt coverage because of lengthy litigation and questions of coverage. For my point of view, whatever we set, I want to make sure that there is absolute clarity about who is liable, primarily and the limits of the liability. I don't want this to be a lawyer protection racket, great for local lawyers figuring out who is on first, but that is not particularly fair to victims.

**Kafoury:** You will hear some testimony. Your concern is not hypothetical. We have had that exact thing happen in the city of Portland. You will hear testimony in a few minutes from a lawyer from the insurance defense bar giving examples of exactly why that is a problem. Thank you.

**Hales:** Thank you.

**Steve Entler:** Mayor, councilmembers. Radio cab --

**Hales:** Name on the record again.

**Entler:** Steve Entler, manager of radio cab. We have this the experience with the tnc companies, actually uber mostly. I have sent a series of letters to you and I am not sure that you have actually seen those. They have arrived at different periods with our experiences on how that has all played out. You know, we have heard over and over again that uber's insurance is primary in periods one, two, and three, but that's not the way it plays out. What really happens is when you get involved in an accident, that's not the proof of insurance that shows up. Personal auto insurance is what shows up. We kind of know what's going on, but most other motorists out there do not. All they know is their honda get hit by somebody else's toyota. When that little trade thing happens to fall off of the dashboard, nobody is the wiser. It ends up with allstate being informed their insured was hit by somebody that is injured by geico or something of that nature, and when nobody is the wiser, insurance companies swap information, determine who is at fault, and they make payment, and who is harmed? The only person really harmed is the policy holders of all of the other insurance companies. I suppose when there is a very big accident that primary commercial auto insurance will show up. But by and large, the bulk of all of the accidents never even find their way to uber's insurance company. If they do after repeated hearing from their driver, the way it really works is they have to -- if you try to file a claim with uber's insurance company, which is James River, they won't even take your call, first of all. And they say they will tell you sorry, we have to hear the claim from our driver first. If he is not inclined to do that, tough luck. And then you are in the process of trying to find a legal means. You know, I don't think it is intended for that kind of stuff to happen, but that is the way it has played out. We have been involved in four of them. Right now the oldest ones are nearly five months. We haven't received payment even though finally uber three weeks ago took full responsibility and told us that the check is in the mail.

**Hales:** What, accidents or --

**Entler:** Tnc vehicles that have hit ours.

**Hales:** Okay.

**Entler:** Check is in the mail three weeks ago. I think they should have sent it by uber car or something because there is something seriously wrong with the u.s. Mail coming out of san Francisco.

**Novick:** If James River is behaving unethically or unlawfully, that sounds like a job to the insurance commissioner --

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**Entler:** I have instructed our third party administrator to do exactly that, yes. You would think after they finally got around to taking responsibility, it would be a quick resolution. None of these have been super serious accidents. I think that is what happens with the bulk of them. During period one, that's about 65% of the accidents happen. Most of our accidents, similar stuff, no passenger in the car. That's just a fact of life. So if by avoiding a large majority of those claim cost they got a significant advantage over the rest of the commercial transportation providers. It was interesting that the last thing I heard at the last city council meeting were putting you guys on notice, you gotta have the same amount of coverage during period one as you do periods two and three. I don't know what happened there something changes between then and now.

**Fritz:** Im so glad you said that didn't we just decide this already.

**Entler:** I believe Mr. Novick made that statement too.

**Novick:** I said I was opened to reconsidering the issue and ive said tonight after we gather more data at a future time I might again for the moment I am inclined to go along with what the majority of jurisdictions are currently doing.

**Kafoury:** And how many people are we going to have injured before we find that's enough that we've actually got to study showing that we need to have a higher limit? I think that's really an unfair thing. I don't think you have studies of how many people get injured before and how much they get compensated before you make a policy decision on what's right to do.

**Hales:** Thank you very much. Let's hear from the next panel, please. I'm going to call from the other side; is that right? We are on invited guests still, i'm sorry.

**Novick:** Next, we have bryce bennett of uber and annabel chang of lyft here to testify.

**Bryce Bennett:** Good evening. We've gone past 5:00 now. Mayor hales, commissioners, thank you for your time tonight. My name is Bryce Bennett and I am the new general manager for uber here in Portland. As a native of the northwest I understand how important the Portland community is to us and our local team and have appreciated working closely with your staff and pbot over the past several months. Some of them are here behind me today. We appreciate that the task force, city council and staff have poured hundreds of hours to develop the ordinance. The language before you truly does create parity while acknowledging the fundamental differences between business models. We do have a couple of concerns namely around per trip fees. While we do agree to the structure, as a fair way to provide a cost recovery system for the city throughout the industry, we do believe that 50-cent will be an unreasonable burden for Portland riders as well as some of the highest trip fees in the country and will result in over collection. Just most recently, city trip data from the data report conducted by the city suggested that there will be up to 5 million rides over the course of the next 12 months and that's not taking into account the 40% trip growth that has occurred in the industry. Additionally it's problematic for drivers as they will no longer be able to easily take these out of their window and it could cause additional rider confusion. Throughout the pilot program we've seen ride sharing positively impact the lives of hundreds of thousands of Portlanders. Just this week we have completed our millionth trip in the Portland area and have nearly 5,000 active drivers generating income on a flexible schedule. As a result we recently launched a full-time in person center in the lloyd district to provide additional resources. Thanks to the program data we know that ride sharing covers every Portland zip code. And 75% of all ride sharing rides now have a wait time of six minute or less. The data shows that ridership for all for-hire transportation options have increased by 40% in just four months. It truly shows that the pie is increasing as a whole for the city of Portland.

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Additionally we've gone to great lengths and improve service in traditionally underserved areas like southeast Portland and continue to work on wavy options here in Portland. Just in the last three months we have multiplied the amount of available hours through a first-of-its-kind, peer-to-peer wavy option five times over what was available in August.

Additionally, we provide 24/7 coverage and have since the summer by working with local partners like first transit. We're excited about the progress that the city has made towards pretty permanency and certainty for Portland, riders and drivers alike. Ride sharing is a good thing for the city, and I think the data report has shown that. We're hopeful we can work together to solve the issues and sincerely again appreciate everyone's time, staff, the commissioners, the mayor as well as the task force in creating these. Thank you.

