



September 8, 2021 Council Agenda

5625

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

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

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

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

Meeting Records

Disposition Agenda

Audio Recording

Wednesday, September 8, 2021 9:30 am

Session Status: Adjourned

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Naomi Sheffield, Senior Deputy City Attorney; Keelan McClymont, Council Clerk

Items 656 and 660 were pulled from the Consent Agenda and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

Council adjourned at 10:47 a.m.

Communications

651

[Request of Anna Kemper to address Council regarding closure of Kelly Butte](#) (Communication)

Document number: 651-2021

Disposition: Placed on File

652

[Request of Sandra Lovingier to address Council regarding closure of Kelly Butte](#) (Communication)

Document number: 652-2021

Disposition: Placed on File

653

[Request of Margot Black to address Council regarding closure of Kelly Butte](#) (Communication)

Document number: 653-2021

Disposition: Placed on File

654

[Request of Alan Brown to address Council regarding closure of Kelly Butte](#) (Communication)

Document number: 654-2021

Disposition: Placed on File

655

[Request of Lucy Brisack to address Council regarding closure of Kelly Butte](#) (Communication)

Document number: 655-2021

Disposition: Placed on File

Consent Agenda

656

[*Amend Intergovernmental Agreement between Office of Management and Finance, Office of Equity and Human Rights, and Prosper Portland for continued administration of the Community Opportunities and Enhancements Program \(amend Contract No. 30007251\)](#) (Emergency Ordinance)

Document number: 190550

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance

Item 656 was pulled from the Consent Agenda.

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Mayor Ted Wheeler Yea

657

[*Authorize Intergovernmental Agreement with State of Oregon Department of Education, Youth Development Division for Portland Opportunities Industrialization Center + Rosemary Anderson High School Work Opportunities Training Internship Program not to exceed \\$82,400](#) (Emergency Ordinance)

Document number: 190544

Introduced by: Mayor Ted Wheeler

Bureau: Human Resources; Management and Finance

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Mayor Ted Wheeler Yea

658

[*Pay property damage claims of William Anthony and Caitlin Anthony in the sum of \\$14,209 involving Portland Parks & Recreation](#) (Emergency Ordinance)

Document number: 190545

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services; Risk Management

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Mayor Ted Wheeler Yea

659

[*Pay settlement of Alexandra Court Apartments, LLC property damage claim for the sum of \\$5,309 involving the Portland Bureau of Environmental Services](#) (Emergency Ordinance)

Document number: 190546

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services; Risk Management

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Mayor Ted Wheeler Yea

660

[*Pay settlement of Michelle Fawcett bodily injury lawsuit for the sum of \\$50,000 involving the Portland Police Bureau](#) (Emergency Ordinance)

Document number: 190551

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services; Risk Management

Item 660 was pulled from the Consent Agenda.

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Mayor Ted Wheeler Yea

661

[*Pay workers' compensation claim of Michael Eoff in the sum of \\$250,000 involving the Portland Bureau of Transportation](#) (Emergency Ordinance)

Document number: 190547

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services; Risk Management

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Mayor Ted Wheeler Yea

662

[Adopt the State of Oregon 2021 Editions of the Oregon Residential Specialty Code, the Oregon Energy Efficiency Specialty Code, the Oregon Plumbing Specialty Code, and the Oregon Electrical Specialty Code \(amend Code Titles 24, 25, and 26\)](#) (Ordinance)

Document number: 190548

Introduced by: Commissioner Dan Ryan

Bureau: Development Services (BDS)

Second reading agenda item 648.

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Mayor Ted Wheeler Yea

Regular Agenda

663

[Proclaim September 10-19, 2021 to be Welcoming Week](#) (Proclamation)

Document number: 663-2021

Introduced by: Mayor Ted Wheeler; Commissioner Jo Ann Hardesty

Bureau: Office of Community & Civic Life

Time requested: 15 minutes

Disposition: Placed on File

664

[*Authorize a Letter of Agreement between the City, Local Laborers 483, and District Council of Trade Unions to allow employees in the Access to Work program to move from Maintenance Worker Assistant and Office Support Specialist Assistant classifications directly to the Maintenance Worker and Office Support Specialist I classifications](#) (Emergency Ordinance)

Document number: 190549

Introduced by: Mayor Ted Wheeler

Bureau: Human Resources; Management and Finance

Time requested: 15 minutes

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Mayor Ted Wheeler Yea

Wednesday, September 8, 2021 2:00 pm

Session Status: No session scheduled

Thursday, September 9, 2021 2:00 pm

Session Status: No session scheduled

Closed caption file of Portland City Council meeting

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

Key: ***** means unidentified speaker.

