



## December 22, 2021 Council Agenda

5640

**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](http://www.portlandoregon.gov/video) and Channel 30.

The public may provide written testimony to Council by emailing the Council Clerk at [cctestimony@portlandoregon.gov](mailto: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](mailto:councilclerk@portlandoregon.gov) with any questions.

### Wednesday, December 22, 2021 9:30 am

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**Session Status:** Adjourned

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Dan Ryan

Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

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

Items 916 and 917 were pulled from the Consent Agenda and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

Council adjourned at 11:34 a.m.

### Communications

913

[Request of Dani Rukin to address Council regarding a fur sale ban](#) (Communication)

**Document number:** 913-2021

**Disposition:** Placed on File

914

[Request of Derek Primus to address Council regarding health and safety](#) (Communication)

**Document number:** 914-2021

**Disposition:** Placed on File

## Consent Agenda

915

[Amend Portland Utility Board Code to make housekeeping changes to modernize language and reflect current practices \(amend Code Chapter 3.123\)](#) (Ordinance)

**Document number:** 190652

**Introduced by:** Mayor Ted Wheeler; Commissioner Mingus Mapps

**Bureau:** City Budget

Second reading agenda item 881.

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

916

[\\*Pay property damage claim of Jennifer Ginger in the sum of \\$6,144 resulting from a motor vehicle collision involving the Portland Police Bureau](#) (Emergency Ordinance)

**Document number:** 190664

**Introduced by:** Mayor Ted Wheeler

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

Item 916 was pulled from the Consent Agenda for discussion.

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

917

[\\*Pay settlement of Dmitri Stoyanoff bodily injury lawsuit for the sum of \\$100,000 involving the Portland Police Bureau \(Emergency Ordinance\)](#)

**Document number:** 190665

**Introduced by:** Mayor Ted Wheeler

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

Item 917 was pulled from the Consent Agenda for discussion.

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

918

[Authorize Intergovernmental Agreement in amount not to exceed \\$446,500 with Oregon Department of Transportation to design water system modifications for the US 26 SE 99th Ave – East City Limits Project \(Ordinance\)](#)

**Introduced by:** Commissioner Mingus Mapps

**Bureau:** Water

**Disposition:** Passed to second reading

Passed to second reading January 5, 2022 at 9:30 a.m.

919

[\\*Accept a grant in the amount of \\$263,369 from Oregon Department of Transportation, authorize Intergovernmental Agreement for lighting installation on SE Belmont St from 7th Ave to 34th Ave, and appropriate \\$90,000 in FY 2021-22 \(Emergency Ordinance\)](#)

**Document number:** 190653

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

920

[\\*Accept a grant in the amount of \\$157,183 from Oregon Department of Transportation, authorize Intergovernmental Agreement for rumble strips installation on SE Foster Rd between Barbara Welch Rd and Jenne Rd, and appropriate \\$55,000 in FY 2021-22 \(Emergency Ordinance\)](#)

**Document number:** 190654

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

921

[\\*Accept a grant in the amount of \\$166,384 from Oregon Department of Transportation, authorize Intergovernmental Agreement for speed bump installation on NE Fremont St from 102nd Ave to 122nd Ave \(Emergency Ordinance\)](#)

**Document number:** 190655

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

922

[\\*Accept a grant in the amount of \\$90,312 from Oregon Department of Transportation, authorize Intergovernmental Agreement to install guardrail and reflective delineators and improve curve signage on SE Mount Scott Blvd between 101st Ave and 104th Ave, and appropriate \\$33,000 in FY 2021-22 \(Emergency Ordinance\)](#)

**Document number:** 190656

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

923

[\\*Accept a grant in the amount of \\$901,849 from Oregon Department of Transportation, authorize Intergovernmental Agreement to install left turn lanes and upgrade signal with larger heads and backplates on SE Gladstone St at Cesar Chavez Blvd \(Emergency Ordinance\)](#)

**Document number:** 190657

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

924

[\\*Accept a grant in the amount of \\$379,823 from Oregon Department of Transportation, authorize Intergovernmental Agreement to install pedestrian islands and signals on NE Killingsworth St between Martin Luther King Junior Blvd and 33rd Ave](#) (Emergency Ordinance)