**Novick:** Welcome to Portland. Two questions. Uber operates in Little Rock, Arkansas. And last time I had an exchange with an Uber representative, I was told that if we increased the insurance requirements in period one, either it would not be economical, chasing Uber out, or there would be no one who would be willing to underwrite that insurance so it was not feasible and yet that is the requirement -- I meant Birmingham, Alabama, excuse me, I need to read my notes carefully. You operate in cities with \$1 million coverage. How can you do it in other cities but not in Portland?

**Bennett:** I would be happy to address the larger question that was discussed earlier. Two of the cities referenced -- so in Columbus, Missouri, and in Birmingham they passed a million dollars of coverage during all three periods. However, we do not operate in Columbus. And in the other two places mentioned, Wisconsin, was one of them, it was actually preempted by the language at a state level that you see in front of you today and that has been adopted by 28 states around the country.

**Fish:** Do you operate in Birmingham, Alabama?

**Bennett:** Currently, we do not operate in Birmingham.

**Fish:** And do you operate in Columbus, Ohio?

**Bennett:** Columbus, Ohio but not Columbia, Missouri. We do not operate there.

**Fish:** And under the terms of service --

**Hales:** I liked your question but I'm not sure if I followed the answer. Are you operating in any cities that require a \$1 million coverage?

**Annabel Chang:** May I respond on behalf of Lyft?

**Hales:** I'll get to you. Are you now operating in cities that require a \$1 million coverage?

**Bennett:** I'm not aware of any cities that requires \$1 million during all three periods.

**Fish:** And you've heard the concern that this council has about terms of service being tailored so they're not misleading to consumers in Portland. We've heard from Lyft that they will unambiguously comply with that requirement. Can you state that Uber will comply?

**Bennett:** As Commissioner Novick noted earlier, we have verified our concern about the language but have agreed to comply with the language in this ordinance.

**Fish:** Okay.

**Fritz:** Could you respond to the question I had earlier about drivers on your platform but come in from Utah, California, to spend the weekend here and start driving, how do you know that they're here and do you let them drive here?

**Bennett:** Commissioner Fritz, it's a geo-based system, GPS. If you are not a part of the platform within a given area, say, Portland, say you're from Seattle, from San Francisco, you cannot open up the driver app and go online and be engaged in trips.

**Fritz:** So you're 100% confident that everybody who's allowed to drive within Portland has gone through the process in Portland?

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**Bennett:** Commissioner Fritz, absolutely yes, we are.

**Fritz:** This isn't the legislature, you don't have to keep saying our names. Thank you very polite.

**Fish:** I just googled columbus, ohio. And uber is a proud provider of services in columbus, ohio, which has implemented \$1 million coverage so could you between today and the next hearing respond to us in writing as to whether you are operating in columbus, ohio, and whether you are conforming to the \$1 million coverage limits for all periods?

**Bennett:** Absolutely, I will make sure to follow up on your question.

**Fritz:** I want to continue. Since you are agreeing that you have the primary coverage in all three periods, you would have no problem with us deleting the piece in the code that says that the coverage could be provided by the Tnc driver or a combination of the two?

**Bennett:** In regards to that language specifically, it does provide flexibility for the private market to offer additional policies going forward and we actually have seen 14 insurance companies, private insurance companies offer policies specifically for period one. And that is I believe the intention of the original framework that included that language. However, currently, and as long as we have been in Portland we have provided primary coverage during period one for all trips.

**Novick:** Could you answer the question directly? If we remove the language and said coverage is maintained by the tnc, would that be okay with you?

**Bennett:** It's a good opportunity for the private market to be a part of this and to give drivers choice if they do decide to pursue additional insurance coverage during that period one time. We would disagree in removing that language.

**Fish:** Why do you go right to the question of providing driver choice? Our concern is with consumer safety, not with driver choice. Why do you reframe it as providing driver choice? Our concern is that someone who is either in the car or on the street is covered and protected. And so how does -- how does -- where providing driver choice works against the point that we're making about being clear about primary responsibility, why should we care about driver choice?

**Bennett:** Absolutely. We do not intend for any ambiguity either. I believe that is the first requirement that we're looking to cover in the sense of having that coverage during period one. The option just merely gives whether the tnc or a private driver carries that. It has no change in whether you get to or not or if you have to or not.

**Hales:** Okay. Other questions? Let's let ms. Chang testify.

**Annabel Chang:** Good evening, thank you, again for having me in council. I'm the director of public policy for lyft. I would like to take a moment to thank our amazing community of drivers and passengers that have waited patiently into the evening to show up here. They have been with us every step of the way, expressing their support for ride sharing. Several of them actually stopped into your offices and dropped off a letter expressing their support for ride sharing. So we just wanted to thank them for their time here. Since we launched in Portland back in April, it's clear that the pilot has been a huge success. And the residents and visitors to Portland have embraced ride sharing. With these increased transportation options and with the data report, I want to flag three important points. Number one, there is better service coverage from for-hire transportation providers, period. In east Portland, 50% increase in ridership. That is incredible in such a short period of time of just this pilot period. Second, there is a reduced wait time for everyone. So, for example, if you were to get a ride from the ride share, it would be four minutes to get a ride, which is reduced time for the city of Portland and number three, there are more options for individuals needing wheelchair accessible

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vehicles. That is pretty incredible and ride sharing companies like lyft are able to provide wavy services with the lowest wait times so while we believe the final ordinance isn't perfect, we definitely urge city council to support the ordinance, because in its state it's very clear that people want these options. Now, after these regulations are adopted, we would look forward to working with the city and the private advisory committee to refine certain operations in a few areas I want to flag. Number one is wavy vehicles and as you know, the city of Portland is the only city in the entire country that has operated a wavy pilot for tncs. That's an incredible step for the community. We've learn a lot about how wavy-accessible vehicles can be better and I think I discussed earlier there are some good options now that are discussed so either a tnc could directly contract with a wavy provider or they could contribute into the pbots-managed transportation accessibility fund. Number two I also wanted to discuss driver education. I think currently, the language removes some level of flexibility. We would like to be able to work with pbots to have the most innovative driver training programs and driver education programs. So I just wanted to flag these two things but most of all lyft is incredibly pleased with the results of the data report and the pilot and you'll hear from many community leaders and organizations about their support for ride sharing in Portland. West side transportation alliance, Oregon environmental council couldn't be here today but they've also circulated information to city council about their support. So I want to thank you but I would also like to address some of the insurance questions that commissioner Fish asked and mayor Hales asked, as well. So to be perfectly clear, the state of arkansas, the state of wisconsin, and the state of ohio have adopted the current insurance requirements in place, and we do not operate in birmingham.