September 8, 2021 9:30 a.m.

Wheeler: This is the September 8, 2021 Portland council meeting. Several avenues available to the public are available to the public. Public can provide testimony to the council clerk. We're doing this because of covid trying to create safe spaces for everyone. Thanks for your patience. With that we'll hear from legal counsel.

Naomi Sheffield: You may sign up for public testimony on the first readings of ordinances. Information about how and when you may sign up while the city is holding electronic meetings. Please state your name for the error. Your address is not necessary. If you're representing an organization, please identify it. Individuals generally have three minutes to testimony. Disruptive conduct will not be allowed. If there are disruptions the person may be placed on hold or ejected from the meeting. Please be aware that council meetings are recorded.

Wheeler: Can you call the roll please.

Clerk: [roll called].

Wheeler: Communications. 651 please.

Clerk: Request of Anna Kemper to address council regarding closure of Kelly Butte.

Anna Kemper: Good morning I currently live in NE Portland that belong to indigenous people. I'm here on behalf of Portland Neighbors welcome. In 2018, the city of Portland did a great thing and did a manufactured home ordinance. That zoning ordinance has a loophole that has priced current residents out of their homes they've been in from decades. I've watched the rents rise and housing markets explode over the years. The current tenants are kicked out of their homes. Where will they go, these residents are facing a terrifying future.

The city can taking action, they can buy the land out right, I believe the city must step in and protect the residents. We believe strongly that displacement from stable homes is an incredible part of our work. In January 2021 housing affordable and houselessness as one of the top priorities. Thank you all.

Wheeler: Thanks. Next up 652.

Clerk: Request of Sandra to address council regarding closure of Kelly Butte.

Sandra Lovingier: I'm new at this zoom stuff. My name is Sandra. I'm a resident of the manufactured home park. I was a bar tender for thirty years. I slowed down after 1994. I put money away in my savings regularly so I would have something to live on. Buying my home was my plan to provide some stability and secure my future. In 2010 I was diagnosed with multiple surgeries. I have chronic fatigue, headaches, I require Botox treatments every three months. I have lesions that cause my speech to slur at times. If you haven't noticed. I'm severely immuno compromised and can't leave my home until getting vaccinated. I make money collecting bottles and cans to help support myself. Since receiving the notice of the park closure I've been an absolute wreck. I don't know what I'm going to do. I own my home out right. I pay seven hundred fifty dollars for space rent. Because I can't afford to move it's no longer of any value, I will have to walk away from my home empty handed. My plan is to sleep in my car if I lose my house. I have nowhere to go. I assumed my house was going to be my forever home. It will be my last home. We know all our neighbors and help each other out. If I lose my home, I will be homeless. I have nowhere to go. I worked all my life, finding a place I felt safe and consent and paid all my taxes just to have it ripped out from within me. We need help. Please buy our park.

Wheeler: Thank you. I know you're not used to testifying remotely. I hope you get better soon. Take good care of yourself. Next individual 653.

Clerk: Request of Margot Black to address council regarding closure Kelly Butte.

Margot Black: Good morning. My name is Margo and I'm a tenant advocate. I've been working with residents of Kelly Butte. We're asking the city to take urgent and bold action. I know commissioner Ryan isn't here today. These residents are your tax paying constituents and displacement of them in our city is the responsibility of all of our commissioners. The comprehensive plan to preserve as a low to moderate housing option. Impacts on park

residents and protect the housing option. To remind you the residents are primary senior citizens and people with disabilities. In the midst of the pandemic, the new owner of the park is closing to redevelop it in town homes selling for well develop town homes over four hundred thousand dollars. It created new zoning with the mhp zoning ordinance. It was rezoned through an unfortunate loophole was able to submit building permits and allowing him to rezone the park. The state requires that he pay homeowners eight hundred thousand dollars. If there was a single home, the remaining residents can't afford to move their homes and don't want to. Protect people like those in Kelly Butte. This is the same sad state of strawberry park. Can we stop the development? Do we have a plan to stop the development? This is a displacement happening real time that the city new about it in 2018. We need to take real actions that realize it. Please move heaven and earth to save this park or preserve it. The city has power.