**Document number:** 190658

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

925

[\\*Accept a grant in the amount of \\$1,048,312 from Oregon Department of Transportation, authorize Intergovernmental Agreement to rebuild traffic signal, add left turn capability, and add lighting to improve safety on SW Shattuck Rd at OR10](#) (Emergency Ordinance)

**Document number:** 190659

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

926

[\\*Authorize a contract with the lowest responsible bidder for the Naito Whitaker Project in amount not to exceed \\$500,000](#) (Emergency Ordinance)

**Document number:** 190660

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

## Regular Agenda

927

[Adopt City of Portland Investment Policy](#) (Resolution)

**Document number:** 37558

**Introduced by:** Mayor Ted Wheeler

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

**Time requested:** 10 minutes

Previous agenda item 902.

**Disposition:** Adopted

**Votes:** Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

928

[Authorize application and accept award funds from Federal Emergency Management Agency in the amount of \\$1,665,000 for the Portland International Raceway Pump Station Upgrade Design Project](#) (Ordinance)

**Document number:** 190661

**Introduced by:** Commissioner Mingus Mapps

**Bureau:** Environmental Services

Second reading agenda item 904.

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

929

[Authorize contract with Carollo Engineers, Inc. for engineering services for the Columbia Boulevard Wastewater Treatment Plant Blower System and Building Rehabilitation Project No. E11038 for \\$4,374,679.\(Contract No. 30007680\)](#) (Ordinance)

**Document number:** 190662

**Introduced by:** Commissioner Mingus Mapps

**Bureau:** Environmental Services

Second reading agenda item 905.

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea

930

[Establish 2022 sale price cap for the Homebuyer Opportunity Limited Tax Exemption Program](#) (Resolution)

**Document number:** 37559

**Introduced by:** Commissioner Dan Ryan

**Bureau:** Housing Bureau

**Time requested:** 10 minutes

Previous agenda item 889.

**Disposition:** Adopted As Amended

Motion to change price cap of annual HOLTE sale price from \$412,000 to \$430,000 effective January 1, 2022:  
Moved by Ryan and seconded by Wheeler. (Y-4)

**Votes:** Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Absent  
Commissioner Dan Ryan Yea  
Commissioner Jo Ann Hardesty Yea  
Mayor Ted Wheeler Yea



931

[Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for The Gabriel located at 4525 SW California St](#) (Ordinance)

**Document number:** 190663

**Introduced by:** Commissioner Dan Ryan

**Bureau:** Housing Bureau

Second reading agenda item 910.

**Disposition:** Passed

**Votes:** Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea

### **Wednesday, December 22, 2021 2:00 pm**

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**Session Status:** No meeting due to lack of agenda

### **Thursday, December 23, 2021 2:00 pm**

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**Session Status:** No meeting due to lack of agenda

## 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.

December 22, 2021 9:30 a.m.

**Wheeler:** Welcome to the December 22, 2021 City Council morning session. Keelan, please call the roll [roll called].

**Wheeler:** Under Portland city code the council is holding this meeting electronically. All members attending remotely. The public can listen to the audio broadcast of the meeting. The meeting is available on YouTube channel. And also on channel 30. Also providing written testimony to counsel by e-mailing the council clerk cc testimony at Portland Oregon.gov. Counsel is taking steps as a result of the covid-19 pandemic to limit in person contact and to promote physical distancing. The pandemic is an emergency which requires us to meet remotely by electronic communications. Thank you for your patience and your flexibility and your understanding as we manage through this challenge to conduct the city's business. We will hear from legal counsel.

**Naomi Sheffield:** Good morning. To participate in council meetings, we set up in advance communications to read to speak on any subject. We also sign up for testimony for resolutions or reports. For the first readings the publish council agenda at Portland.gov / counsel / agenda it contains information how and when they sign up for testimony, when the city councils holding electronic meetings. The testimony should address the matter being considered at the time. When testifying, please state your name for the record. Your address is not necessary. Please disclose if you are a lobbyist and representing an organization. Please identify the presiding officer. And individuals generally have three minutes to testify unless otherwise stated. When your time is up, the presiding officer will ask you to conclude. Disruptive conduct, refusing to conclude when your time is up, or interrupting others from

council deliberations will not be allowed. If there are disruptions, a warning will be given with a person being told or ejected. Please be aware all council meetings are recorded.