**Hales:** So therefore, to the question that I posed earlier to mr. Bennett, because of the state preemption in wisconsin, ohio, and arkansas, you are not subject to \$1 million insurance requirement in those cities located in those states?

**Chang:** That is correct, yes.

**Hales:** And you're not operating in alabama or, at least in birmingham?

**Chang:** That is correct yes.

**Hales:** That's also the case for your company?

**Bennett:** That is correct.

**Hales:** So there are -- it sounds like from this testimony that there are requirements in city code in other city for what you've proposed, commissioner Fish, but that they're not functioning because of state preemption.

**Chang:** That is correct.

**Fish:** We've established that to be the case in ohio?

**Chang:** That is correct, yes.

**Fish:** Preemption in ohio?

**Chang:** There is a state law specifically regarding insurance.

**Fish:** Prior to or subsequent to the adoption of the columbus statute?

**Chang:** I will explain the order. So columbus did pass their city regulations. We've withdrawn from the city of columbus and we do not operate in the city of columbus. Afterwards the state of ohio did pass insurance legislature reflecting the current standards and limit in the city of Portland.

**Hales:** Why is this issue, like most consumers I half-understand insurance. So I'll admit to that. Why is this issue so difficult for your companies? I realize there's a small difference in market capitalization between the two of you but having worked for a company whose total capitalization was \$1 billion, not \$40 billion, i'm a little mystified as to why it's so

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difficult to reach a \$1 million liability limit for the folks that are driving the vehicles. I mean, it seems to me a relatively modest burden financially given the scale of these enterprises. But help me out with that. Why are we having this big battle here and elsewhere over this level of insurance issue given again the scale of the enterprise?

**Chang:** Absolutely. If I may, so as was noted before the citizen task force spent 700 hours discussing the private for-hire regulations for tncs. This issue made up several hundred of those hours. So obviously, people care very deeply about the issues and wanted to make sure it was carefully vetted, as noted by you, the issue has been discussed endlessly, millions of hours probably and these limits are the ones that were agreed upon as reasonable and appropriate for the model.

**Fritz:** Are you operating in the port of Portland?

**Chang:** Yes, we are and let me clarify about the port of Portland. The port of Portland because when you are on that property as a tnc or ride share driver you are functionally available for a match request and so as part of our permit and as part of our competitor's permit it is required that you have to be in periods two and three.

**Fritz:** You don't have a ride, though.

**Chang:** Because there is a specific area for the drivers to be waiting and that is where they are even in that lot where they are waiting in period two. So there's no functional period one.

**Fritz:** If they don't have a ride, they're not in period two.

**Chang:** That's actually incorrect. So period one and period two are slightly different in that there is a match request connected but in period one and two, there is no passenger in the vehicle.

**Fritz:** If they're waiting -- I don't even understand what i'm being told.

**Chang:** I would be happy to share that information with you at a later point.

**Fritz:** We go to the waiting lot and we're waiting and you get the text that your relative there and I take off there. They're sitting in that lot, they don't have a ride. They don't have a connection, they're not in period two. They're in period one.

**Chang:** According to our airport permits and because people are there for commercial purposes, they are in period two.

**Fish:** They're covered by the higher amount.

**Fish:** Do you keep data, do your companies keep data nationally on the frequency of accidents in period one, two and three? You were required under this agreement to provide data on cashes. Let's start with uber. As between periods one, two and three, what percentage of the accidents that involved your drivers occur in period one?

**Bennett:** I personally do not have access to that information. However, we do regularly report that with the city of Portland like you said, on an ongoing basis.

**Fish:** You probably have a better sense of the national data. In period one, period two, three, what's the percentage of accidents that occur in period one.

**Chang:** I don't know percentages but as I can say is that according to the pilot and according to the final draft regulations here that we're looking at the city would be collecting all sorts of accident data.

**Fish:** I'm asking about now.

**Chang:** That would allow it to be specific to the city of Portland rather than broader.

**Fish:** Look, it shouldn't be this difficult. National data for lyft? Do the accidents that are reported by lyft to whatever body reflect that the most accidents occur in period one, two or three?

**Chang:** I don't know that information off the top of my head.

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**Fish:** Let me ask you a hypothetical. Let's assume most of the accidents occur in period one. Why would it be reasonable and appropriate to provide lower insurance coverage in period one than for period two and three if the majority of accidents occur in period one?

**Chang:** So I would go back to what we were discussing earlier about the greater insurance questions being addressed nationally and that have been addressed. The very function and design of period one is different and that is why those limits were chosen and I understand that we may have a philosophical disagreement on that point but that has been the standard adopted by the majority of states.

**Fish:** But the mayor's point goes beyond a philosophical disagreement. The mayor has asked you beyond your determination of reasonable and appropriate and beyond a philosophical disagreement, what is the barrier, the actual barrier to you providing it? It's not that the insurance market doesn't provide it. You have a philosophical disagreement, you're willing to pull out of jurisdictions that mandate it, so what is the primary problem with it? Is it cost?

**Chang:** I think it's a multitude of factors combined together.

**Fish:** I'll take one.

**Chang:** I think it is partially cost, absolutely, I think it's partially that it is an unreasonable amount to be put on a period one. There has been so much discussion on this and so I just want to be very clear --

**Fish:** Isn't the first question what's the amount of injury that occurs in period one? In other words, is there a greater risk to the public in period one? That's a question I would like answered independent of where we land.

**Hales:** I was once a contractor, I had to provide a \$1 million umbrella coverage in case -- when I painted somebody's house the paint peeled off. The premium was quite low because the actual risk to my customers was nominal. I might have screwed up at a scale of \$1,000 or \$10,000.

**Fish:** And you could raise the deductible.

**Hales:** So the odds they would have to pay a \$1 million claim were so low, that the coverage was low. I can't believe that there's no one walking around, whether it's you as executives of these companies or insurance people who could come in here after months of having this long debate and tell us as Mr. Entler just alleged he pulled a number out and I think he probably stands by it that 65% of accidents occur in period one. That's his position.

**Chang:** If I may...

**Hales:** You mean we can't get any data until we start collecting it ourselves?

**Chang:** If I may, I think you hit the point on the head, which is data. The city of Portland is uniquely situated to have huge amounts of data, and I think the question to the council as well as Portland bureau of transportation is has the current insurance limit been working? And I think that the data report clearly indicates that they have been.