Wheeler: Thank you. The next is 654.

Clerk: Request of Alan Brown to address Council regarding closure of Kelly Butte. It doesn't look like he has joined us.

Wheeler: Next item 655.

Clerk: Request of Lucy Brisack to address Council regarding closure of Kelly Butte.

Lucy Brisack: We live at Kelly Butte manufactured home park. We spent our entire life savings to have our daughter. When she was four years old. We saved up four thousand dollars but were priced out of traditional homes. Frankly, our home was the first one we saw, we made the mistake of falling in love of with it. We were proud to provide stability and homeownership for our daughter. Less than three months after moving in, our stable long lasting dream turns. It turns a joyous experience into a never ending night mare that has gone on for three years now. We asked before we bought if the owner was thinking about selling. He said no. No one is required to tell us unfortunately. We didn't find out until the owner notified us that he was planning to sell. We put in a fair market offer to buy the park because we're that committed to staying. A few months later, we were sent notice that the park was sold. We were sent notice by the new owner that we had a year to get out. That year is up in 47 days. We're family. We're not just neighbors. We've taken care of each other during covid. After we ran out of money because of covid for child care for our daughter. We want to stay in

our community where we can continue to take care of each other. I'm asking the city; we don't want to be displaced or homeless. That's what's going to happen if we can't stay in our homes. Without your help many of our neighbors who are seniors have nowhere else to go but their cars. I'm begging you, please do what you can to help us stay in our homes.

Wheeler: I try not to comment too much during public testimony. This is exactly what we were afraid what was going to happen. When we passed this ordinance four years ago now, we took an extraordinary step to protect all the manufactured home sites within the city limits. We did it precisely for this reason. We were concerned the sites would be sold off. They are an outstanding source of affordable housing. That's why we sought to protect them. We knew at the time this particular park was exempt from those new regulations because it already had the permit in place. That was the hard reality of it then. We as city commissioners are required to uphold the law. That is the law per city code. We stated clearly on the record at that time that there was that exemption for the city already being in place. I believe there was an attempt to reach out to the owner to see about the possibility of securing using affordable housing dollars as a potential source of funding dollars. I don't know what the options are at this particular junction from the housing junction. I will share this information and make sure he is he aware of it. It is possible maybe Shannon is on. I don't see her today. The housing director, I'll make sure they are aware of the urgency of the matter. I'm compelled by your testimony. I was supportive of protecting this site four years and I am today. Does that complete communications.

Clerk: Yes, it does.

Wheeler: Consent agenda. Please call the roll on the remainder of the consent agenda.

Clerk: Proclaim September 2021 as welcoming week.

Wheeler: This as put know is a weeklong event, it will offer lectures, performances, community discussions and much much more. This year's theme is Belonging Begins with Us. It fosters a more welcoming nation and world. The city's value is in this week long celebration. Portland is a leader in our nation as we're in the forefront in welcoming refugees into our community. Delving into issues that have important implications. That's why we support these important broad values. I will pass this onto commissioner Hardesty to introduce our guest.

Hardesty: Good morning mayor. Thank you for joining us for the welcoming week activities proclamation. I do not have a list of guests. There's staff here that will give us our speakers today. Let me just say, I look forward to this week when we can celebrate a variety of different cultures that have made Portland their home. It's important for us as elected leaders to be really clear that we welcome and support and appreciate all the culture that comes with having immigrants and refugees in our community. We want our community to embrace the new Afghanistan refugees coming in. A few have already arrived. We must do better how we integrate immigrants in our community. It's not sufficient to give people six months of support. We're highlighting our desire to foster an inclusive and equitable city. I'll turn it over to the office of civic and community life.

Mariya Klimenko: We're so grateful for the introduction of this proclamation. I would like to introduce one of our newest members who will be sharing what this proclamation means to immigrant and refugee communities. Thank you.

Massarra Eiwaz: Thank you. Welcoming week to us means celebrating unity, diversity, belonging and safety. I grew up in Iraq where I learned the values of accepting others and opening our hearts when they are in need of our help. Coming to Portland and becoming a part of the commission means it makes me feel at home and makes me feel safe to share a piece of my home with the community. Some refugee and immigrant populations have been battling with the concept of stability and uncertainty and not belonging to the community they are living in. This welcoming week comes at a critical time to emphasize these feelings and cultivate our relationships where we are all united. We need to see more commitment to see more immigrants in living a life full of dignity and respect. These are the very reasons we have sought to come to the United States. We need to see people raising the voices of immigrants and refugees. What services are being provided for them. Grass root organizations are invited to the table, involved in the research and data collection process. Being involved means we're moving to more culturally appropriate practices where people don't feel they are left behind or unheard. We invite you to our kickoff event on -- 6:00 p.m. To 8:00 p.m. Thank you to mayor Wheeler and the city council for your continuous support.