**Wheeler:** The first step is communications. Our first individual.

**Clerk:** Request of Dani Rukin to address council regarding the fur sale ban.

**Dani Rukin:** Good morning. First of all, thank you for having me here. Thank you for your service and thank you for your time. I am a proud and happy Portland resident. I am also here on behalf of compassionate pdf where we are dedicated to create political change in favor of nonhuman animals. And for the past three plus years we have been working at a city level band but what I want to talk about that we have been so diligent to reach out to city commissioners some that are no longer here we have been diligent about reaching out to you by phone or e-mail we've seen many of you in person before the pandemic and what we are wanting as a compassionate and progressive to pass a first sale ban on the sale of new for. The reason why that is so important is because this is an issue of justice and equality and compassion and we have had a lot of that sounds like a great idea but now is not the time we first reached out to the late nick fish office his office was very supportive and it seemed very promising and they were extremely receptive reaching out to other policy directors and officers getting a time with people say it sounds like a great idea now is not a good time this happened for almost a year and a half before the pandemic and all the civil unrest resulting from a lot of things and then this happened. So my point is that before the pandemic back in January 2019 reference out so now that was three years ago she said our staff is at maximum capacity for these issues we are unable to pass legislation at this time. Recently commissioner Rubio's office said three years later she is open to the idea but currently the staff span was consumed of policies to have a high degree of priorities so obviously we know there are so many high-intensity issues homelessness and mental health drug addiction we know the ingestion on -- injustice. Police issues. These will not go away. These are sent to your offices over three years ago these are not complicated and will not go away anytime soon so why cannot be in the meantime we actually do something that would be a win which is just past the first sale ban? I also want to read something because we reached out at the request of mayor Wheeler's office to every possible stakeholders who may have an issue. We have presented you with model legislation. And as many of you probably know this issue is a

humanitarian issue. It's not about the animals but as humanitarians. So when is it ever a good time to take a stand? Why we are also learning on these complicated issues. It is connected.

**Wheeler:** I'm sorry. You have made your point really well and you are one minute over.

**Rukin:** But I want to let you know the grand chief in British Columbia said that international luxury markets should not be allowed to be selling for based on the horrific greedy for industry and how they process the animals. I'm also in support of the band and I hope you support that as well. Thank you.

**Wheeler:** Thank you, Keelan, next individual 914.

**Clerk:** Request of Derek Primus to address council regarding health and safety.

**Derek Primus:** How are you doing? Thank you for your time. I know everybody is busy with everything going on right now. I own a business in downtown Portland. I'm talking with you today about health and safety of my employees and my customers on a daily basis. I will give you some examples and give you the opportunity to persuade me to ensure my employees and my customers safety or I will not be renewing my lease. I have been down there 14 years. I have been through the ringer. I have blood sweat and tears into my business. And you are doing the best that you can, but I will give you some more examples what I had to deal with on a daily basis. Trying to free up the 911 calls but it takes me 15 minutes to get through which is ultra- frustrating because of trying to run a business I cannot sit at home all day. The homeless sleeping in the overhangs I spend more time trying to get them away from my business and it takes so much time away from my business I cannot run my business so it gets frustrating. They are blocking the sidewalks; they carry machetes and screwdrivers and knives. I no longer let my children come down to my store which is heartbreaking and a fear for my employees' safety. I cannot ensure their safety. They have been chasing workers around with needles around my buildings and I cannot get the cops to come to take care of them. Those are some examples on a daily basis. I'm not sure how much more I can take to be quite honest. I have a few questions for you. This will determine if I really on -- renew my lease. I know the ultimate goal is to house the 14000 homeless on the Portland streets. How many housing developments are being created and where are the homeless housing developments going to be available? When are the housing homeless of it on -- going to be available? If you

can answer some of these questions for me it would give me a little clarity if I renewed my lease as a business owner. I would like if you could.