**Fish:** Let me ask you this. If six months we find out that 65% of the accidents that occur in our community happen in period one, and we determine that the current limits are inadequate, are you prepared to agree to lift the limits?

**Chang:** I think that would be a great discussion if there is, in fact, the data to address that.

**Fish:** But it's probably a great discussion but from your history what you're probably likely to do is to pull out and then have some either recourse to the legislature or have some kind of social media campaign to soften our resolve. But what I don't hear is an unequivocal commitment to doing the right thing if the data support.

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**Chang:** We have commitment to do the right thing if the data supports it. I want to be very clear on that because I think at this point you have the data and --

**Fish:** So I think what you're also hearing both to our friends at uber and lyft is that we would like to see in writing the national data so you have the experience working in lots of jurisdictions, what percentage of accidents that you handle occur in period one, period two and period three? In the aggregate, just national data, i'm guessing someone can pull that up on a laptop, just in relative terms, what percentage of the accidents that you cover in insurance occur in each of those periods? That would be helpful to us in determining whether we think it is reasonable and appropriate to provide a lower level of coverage in period one.

**Hales:** And I would also like to see from whoever would like to provide them, whether it's the bureau or the tncs or anyone else, some case studies about catastrophic claims, because that's what we fear. Because i'm the police commissioner I get these notices of tragedy and mayhem in the middle of the night and a drunk ran over two lovely young women on a sidewalk and killed them. We put that guy in jail because that's a crime. And that's some recompense for the loss but not much. And so what we are fearing and what is driving us on the insurance issue is subjecting people to the risk of a catastrophic accident without mandated coverage. So you both have been operating in enough cities long enough that I fear it's true that something like that has happened. I would like to know what happened afterwards. So if someone could provide that case study data, don't tell me there hasn't been a single loss of life incident yet involving a tnc somewhere in the world, let's see some case study data about what happened to the victims of those accidents. And that will help inform either our willingness to be the first city to do this apparently or maybe we won't because maybe you'll leave the market, or to feel more comfortable about being in the mainstream. But i'm really getting tired of talking around this issue, given the scale of your enterprises, the number of cities that you're operating in, and the fact that I mean I was -- mr. Entler said there have already been four accidents involving tncs in his cabs. So that's a relatively small sample but there's already four cases right there. We're going to hear from folks in the insurance bar here tonight or whenever we get around to it, but I need to get less theoretical and more down to cases on what has happened to buttress my willingness to go in the direction Mr. Kafoury says if you should be responsible by requiring more coverage or know that it apparently isn't necessary.

**Fish:** Mr. Bennett, ms. Chang, I need to confess to an unfortunate oversight. It was tncs that should be responsible in period one, two and three. So I am going to propose an amendment to delete the tnc driver or combination of the two language.

**Fish:** Second.

**Fritz:** Second

**Chang:** If I may... Just clarify that point. So in respect to periods one, two and three there was something that was misinterpreted which was the either or component. So if you read through the final draft language, it very clearly says that the city has to have proof that those insurance levels are being met at those times.

**Novick:** But it says coverage is to be maintain by the tnc, tnc driver or combination of the two, and i'm saying that it's going to be coverage maintained by the tnc period.

**Chang:** So you are eliminating the option for the Tnc driver to hold coverage?

**Novick:** Not at all. We're eliminating the option of the tncs avoiding paying for that coverage by putting it on the driver.

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**Fish:** They're free to contract with the driver to provide contingent coverage but that's your business, not ours. We would be assuring that the claimant has a clean shot at getting primary coverage from the tnc, which is more likely to be the solvent and responsible party.

**Hales:** Do you want to act on that amendment now? We'll take a roll call on that amendment.

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

**Hales:** Aye. Okay other questions? Or other points that you two would like to raise before we move on? Thank you. Please get back to us with that case study information. Okay. All right. What's next, commissioner?

**Novick:** I think that now, we move to public testimony, unless staff thinks there's some issues that we need to clarify.

**Hales:** There's probably some citizens who would still like to speak given how long they've had to wait. Let's let them do that, at least some of them, please.

**Moore-Love:** We're going to do three and three. The first three from the support side are... [ reading names ]

**Hales:** Are they still here? Let's call the next three on that side, if they come down from upstairs. [ reading names ]

**Hales:** Keep going. Mohammed ali. Keep going. [ reading names ]

**Hales:** Let's take these two. We've got third person, come on up. There you are. Good. We've convened a panel. Thank you for waiting. Please.

**Mohamed Ali:** My names Mohamed Ali. Actually, i've been an uber driver since October of last year and almost one year. Here is my testimony. I've been working for uber for years. I never had a chance to pick up my kid from the school or drop them to the school but since uber came in, I had a chance to drop my kid at the school and pick them up from the school. And I had a chance to meet different people. [ heavy accent ] so in my experiences working with uber, I had all that experience. That's my testimony.

**Hales:** Thank you very much.

**Nat parker\*:** Mr. Mayor, commissioners, my name is Nat parker i'm the ceo of globe sherpa, the local company that built the mobile payment app for trimet and for Portland streetcar. I'm here to support the ordinance and encourage you to do the same. Broadly speaking we're seeing a huge change in how people get around. Shared use mobility is being impacted by a flight to the cities, by how big the city here is growing, how quickly in the shared economy. And, you know, we were lucky and fortunate to benefit from mobile technology to increase how trimet is able to basically sell its fares. The reason I wanted to get up here today is to encourage you to support the growth of tncs in the city, not because I see them as competitive to our classic transportation uses today but complementary and specifically the first and the last mile that we talk about in transit anyway we see as a real challenge that these companies can help fill. People who take the max to gresham transit center, out to hillsboro, what are they going to do to get that last three quarters of a mile to their house or to intel, to joan's farm? These companies offer interesting and flexible options to not just be one source of a ride but to be a complementary fit to the core of transit. They're also doing a heck of a job of getting people out of single-occupancy vehicles which should be all of our goals and it should be your goal at the city level so I think that we should really look at this as an opportunity. Clearly, there are measures of equity, measures of safety that I have every confidence you will figure out and make sure are there. But let's not forget that classic transportations and taxi providers have their own mobile applications that can provide similar solutions.