Wheeler: Thank you appreciate it very much. Before I read the proclamation, any comments.

Mapps: I'm delighted to join you in declaring September 10th through the 19th to be welcoming week. Welcoming week is a weeklong celebration of immigrant and refugee communities. It's a reminder that except for native Americans we're all immigrants to this land that we love. It's a challenge to Portlanders to help our city become a welcoming place. It resonates deeply as 82,000 people around the world are looking for a home. Back in World War II my grandfather served in the army. No restaurants would serve my grandfather even when in uniform except for Chinese restaurants. That is one of the reasons I am a Portlander and one of the reasons I serve on the city council. Welcoming communities are resilient, dynamic, and just. I urge every Portlander in participating in welcoming. This year's celebrations include virtual events. I encourage every Portlander to participate in those events. Join me in making Portland a community that welcomes all.

Rubio: Thank you for bringing this important proclamation forward. I think folks have heard me talk. I'm the daughter and granddaughter of immigrants. Our immigrant communities contribute so much to our city's economy. We all belong here. This week and every week we continue to be a city that supports people that work here. I stand committed to working here.

Wheeler: Before I read the proclamation, I want to thank you for joining us today. I want to thank the policy commission, the office of community and civic life for helping to draft this proclamation. Thank you for your excellent work. I want to thank welcoming America and the dozens of artists and performers who will be participating all week long. We're in is the proclamation. Whereas the city recognizes immigrants and refugees for a multicultural community. Regardless of where we are born and how we identify. We are Portlanders and our lives are independent fostering a welcoming environment for all regardless of language, age, gender, other factors. We enhance economic health for current and future generations. All city of Portland commission creates a strict no tolerance policy against racism in the workplace and operate in the values of equity collaboration, communication, fiscal responsibility, and transparency. The spirit of unit safety and longing begins with us. We must continue to act like a sanctuary city where everyone feels valued and safe. All Portlanders must commit to opening communities beyond this proclamation and make Portland a welcoming place for all. For the first time ever Portland joined welcoming America around the nation and world to pledge to become a welcoming place for short and long term residents

alike. I declare this week as welcoming week in Portland. I further declare that the city of Portland encourage all residents to observe this week. Thank you all very much. Thank you. The next item is an emergency item. You.

Clerk: Authorize a Letter of Agreement between the City, Local Laborers 483, and District Council of Trade Unions to allow employees in the Access to Work program to move from Maintenance Worker Assistant and Office Support Specialist Assistant classifications directly to the Maintenance Worker and Office Support Specialist I classifications

Wheeler: Can you hear me? I couldn't hear that at all? Did you hear my introductions so far? Sorry, my internet is lousy here. These employees are hired on an assistant capacity and work with a job coach to perform their duties. This will create a pathway for these employees to move into a traditional job classification without having to reapply and be put on a list. We have Jamaal to present the ordinance.

Jamaal Anthony: I hope you can hear me. All is well. I'll be brief. Currently in 2019 we created the access to work program which created assistant roles and those are filled by employees that require a recommendation by a rehab specialist. What we don't have is a mechanism for those employees to graduate into the role. We work with the unions, these employees with management approval after they move to the assistant capacity can move in the traditional version of the role. Bcs would lake me to highlight they enjoyed the program immensely and have an employee that will be impacted by the ordinance.

Wheeler: Colleagues any questions for Jamaal. If not, do we have public testimony on this item?

Clerk: Yes. We have one person signed up, Joshua.

Wheeler: Excellent. You have three minutes, please.

Joshua Guerra: Good morning. I'm sorry, I think I have the wrong agenda item. I was trying to comment on the declaration regarding the Texas restrictions on the city funds.

Wheeler: I appreciate that, we've put that off.

Guerra: Okay. I'll check back are later.

Wheeler: If no comment, please call the roll.

Clerk: [roll called]

Wheeler: The ordinance is adopted. On the consent agenda item 656.