**Wheeler:** Hold on a couple of folks want to respond.

**Mapps:** I'm not in a position to answer your question in particular but I want you to know I have heard you. I think the council has heard you. I know it is an act of faith but I'm also asking you to please consider reciting your lease. I recognize the challenges Portland small businesses face especially small businesses downtown so one of my priorities for the year 2022 is to take the steps that this council can take in order to make downtown cleaner and safer take the steps of that to stabilize the police department and to renew the contract with downtown clean and safe. One of the things I will be engaged with over the next several months is a conversation with my colleagues of other steps the city can take right away to help businesses like yours stay open and stay safe. Thank you and thank you for sticking with Portland.

**Primus:** Thank you for your time I know it is valuable I appreciate it.

**Hardesty:** There are a lot of people in our community to make downtown cleaner and safer by stabilizing the police department to help us in the most humane ways possible. The main issues on our streets all over the city of Portland who are suffering on our streets.

**Primus:** Here is what I will offer you. As business owners and community members, we can. Because this is Portland and Portland?

**Hardesty:** We can get a lot done. And what I appreciate about you Derek, you did not come pointing fingers. Because there is a lot of finger-pointing. The reality is a lot of us need to solve the problem. I will reach out to you after the first of the year. I will connect you with other businesses who are really putting their elbows into all of the something to recover economically. We have a lot of needs in Portland, but a lot of compassionate people who care. So thank you. You came with the right spirit, and I really appreciate you being here today. I know you wanted us to say that we would do abc.

**Primus:** I get it. We are all in this together. I'm not here to point fingers but we are here to work together and that is what we can do they feel that is what it is all about. It's still my favorite city.

**Hardesty:** I'm willing to work with you so Portland will be the city that that most of us well economically recover. Thank you for hanging in there with us.

**Primus:** I know we'll get I have to voice my opinion.

**Hardesty:** Have a great holiday season we will talk after the first.

**Ryan:** Thank you for being here this morning your message was clear. Thank you for contacting us before your leases do. You cannot bring your children to a work is sad so thank you for sharing that personal side. And I want to give you a crisp and clear response in the number of units that gives you the details of the affordable housing that I just want to take a pause with the most recent accounts of who died on our streets last year over 80 percent it was clear it was connected to substance abuse so behavioral health that is very uncomfortable and concerning. This is one of those examples anywhere between those for behavioral health. That it is an embarrassment and it is a number one concern. I want you to sign the lease in April. That will be fast enough and that needs to show movement in the right direction. And those details were sheltered from the shelter beds in cap -- housing is going up next year.

**Primus:** I believe in you. Thank you for your time.

**Wheeler:** This will teach you to come and testify.

**Primus:** I know you have a lot of business to take care of.

**Wheeler:** That information is available. That based on the metro homeless as well as the funds we have allocated specifically for shelter beds. With those good questions that you asked but I can tell you this it is shelter capacity those are currently in process. Those around more permanent shelter solutions heater a statistic out there that is unbelievable and it is true that 86 percent of the 126 people who died on the streets last year have drug afflictions. 86 percent. And the city is historically responsible for infrastructure and cleanliness to make sure we work with the county on emergency shelter options and be significantly invested in the additional \$40 million with a much larger allocation and we need the governor and legislative leadership in where they plan stand with mental health and substance abuse ago we know the state of Oregon this invested for mental health services with that safety net of a last resort experiencing severe mental illness I know where your businesses that you see that upfront close and personal. The same holds true for substance abuse. And then to become users of

drugs we see the results on the street so the city government stands by you and are ready to continue to do good things at the local level to take back our streets from those circumstances, to address the humanitarian crisis. But the council will no longer play nice with anyone else who has a role to play to mental health services, that have access to substance abuse services to help us address the humanitarian crisis. I would love you to stay and re-sign your lease, but that is a business decision you have to make. But I feel for the first time grains of optimism that I am seeing a unified city council to work more collaboratively. And we are starting to see nationally others speak out on the importance of support for housing and mental health and substance abuse treatment. I do believe this will become a priority issue nationally as it already has become a priority issue locally. We do think things will improve we already invested heavily on policies and improving safety on our streets. Invested heavily with the graffiti and the letter and the other issues that you have said hinder your ability to be successful as operators. We get it. And we want you. You are an important part of this community and an important part of the economy. We absolutely see you and hear you and we support you.