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Look at fly wheel, curb, I can hail a taxi myself using a mobile application. So I think we want to look at technology as a leveling influence here and really look at the value that these companies bring. I'll finish up by saying we are working with lyft and working with trimet to pioneer a new feature within the trimet mobile ticketing application which exists today. You'll be able to click on other rides and you'll be able to hail a lyft or car to go from directly within the city's mobile ticketing app. So connecting those modes is one way we can offer increased mobility and shared use mobility.

**Fritz:** I have a question about, you raised they're not single-occupancy vehicle. Somebody else is doing the driving. They're making a single-occupancy trip. Do we have any data about how many people ride share two or more people?

**Parker:** If you look at lyft line, for example, this motion of carpooling beyond a single individual in a lyft vehicle not the only growing rapidly, its cost competitive. So I think that to your point certainly it is single occupancy vehicle but we're seeing a propensity of consumers to actually want to share the ride and have that social experience on top of it. It's cheaper, it's more interesting and it works for the city.

**Fritz:** Thank you.

**Hales:** Welcome.

**Denise Roach:** Hi my name is Denise Roach, I'm an uber driver. And I've been doing it since June 12th. I've had nothing but positive feedback from other drivers, the riders and I like to drive late at night. I've picked up so many people who accidentally missed their last bus or they missed their last max ride or their car broke down or they were stranded somewhere and I'm there within two minutes, and a young woman on the side of the road who maybe got left outside a club, you know, calling a taxi can sometimes take a very long time, and I think there's a need for the immediacy and the drivers out at all hours and again, I've had nothing but positive feedback. And as far as the insurance, I'm not really -- I don't really understand the period one with the commercial liability on the part of uber. When I turn it on, I might be driving to the moda center to see if people need rides after a blazer game but even though it's on, I haven't been requested by anyone and there's no one else in the car, so that would be between myself and another driver if there was an accident. I'm not sure I understand why I would need the additional insurance during period one.

**Fritz:** How much private insurance do you have?

**Roach:** I have above the max because I assume in an uber driver. I don't remember all the amounts but, you know, it's more than the state of Oregon requires.

**Fritz:** And do you think that your private insurance would cover you if you were on the way to the moda center with your app on?

**Roach:** There's no one in the car. I haven't accepted a ride yet, it's just me as an independent driver at that point.

**Fritz:** You might want to check on that because I think that's not the case. [ laughter ]

**Hales:** Thank you very much, thank you all. [ reading names ]

**Hales:** Come on up. Come on up. You had three. [ reading names ] okay you're on first.

**Raye Miles:** Good evening, my name is Raye miles and I'm the president of Broadway cab and I come this afternoon with concerns of two specific areas of the proposed code. I will say I think these are to some extent more of a gender issue so I urge you to listen to me and I urge you to listen to Commissioner Fritz and at least make some assumption that we do represent half the population. Maybe not all of them but a lot of them. And some of the other half. I digress. My concerns are background checks. The best background check available is a biometric fingerprint background check. The international

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association of taxi cab regulators of which I am not a member but the city of Portland is a member has said that is the gold standard for background checks. I think there's been a lot of marketing that would lead you to believe that tnc drivers are soccer moms. It isn't true. I think if you just observe the people here the news coverage everything, tnc drivers come from across all socioeconomic strata. And they need to be vetted. They need to be background checked. The other issue I have problems with is vehicle signage. I'm alarmed at this trend that we just -- that anybody can pull up in a personal car and say I'm your uber driver and you jump in and go. I think vehicle signage would go a long way to helping with this. I think the current code allows too many opportunities for predatory behavior. We saw an example of that here last week. I would like to see signage on the side of the vehicles because that's where people climb in and out. I would like to see large magnetic signs that would be more of an investment to masquerade as an operator. When this first hit a year ago I also sit on the board of the taxi delivery and paratransit association, it's an international association and I was at a board meeting and they said oh, no, uber announced they're coming to Portland whether Portland allows it or not. I said I have no doubt uber will come to Portland. I have no doubt of that but I believe we'll handle it better. I do believe it will be different than it was in other cities.

**Fish:** We're requiring signage on the front and back. You're saying it should be on the sides as well?

**Miles:** And bigger. They shouldn't be able to pop it in and out. They said that's the advantage. I think for insurance, for public safety, that's the disadvantage. You shouldn't be able to pop it in and out. People should know this is a commercial vehicle.

**Hales:** Could you go back to the background check issue for me and what do you think we should do differently than is in the proposed ordinance now?

**Miles:** I believe every city should and eventually will require a biometric fingerprint background check that is completed by either a third party hired by the city, that's administered by the city or by city staff. I think that's where this industry will head. The fingerprint stores are popping up everywhere. It helps you get pre-checked, there's one by our office now where you go in, take a number and you get fingerprinted. So I would just say, like I said, I thought Portland will be a different deal. I absolutely believe Portland will be a different deal and I am still very hopeful that that will be the case. In New York City, Columbus, Ohio, and Houston, they do do fingerprint background checks. In Germany, they're required to have large-scale signage on the side of their cars. And at the port of Portland at the airport they carry \$1 million of liability insurance regardless of phase and they are sitting in a holding lot. I love Portland, it's the best city I know. And all I'm asking you guys to do is rather than pick and choose of which these we're require, let's make them do the very best they can, the very best they do in other cities, let's make them do all of that here, the citizens of Portland deserve that.

**Hales:** Thanks very much. Welcome. Go ahead, please.

**Ed Herinckt:** I'm a resident of Portland and I am here today to comment specifically on the fee structure that's proposed in the latest code revision. First, I think there's an important clarification of terms. Let's call it what it is. It's a tax, it's not a surcharge. An easy comparison would be to liken this to a room tax. Just like a room tax, it's paid by the user. Second, it's a regressive tax. It's charged equally to all consumers. A large portion of taxi users are low-income and they cannot afford private transportation so this tax hits them even harder. Third, this represents a huge cost shift from the transportation companies to the consumers and I would ask you please to listen carefully to this.

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Whereas historically the costs of operating the Portland bureau of transportation has been funded by the companies, now the expense lands squarely on the consumers.

**Novick:** I have to interrupt. Don't the companies recover all the costs they have from consumers?

**Herinckt:** Well, there's a wrinkle in this approach and if I could just extend my remarks momentarily i'll come back to that question if I may.

**Novick:** It's a yes or no question.

**Herinckt:** All companies will collect the fee and will pay back to the city, correct.

**Novick:** Thank you. Currently don't the companies ultimately have to recover all the costs of fees assessed from customers?