Clerk: *Amend Intergovernmental Agreement between Office of Management and Finance, Office of Equity and Human Rights, and Prosper Portland for continued administration of the Community Opportunities and Enhancements Program.

Wheeler: Was this pulled by a commissioner or resident. It was pulled by Commissioner Hardesty. Maybe what we can do is would you like a presentation from staff or just answer some specific questions.

Hardesty: I just have a couple of specific questions I wanted to ask about this.

Wheeler: Let me find out who is is on line to answer the questions.

Kathleen Brenes-Morua: Good morning. I'm here along with chief procurement officer with the office of equity and human rights with prosper Portland.

Hardesty: This one of those programs that was attempting to diversify and invest in those small minority women owned firms. I understand there will be a full report of the success -- a report about what's happened since we authorized prosper to be the lead. Can you tell me about what I can expect and what the time line is about whether or not this actually works?

Morgan Masterman: Sure. Thank you for that question. We do have some general output information which is is more specifically around who the participants were who were served by the program over the last year. We're working with office of management and finance to prepare a report that will be providing in February in 2022 which will include more of the hard outcomes that I think maybe you're looking for. Those would include things like more anecdotal for specific portions of the funding. Whether or not business owners have increased their knowledge around business operations, whether they are more confident in submitting bids and covid certified.

Hardesty: Are you still requiring to be covid certified?

Masterman: We are prioritizing firms owned by people of color as well as owned by women. We've had great success in that out of the technological assistance last year. I have breakdowns of those demographics we can share to everybody after this report. We have that detail that we can share. Similar statistics on the work force development side providing career coaching as well as access to the pre-apprenticeship programming into apprenticeship and placement into jobs. We have breakdown into those numbers as well.

Hardesty: Thank you very much. I would appreciate that as soon as possible. Let me well come our new procurement director. What a pleasure to you have here. You were our top candidate. We have a lot riding on your success. I look forward to getting to know you and helping you be successful.

Biko Taylor: Thank you for the warm welcome. I'm looking forward to working with you all.

Wheeler: Thank you commissioner. I want to extend my gratitude we're fortunate that somebody of your caliber was willing to step into the role. This is something that's really important to all of us. We will support you. We'll work with you to navigate through some really tough issues together. We're all here cheering for you and wishing your greatest success in the years ahead. Do we have any testimony on this item?

Clerk: No one signed up for this one.

Wheeler: All right. Please call the role, it's an emergency ordinance.

Clerk: [roll called]

Rubio: I also want to welcome you happy to work with you happy to vote aye.

Wheeler: The ordinance is adopted. Item 660.

Clerk: Pay settlement of Michelle Fawcett bodily injury lawsuit for the sum of \$50,000 involving the Portland Police Bureau

Wheeler: This involves a lawsuit filed in 2019 city deputy are here to present the ordinance.

Rosalia Radich: Thank you. I'm the senior claims management I was going to introduce Rob to give a brief overview of the case.

Rob Yamachika: Good morning. This is a protest that stems on August fourth where members of the Proud Boys drew a rally. She alleged that she was shot with an aerial device. She received a chemical burn and disfigurement. Based on my experience with these cases, it appeared to be more consistent with a friction burn. Trial was set for later this month. Before the trial obviously we had to do several decisions. The city settled this case. I'm happy to answer any questions that any of you might have or public testimony.

Wheeler: Let's hear the public testimony and to the degree that you respond, I understand this is coming as a settlement. I'd like to hear the public testimony and hear your thoughts after.

Clerk: We have three people on the call. Alison Cole, Hyung Nam, and Emory Mort.

Wheeler: Thank you.

Alison Cole: Good morning. For the record my name is Alison Cole. In the early parts of this year, I met with each of your offices about the use of crowd control weapons and use in this city. From a public safety and public health perspective. I sent you a large packet of academic research of crowd control weapons and training across the United States. Both the use of the weapons and the training have an adverse impact on public safety and also the safety on law enforcement officers themselves. The more the agency is likely to purchase these crowd control weapons, it weaponized the police force against civilians. I know there was an inventory request and ordinance that puts it in the power of city council. I don't think that ordinance goes far enough. I would like to find out for the council to take a more humanitarian stance. And ban them from the use of the city. The doj has signaled that they would use these weapons. There's no research that shows these tools are useful in crowd control situations. Every Portlander should be safe around bpd.