**Primus:** That's great. I really appreciate your time. I am a businessman. I went into this with allied of optimism. I like the way you engaged and I appreciate you each taking the time individually to talk with me. I appreciate your time.

**Wheeler:** Thank you we appreciate you being here.

**Primus:** Have a good day.

**Wheeler:** Up next is the consent agenda. Have any items been pulled?

**Clerk:** 916 and 917.

**Wheeler:** They will be taken up at the end so now we'll take the role on the regular agenda. Please call the roll on the remainder of the consent agenda.

**Clerk:** Mapps?

**Mapps:** Yes. I want to take a moment to thank you to the commissioner 925 on the consent agenda to accept the grant from safety improvements and today that ida resonates because nine years and two days ago a pedestrian was killed in a hit and run incident. I am glad to see the city finally take steps to make the city safer. And with the leadership on this matter.

**Clerk:** Ryan

**Ryan:** Aye

**Clerk:** Hardesty

**Hardesty:** Aye

**Clerk:** Wheeler.

**Wheeler:** Aye. The consent agenda is adopted. Next item 927.

**Clerk:** Adopt the city of Portland investment policy.

**Wheeler:** How I asked commissioner Rubio ask if I would please read a statement on this item on her behalf. Prior to five forget to do that. And to have a chance for the fiduciary but there has not been the explicit prohibition on investments with those in testimony last week. The proposed strategies thank you for meeting with offices so we can have this dialogue now before anything moves forward I'm committed to working with my colleagues and the charger's team to have a midpoint check-in that includes community and a statement on behalf of commissioner Rubio. Now we will turn it over to Bridget. Good morning.

**Bridget O'Callaghan:** Good morning mayor and council for the record I am Bridget O'Callaghan the Portland city treasurer. We had an opportunity to chat about this but I did want to share I've had an opportunity to speak with commissioner Rubio's office and we have to be more engage in this process we also had an opportunity to speak with your staff about this as well and appreciate your interest in the topic. So I will pause to see if there are any questions.

**Wheeler:** This is really a chance for the questions. Then we will call for the vote. Any questions? Seeing none, please call the roll.

**Clerk:** Mapps?

**Mapps:** I appreciate the testimony we heard last week on this item and also the due diligence displayed by my colleagues, I am satisfied we are moving in the right direction. Realizing policies work in progress needs to be updated as our thinking evolves.

**Clerk:** Ryan?

**Ryan:** Thank you, mayor. And then to go after those concerns in the council meeting about the future of iterations of this policy. I'm not completely satisfied, however this is where we are and I understand we will work with your consultant. And then to provide guidance and education with the environmental and social governments with the stakeholder input



through the investment now for future iterations of the report. So I am hopeful about the fact, but this is how it starts in the outreach. So when it comes back December 22, it will be a different process and different outcomes. I appreciate your willingness and because of all that.

**Clerk:** Hardesty?

**Hardesty:** This is my third go-round with the process and each time I learn about one -- I learn more about the judiciary responsibility that you play and it shows our values are leading the city's investments. I really appreciate the public testimony that we are not unintentionally investing in companies that either change their name or create subsidiaries that are in opposition to the values at the city holds. I'm grateful there will be quarterly updates to make sure continuously that you're not doing one thing and saying something else. Bridget O'Callaghan you and Michael have done an excellent job. I asked you a lot of questions that actually came up during the council meeting. And I appreciate you taking a pause from what commissioner Rubio said that this is how counsel should work but then collectively at the city of Portland I look forward to see what's next.

**Clerk:** Wheeler?

**Wheeler:** Great job. The resolution is adopted. Next is the second reading.

**Clerk:** Authorized application and accept the words from fema and the amount of \$1,665,000 for the Portland international raceway pump station upgrade projects.

**Wheeler:** We've had an opportunity for public testimony is there any further business on the item? Please call the roll. [roll call]

**Wheeler:** The ordinance is approved. Next item, 929 second reading.

**Clerk:** The authorized contract for engineering services for the Columbia boulevard wastewater treatment plant and building rehabilitation project \$4,374,679.