**Herinckt:** That's correct, yes. But I would like to add this. By adding this tax to each ride and this is critically important, I have not heard it discussed anywhere up to this point, it will net a massive windfall for the tnc industry. Their model is to take a 20% commission, in some markets, it's up to 30%, on gross receipts by shifting to a per-ride tax, uber will take a 20% cut of the new higher total. Think about this. Using pbot's data from the month of august alone, tncs were averaging 8,000 daily rides. With the tax of 50 cents a rise, that generates \$4,000 a day. \$4,000 times 365 days is \$1,460,000. By taking that total times uber's 20% cut, the company will net an extra \$292,000 in profits. At the same time, uber completely dodges the expense that would be assessed if using a per vehicle fee. It's brilliantly underhanded. Uber avoids the direct expense, shifts 100% of the cost to the consumer and gets nearly 300 grand in additional profit in the meantime. And when you add in a surcharge for wav, they're going to take 20% of that cut, too. I would line up all day long say go ahead, add those taxes or surcharges because I'm going to get 20% of the gross. I don't know that anybody's really dug into this and taken a look at it.

**Novick:** Isn't it true that the taxi companies will be avoiding the cost, assuming your logic?

**Herinckt:** The taxis will incur some of the same costs, that is correct and they're not necessarily avoiding it but what's happening --

**Novick:** What percentage of total taxi profits do taxi cab companies take as opposed to drivers?

**Herinckt:** I don't have the answer to that. But I would just encourage the city if you would to reconsider the idea of returning to a vehicle permit fee. The city will have all the money it needs to administer the program while not creating a new consumer tax that creates a windfall for the tncs.

**Fritz:** Is the testifier correct that the 50 cents and the wav fee, that uber and lyft take their cut of that?

**Novick:** Well, that depends on the contracts between uber and their drivers. So... I mean, just like the way the taxi cabs distribute costs and benefits between them and their drivers is up to them.

**Hales:** We'll get an answer to that. Let's hear from you.

**Jim Kennedy:** Good evening council, I'm Jim Kennedy, lifetime Portland resident, a family business owner of consolidated business machines here in Portland. I've been in my chair since 1979, which predates ada and many other accessible issues and policies. I'm here to comment on the wav code revisions proposed by commissioner novick. Begin by saying I think it's a very positive step forward. There's much to like about the proposal before you today. I especially applaud the service performance standard expectation for all private for-hire transportation providers with the response time of 30 minutes or less, 24/7, citywide. This would be a huge improvement on current services. If I have a worry, it's this: Will these new performance standards really be enforced? If they are, the

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providers will step up and those of us who depend heavily on wav service will be much better served. If, however, they're not, I'm worried there will be very little change. Please don't stop short of getting this right. The community of people with disability who face daily mobility challenges are depending on you. I'm asking you to make code enforcement a priority. Please be certain that there is adequate funding to ensure robust enforcement and compliance. Put some teeth into it with some consequences for all providers who don't meet the standards, including fines, suspensions of their operating permits or revocation of their permits, hire a bulldog or a pack of bulldogs to monitor and enforce these policies. My concern is well placed. Recent pbot data from the trial period shows that wav service from the new transportation companies actually decreased 70% during the course of the pilot program from 188 rides in May to 53 in August. To me, it signals that wav customers simply quit requesting rides from uber and lyft because they consistently didn't have the service available. This is not acceptable. If this is allowed to go uncontested, wav customers will once again be left on the curb. I would encourage you to look at the alternate code revisions provided by the transportation fairness alliance. It is well constructed as clearly, enforceable performance standards and it is a better solution. Portland wav customers have had to endure challenges for many years in getting responsive, reliable for-hire transportation services. This is our chance to really get it right. The code revision proposed by the transportation fairness alliance is a good start. But if all of it is words on paper, it amounts to nothing. So enforcement and compliance to guarantee transportation providers are delivering on the service standards is the key. Please ensure that funds, staffing and training are in place to really follow through. Thank you.

**Novick:** It is possible that people who need wav vehicles found they couldn't get access when the pilot started and stopped requesting it and that's why I think we need to make a concerted effort to educate the public that they are required to provide wav service, and it's my intention to impose penalties on uber and lyft for the beginning of the pilot during which they clearly did not provide wav service and I hope that will make it clear to people who need wav service that those are required to provide service.

**Kennedy:** A wav vehicle can be used for any kind of transportation. It's not unique to accessible trips.

**Novick:** Thank you.

**Hales:** Thank you all. Thanks very much. [ reading names ] good evening.

**Sara Conte:** Hi I'm Sara Conte. I am cofounder of an early stage tech company here and I'm also a board member of the tech association of Oregon. Excuse the catch in my voice. I'm here to, first of all, support the work that you have done and that the task force has done for the city of Portland to not only support innovation but also regulation in our city I thank you all for that. The data I have found the most compelling in the report has been that the market overall has grown by 40%. That to me says things are working, demand is up, supply is up and anecdotally and entirely the data shows that people want this service and that they are willing to get out of their car and share a ride. So the combination of uber, the combination of lyft, taxi cab drivers, has meant that overall in Portland, the wait times have reduced for rides. It also means that the availability has gone up for shared transportation and that has encouraged people again to get out of their cars, solve for a lot of people that last mile problem and really rely on new transportation methods. So in summary, I do -- was that my time? In summary I would like to support the regulations that are in front of the commission right now as a balance between that innovation and regulation.

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**Hales:** Thank you very much. Good evening welcome.

**J.R. Storment:** Good evening my name is J.R. Storment, I'm cofounder of a software company in Portland, we employ 50 people. I travel a lot and I've been using tncs all over the country for a couple of years. I've taken 200 rides in tncs. At home in Portland I use tncs at least 15 times a month. Thanks to the arrival of tncs this year my wife and I decided not to get a second car because it made that form of transportation reliable and cost effective. I used to try to take taxis this way. The experience between the tncs and taxis is light years apart. With taxis which I took five to 10 times a month I've been left stranded when a promised ride never showed up. There was little accountability. And I live in east Portland, 101st, it's hard to get a taxi out there. I was trying to get a ride home and a taxi driver didn't want to go that far into east Portland. The tncs have enabled me to spend more time with my family because they arrive quickly. I was able to play with my kids until it arrived and knew it would be there on time. They have let me work on the way to meetings and not worry about the point of getting out of the taxi when I have to pay with a credit card machine that doesn't have to work. They've made the experience just dramatically easier. As a company we actually pay for late night rides home using tncs if they work late or have had drinks. They can request the car and they don't have to wait on the curb. They know exactly where it is and we work right downtown near pioneer square. They can stay in the office. On the note of safety and the point earlier with signage, the tncs show the license plate, a photo and they track the driver. That doesn't happen with the taxi. So across the 200 tncs rides I've taken, I've only had two rides that I rated below four stars. Every time I've asked a tnc driver how they like driving, their response has been overwhelmingly positive. Sometimes, it's a student, sometimes, it's a retired person trying to get extra income. It's been a liberating job for those folks so I've definitely supported the changes here that are proposed, specifically because I think the country has grown used to having these options when people come to visit Portland and the locals like it. I encourage and support these changes.