Wheeler: I want to jump in here for just a minute. Thank you for reaching out to our offices. There is a lot of confusion about what is and not allow currently. It was now well over a year ago, it's my understanding that ppb has not used any of the cs gas at all since that time. I believe there have been literally zero deployments. Other law enforcement agencies are not under the same restrictions. That has been ppb stance. The legislature has also taken this up. I think it was 2928 taking place right now in terms of what that actually means. The current interpretation and this may not hold, just to be clear. The current prevailing interpretation based on what we believe to be the case is that all non-ammunitions. We are seeking that interpretation from the state attorney general. Once we have that interpretation that could be the beginning of the discussion point about where we are. At the moment there's a lot of confusion about what the implications of that law are for crowd control. We're in conversations with the doj. As a matter of fact for the rest of the day we're in meetings with the doj. These are very active discussions. I just want you to have that context. Too much information probably. Next individual.

Clerk: Next up we have Hyung Nam.

Hyung Nam: I'm speaking as a friend of Michelle's and resident of Portland who has been active in the city since then. I wanted to speak about not only how i witnessed this trauma on

Michelle ongoing for months but the collective effect of seeing this incident over and over again. Ultimately the reality that with risk management it's ultimately up to the leaders of the city to respond to repeated incidents like this and avoid harm to the public. The broader context of this is multiple people were injured on the same day including Anthony who suffered a traumatic brain injury. These incidents have been increasing for many years way before last summer. Especially under mayor wheeler, the use of these crowd control ammunitions. I've never seen such in discriminant use of these weapons. We know this has been a problem. Interest was a report that came out from the ipr in May 2018 from a June 4th incident where the police allowed the militia to aid the leftist protesters while protecting far right protesters. There were recommendations that were made about crowd control. Things got worse. The temporary or detached unit of the rapid response team were made permanent full time driving up the abuse of overtime even after an audit was done with some cops making over \$200,000. When we see this kind of thing happening over and over again, we have to ask what are our city leaders and ultimately commissioner of the police to make sure the city is safe. Right now there's talk of increasing the funding for the police.

Wheeler: Thank you. I don't agree with you on all points. I do appreciate your comments. Next individual, please.

Clerk: Next up we have Emery Mort.

Emery Mort: Good morning, council. I'm a resident of Portland. I want to help ground us in the events of the day. This was mid 2018. A new tactic of assembly of the city. The city encouraged the public not to come. For its part the city mobilized hundreds of police officers. Everyday people met near the federal building to meet the right wingers our march was met by lines of police. Within a couple of minutes of us being there saying we were an unlawful assembly. No one left. Around this time it was later revealed that police found far right rifle men. The police did nothing to shut down the right wing group that was there that day despite the menacing that would not be part of public assemblage. We were a few blocks out. The right wingers marched out there. The police were standing in the middle. Eight hundred people in a narrow street between two sky scrapers. Nothing was happening. Suddenly three policemen step up with guns to face the eye fascists. They fired and huge booms exploded above our heads. Bam boom, a heavily line of police launched an attack into the line. They

beat a block and exhausted the bureau's entire stock of grenades that day. The attack was pointless. Or was it? Michelle was struck in the attack. I had never met Michelle at that point. We later started working together and are very close now. She never once mentioned to me that this happened to her. These men pointed the crowd and showed her what happened if women opposed. That's the key reality of how Portland was built and how Wheeler intend to keep it. White supremacist mob terror. I am way over time. I'm sorry about that. This is a passionate issue when your friend is shot with ammunition. Thank you for listening. I really hope that we address this-right of what these are and stop this stuff from happening. Two weeks ago was not good. This is going to continue. We need to rupture this pattern.

Wheeler: I'm not in allegiance with the right. I'm not in allegiance with the far left. I would encourage you to see what they say about me about that. Three weeks ago is an example that we'll all learn from. I've asked the police bureau to do significant work to provide to me a thoughtful dispassionate analysis of the planning, preparation, and execution of the strategy on August 22. That strategy was one I approved. I supported. I heard the chief out, ironically it was based on many of you and others that have testified before said about police intervention and presence. I brought the community together two days prior to put the message out that we want peaceful resolution to these differences. I expressed that we would not tolerate violence or criminal discretion. You've seen it. That can in fact lead to escalation of the situation. It's clear the public wants something else. They don't want an overwhelming police presence. I want to put on the table again, we have to also be concerned about our public employees that we send into these situations where there are mutual combatants wanting to beat the crap out of each other. We're still trying to find the right recipe here. I take full responsibility here. Portland is unique in that we do seem to be ground zero for right groups to come into our town to get a response, and they do. We had two hours of advance confirmation that the Proud Boys were moving their event. We did make notifications to the school groups. We did our best. It is clear on the national front that that strategy was not the right strategy. I think we can all acknowledge that. I take full responsibility for it. To me it's been clear training and the community to express their first amendment rights. To hold anybody accountable who thinks violence or criminal destruction is the answer. That's not what this is about today. This is an acknowledgement of a consensus agreement between the