**Hales:** Thank you very much.

**Tez Siddicle:** Mayor and commissioners, I am an uber partner for the last 17 months. I started in Eugene back in July of 2014. I have completed nearly 4,000 trips for uber without any incidents at all, safety all was number one. We have talked about uber wav a lot. I'm a wav driver. I just happened to be on my way here, my last ride was a wav ride. A gentleman from Cincinnati and he was at the hotel, Ramada inn, I picked him up, dropped him off downtown and he was just so thrilled and shocked and pleased that we had wav available here. He didn't know that we had wav here and I showed up within two minutes and he said wow, nobody ever picked me up that quick and it was pretty reasonably cheap. And another story about wav, two weeks ago I picked up a really wonderful elderly woman at a Walmart with six sacks of groceries on Powell boulevard and she requested wav and I picked her up and I showed up within four minutes and I dropped her off at her house and I actually carried all the grocery sacks to her house. She said that she didn't expect that kind of service from uber people. And I come from a family, my mom passed away after being in a wheelchair for seven years. So it's not about just drop them off and just go. You have to stay with them and show them that you care, compassionate about the whole service. And then I'm also on top of wav, I'm an uber assist driver. So I also pick up blind people with a service dog with them. I happen to drop somebody regularly, her daughter, Jennifer, 37th and sandy, her daughter goes to school, I drop her off and pick her up also and drop them off at their house. So I just want to say that the best thing is uber has happened to me. It's not all about money and

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everything. If it was the money, I wouldn't just go for \$5, \$7 ride for the uber assist. I could have stayed at the airport and picked up the long rides. It's the compassion and care that you care about because you need to let them know that you care about people, not about the financial part of it. Thank you.

**Hales:** Thank you all very much. [ reading names ] good evening. Go ahead.

**Noah Ernst:** Before I get to my prepared testimony I would like to answer a question that you posed to uber and lyft which they declined to answer. We know what happens in period one when a catastrophic accident occurs with an uber driver. We know that because in San Francisco a 6-year-old girl was run over and killed by an uber driver in period one. And how did uber respond? They denied all liability and fought them in court for over a year before they settled the case in an amount that, of course, cannot be disclosed and does not admit any liability on the part of uber. That's what they do in period one when there is not enough coverage: The second thing I would like to discuss, I think are two statements that have summed up this entire process for those of us who are not part of the tnc community. The first is once again, mr. Novick starts a presentation about transportation in Portland by saying uber has intentionally violated our laws but this time they promise not to do it and they really won't. They broke our laws the first time, intentionally. They broke our laws with wavs intentionally. You can see why there might be some cynicism from those of us not in a tnc about whether there is actually any teeth to anything this city council says. The final thing before I begin my prepared statement is uber and this sums up the whole process, I think a lot of people here will agree, uber got to thank city staff for working closely with them to prepare these proposed regulations. You've read news articles about how impossible it was for everybody else to get contact with city staff. I believe that you will find that every taxi company, town Car Company and other non-tnc company will agree that they cannot thank city staff for working closely with them and these regulations reflect that. What we have here and this is my prepared statement, uber the company that came into Portland breaking the law was given exactly the regulations that it wanted and nothing that it doesn't. These uber-friendly regulations were applied to the other for-hire companies, even when doing so creates a nonsensical result. For instance, taxi drivers in these regulations are required to have personal auto insurance. Why? With the regulations required and we all know that taxi service should have 24 hours a day commercial insurance? Additionally taxi drivers cannot get insurance on taxi vehicles they do not own. Additionally even if they could get insurance on taxi vehicles they don't own they can't get personal insurance on them. Why? It's a commercial vehicle. What this regulation does in the city that has passed numerous rules encouraging people to get out of their personal cars and into public transportation and onto their bicycles is it puts every single taxi driver who doesn't own a personal vehicle and therefore does not have personal auto insurance out of work for no reason at all and it shows you how little consideration was given in these drafting of these regulations to how they would impact the other companies other than uber. I wish I had time to describe all these types of problems that are in these regulations, all of which could have been avoided if the input of anybody other than uber had been considered but I haven't got time so i'm going to follow up on what Ms. Raye miles said and talk about background checks.

**Hales:** Talk quickly because you have used your time.

**Ernst:** I'm sorry. All I want to say is for decades, at least since the '50s, Portland has had a system by which drivers are permitted, the background checks are performed by the city of Portland and their identities are verified by the city of Portland. Now, the rules have been changed so that the background check that uber and lyft currently does is

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acceptable. That is completely worthless. To quote the district attorney for San Francisco, background checks that don't include fingerprints, that can't be tied to the right person and therefore can't be secure, at the end of the day you cannot have a comprehensive background check if the information you have obtained has nothing to do with the person that you are signing on to be a driver. It is completely worthless. Completely worthless should not be the standard for Portland, Oregon. It just shouldn't.

**Hales:** Thank you very much.

**John Bachofner:** Good evening my name is John Bachofner, I'm an attorney whose practice is focused primarily on representing insurance companies and their insured. I have reviewed this proposal and identify several different problems that I thought related to the insurance coverage aspect. After providing my observations voluntarily earlier today, I was asked to testify at this hearing on behalf of the transportation fairness alliance. From my perspective, the most important aspect of this legislation is to provide protection to the general public. My focus is on the inconsistencies in the insurance provisions appearing in pages 11 and 12 and 32 to 34 exhibit A. Beyond the inconsistencies between the insurance policies, there appear to be practical inconsistencies in the application. I applaud the change that was made at commissioner Novick's suggestion to bring some parity in that. Thank you. One problem is that most personal insurance auto policies will exclude coverage for a vehicle used to carry persons for a fee. There will not be coverage under the personal policies in most situations. I spoke with some clients and I'm told of situations where tnc drivers withhold information about their status, unless asked directly. This raises significant questions about some objectively verifiable identifier or database where drivers could be identified more easily, so the insurance companies would not have to do a lot of investigation. Another issue is the illusory concept of periods, the first of which contains a significantly reduced amount of coverage. The use of periods with reduced coverage if I may just finish this thought. Period one would provide less coverage when there's the highest risk. We've heard the testimony that within four minutes, they're able to pick drivers up. Within two minutes, just a few moments ago. There's only one way that that occurs. They have an app open. And they are typically either driving a vehicle or they are stopped somewhere but I suspect they're driving a vehicle because they are close to the location and that requires them to glance at a mobile device while they're driving, which is a significant risk to the public. Why in the world would we want to have a lower insurance limit when there's the riskiest part of driving? That makes no sense to me.

**Fish:** Do you agree with us that the way to determine is to look at the data and see where that's the period of time in which the largest number of accidents occur and claims are asserted?

**Bachofner:** I think that's a very good way to find out but I don't know if that's the best way because anecdotally at least I'm told that there are problems with people not being identified. I'm told anecdotally that the Uber drivers are instructed not to identify themselves as Uber drivers initially following an accident. I don't know if that's true. That's what I was told by at least one insurance company.

**Fish:** We've had testimony here in prior hearings that there might be some difficulty in the marketplace obtaining insurance for period one at the limits we've been requesting. Based on your experience, would it be more likely that the insurance companies would not offer it if it turns out it was the highest risk period and therefore, less economical? Or that it was a period of time in which very little happened and therefore, what? I never

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understood the argument as to why if it was a lower risk period there wouldn't be a plentiful availability of insurance at higher limits.

**Bachofner:** And I'm in complete agreement with you. Insurance is essentially the business of trying to predict risk, and then assessing a premium associated with that risk. First of all, I don't agree that insurance would be unavailable. If you're willing to pay the fee, there is going to be insurance available, it's a question of cost, and I think we saw earlier the response to very direct questions that were responded to by the Lyft and Uber representatives by dancing around the question, absolutely cost is the reason why they don't want this but in my experience, a \$1 million umbrella policy is not that much more than a \$250,000, \$500,000 policy.

**Fish:** Unless it turns out that the period of time that you want to cover has the greatest risk.

**Bachofner:** Absolutely. And if it does have the greatest risk, that's why we need to have the higher protection for our citizens.

**Fish:** Let's put it slightly differently. If we determine based on objective data that it does present the highest risk and we allow a company to offer lower insurance, then we can hardly say that we have protected public health and safety.

**Bachofner:** I couldn't have said it better myself. There's nothing that prevents Uber from self-insuring during that period if they cannot provide coverage and your comment earlier is correct. The victim doesn't care.

**Hales:** We're going to give you the chance to testify and then unfortunately for some of you who have been waiting we are going to have to discontinue our hearing for this evening and continue it to another time and that's because the fire bureau has reserved this room tonight at 6:30 and I don't like to argue with people that carry sharp axes. [ laughter ] so unfortunately we will have to continue the hearing I think to the 18th but we'll get back to that in a moment. First, we want to hear from you.

**William Daniels:** I drive with radio cab so Mayor, Commissioners, thanks for being here. If your intent with this proposal was to eliminate approximately 1,000 full-time jobs and chop them up into part-time work, you did it brilliantly. This will do it. If your intent was to appease multinational destructive and deceptive companies, this proposal does it. If your intent was to take business away from local companies and give it to multinational companies, this proposal does it. If your intent was to take away business from small companies and give it to giant companies, this proposal does it. If your intent was to be a problem for people in this community and businesses in this community, this proposal does it. Mayor Hales, a couple of months ago, you were in Rome working with the Pope Francis on issues of climate change and human trafficking. Pope Francis has spoken out on the issue of economic justice. On May 16<sup>th</sup> 2013, he said while the income of a minority is increasing exponentially, that as a majority is crumbling. This imbalance results from ideologies which uphold the absolute autonomy of markets and financial speculation and thus deny the right of control to states which are themselves charged with providing for the common good, the good of all of us. On May 21<sup>st</sup>, he said, rampant capitalism has taught the logic of all costs, of giving to get, of exploitation without looking at the person and we see the results in the crisis we are experiencing. This home is a place that teaches charity, school of charity, which instructs me to go encounter every person not for profit but for love. And on June 5<sup>th</sup> he said man is not in charge today, money is in charge. Money rules. God our father did not give the task of caring for the earth to money but to us, to men and women, we have this task. Instead, men and women are sacrificed to the idol of profit.

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**Hales:** I want thank you and stop you there because we are out of time and I can't imagine a better last word for a hearing than the pope so thank you. [ laughter ] but we are going to continue the hearing to the 18th, is that right?

**Novick:** That's what we've got on the schedule.

**Fish:** One thing I'm going to ask is let's set a tentative date but we had an unfortunate experience this week of five or six extremely substantive complex matters all cascading together on our schedule, and I think we are at risk of short changing the public by doing that so if we could set a tentative date and scrub the calendar for the rest of December so we avoid that scenario again. I would be prepared to come for a night hearing if necessary. It's not sustainable, the schedule we currently have.

**Hales:** I totally agree. Where do we stand on the 18th?

**Moore-Love:** For a time certain, I don't have any extra time in the Wednesday or Thursday afternoon sessions.

**Fish:** The problem with adding it to the 18th is we have a time certain on your resolution and I'm going to object to putting two matters of that significance on the same afternoon's schedule.

**Moore-Love:** It's booked for time certain. The next one I have is the afternoon of the 25th at 2:00 p.m. Is the next available. The day before thanksgiving.

**Hales:** That's not a good choice. All right, so I'm going to continue the hearing and folks you'll have to check back with us and find out when we're going to schedule it because I think your suggestion is a good one. I don't want to nail that right here and crowd it in so we're going to find a date when we can make sure the calendar is clear enough that the council can hear the remaining folks that want to testify so our apologies that you're not going to get testify today but we'll put another date in the calendar by early next week.

**Fritz:** Just to clarify, those who signed up we would call you in order and we'll work with representatives from all sides because in this particular instance during an evening hearing might be more problematic because that's when a lot of these folks earn their living.

**Hales:** We'll find a time, from afternoon to evening. So thank you all. We're adjourned for this week. [ gavel ]

At 6:30 P.M. Council Adjourned