city of Portland and this individual that you know, I don't believe I do, this is the agreement they've agreed on, I'm going to support it. It's not my place to judge either party who entered into with good faith. I always appreciate your perspective. I know we don't see eye to eye. I appreciate you do come forward and you're very clear in your views. It gives us this opportunity to have this conversation.

Mort: I shared the history and I don't want to get hung up, I don't think you're in allegiance with them. When people have sniper rifles and not given a citation with them. I think it's important to people to understand the history of these things. When you have people traveling here, they're not going to put any police there to use the ammunitions. The police agreed to the legislative restriction. They testified --

Wheeler: They actually did not. The letter from the police association was more nuanced. They did raise specific concerns. On the guns. The long gun thing. I want to be really clear on that. I didn't know this until I got to city hall to be honest. They were not breaking the law. They are allowed, the police went and checked to see if they had had the appropriate permitting required to be able to carry a firearm. Oregon is one of those few states to allow people to carry a firearm. The police had no option to ask them to put them away. They went beyond what state law allows. They asked them nicely to put them away and the guys did but they have no legal responsibility to do so.

Mort: It's right ring white supremacist laws. That's part of what I'm saying. We saw where people are allowed to come and say and do and terrorize a lot of people. Who gets attacked over and over and over? What's the lesson that people learned. Now we're being told that the police can't intervene. We need to rupture this pattern of white supremacist such as taking over the capital. Et cetera. You are deflecting from that. I believe that our police can be trained about this history and respond differently.

Wheeler: We're in agreement there. That training is a key component. A lot of conversations we're having with the department of justice are specifically around training not only what they are trained. I'm actually really enjoying our conversation. I have a theory on the first amendment. Not everybody agrees. The first amendment guarantees no government infringement on people's right to assembly and free speech. I've learned to understand and appreciate that free speech includes awful and reprehensible speech. If you say we're going

to gather in the purpose of engaging in acts of violence or criminal destruction, I believe we should be able to preemptively prevent people from doing that. Three years ago I tried to pass a time placed manner ordinance based on the fact that there were groups coming to our city making it clear and public that they were going to engage in violence against people of color. The community wouldn't have it. The community strongly disagreed with them. 120 newspapers nationally accused me of not understanding the first amendment of the constitution. We've moved on to other strategies. We should continue this. It highlights a bunch of important issues. That concludes public testimony. Is there any further question of our staff, I don't see any hands raised? Anything else that you wanted to raise.

Yamachika: I think they would be happy to hear some developments. As you might know chief outlawed the aerial distraction device. To my knowledge in the three years that have elapsed no edd's have been deployed. I don't think there's any thoughts about bringing that back into the pbb's inventory of crowd control.

Wheeler: Thanks for that, I appreciate it. Colleagues any further discussion before I call the roll.

Clerk: Hardesty.

Hardesty: I want to take a moment to apology on behalf of the city for the injury that was done for the individual whose case is being settled today. We spent a lot of time adjudicating issues that work their way through the process and i know fifty thousand dollars will not make this individual whole again. I just wanted to comment the proposal would have let the police chief decide when and where people can protest, no one would support that. That's why that proposal died. We're in the midst of contract talks and being held accountable by the department of justice. I'm very pleased that our congressional delegation ask the doj asked to investigate the white supremacist interstate travel. I'm appreciative that our delegation has taken that lead. It's unfortunate that these cases continue to work their way through city council without changing how the police interact with the public.

Clerk: Mapps.

Mapps: Aye.

Clerk: Rubio.

Rubio: Aye.

Clerk: Wheeler.

Wheeler: I'm glad we were able to reach this agreement. I vote aye. The ordinance is adopted. It's always interesting. I thank you all. I look forward to seeing you soon. We are adjourned.

Council adjourned at 10:47 a.m.