**Clerk:** No further business on this item please call the roll. [roll call]

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Ryan

**Ryan:** I was actually out there last week on a site visit I am enthusiastic.

**Clerk:** Hardesty?

**Hardesty:** Aye.

**Clerk:** Wheeler?

**Wheeler:** Aye. The ordinances adopted. Number 930.

**Clerk:** Established 2022 sale price cap for the homebuyer opportunity limited tax exemption program.

**Ryan:** Mayor and colleagues have like to propose an amendment to the resolution. I would like to propose an amendment to the resolution to change the price gap of the annual sale price from \$412,000 through the 2022 calendar year to be \$430,000 which we go into effect January 1st 2022. This will help ensure builders are incentivized to participate in this program that increases homeownership properties for moderate household incomes at or below 100% the median income.

**Wheeler:** I second your amendment. Commissioner Mapps.

**Mapps:** I just want to second.

**Wheeler:** Any further discussion on the amendment?

**Ryan:** We have invited testimony and some people sign up.

**Wheeler:** Commissioner do you want to hear the bureau presentation first?

**Ryan:** Let's hear the guest.

**Wheeler:** It sounds good.

**Ryan:** I would like to invite her first guest to speak. Sarah, you are on the line the floor is yours. You have three minutes.

**Sarah Koski:** So I just want to talk about my story quickly. Born and raised in Portland and raised all my life. As we all know so the place that we have been in almost ten years. And I got to the point where I rent annually raised, it was \$100 a month, which is not sustainable. Unfortunately, I was in a car accident that was not my fault. That allowed me that out as I saw an opportunity to invest in a home, best long-term. Honestly, if not for that, I would not have qualified. So that is my story. I cannot imagine the additional expenses, additional hoa fees went up than what was expected on my condo, but if not for that program, I would not have qualified and I would probably still be renting and paying increased rent every month. That is it.

**Ryan:** Thank you so much for your testimony.

**Ryan:** Up next Justin Wood. The floor is yours.

**Justin Wood:** Thank you commissioner. I just want to take a minute I am one of the builders who has been using the waiver close to 20 years. For every year we have seen this program go up at some amount and some years it has been quite large maybe even \$50000 and it has been smaller and those single digits so they all plan on that going up some amount with what we will do for next year. And then to utilize the stc waiver program and for us if we are looking at the houses for next year you have all seen what has happened with the lumber market in the labor market everything tied to housing you can imagine in 2021 prices went up 21 percent. So for us to still be able to sell and build houses to a very important marketplace with the median family income it's to bring the market a product. I am glad to hear commissioner Ryan reduce - - increase that amendment because of 412,000 I know the majority of the houses I have planned the next year we just cannot bring to market and sell. Which unfortunately pushes us further away from being able to put houses not price range if we cannot do that 12 than that cap of where we get the discount to the buyers that makes us jump houses up to about 460 to get us back to a place to be in the same price range for 12 really becomes for 60 if not selling to a qualified buyer. Thank you to all of us we have talked about and thank you for the amendment to hope you can find a way to support it. Thank you.

**Ryan:** Up next. Please go ahead.

**Jardima Kroeker:** Thank you mayor and commissioners for allowing me to speak. I have lived in Portland for 11 years I have been trying to buy a house for 11 years. On June 27 the hottest day in history the pipes in my rental house first flooding the entire house making me house lists I have been trying to buy a house entering into for sale agreements but the challenges is an affordable house that doesn't need extensive repairs and I had to walk away from three of the four because they failed extent on -- failed expectation - - inspection. And then the whole tax rebate was the final piece that made it affordable for me. Sometimes it is three or \$400 that is the difference and I work two jobs. And they work with people in vulnerable situations getting criminal records expunged for free and as a mentor it's important that I be able to show how we can rise up to buy affordable housing and to obtain actualization. So thank you for having this program available. Thank you very much.

**Ryan:** The floor is yours.

**Eric Thompson:** Thank you commissioner Ryan. Building homes here in Portland for 15 years and then with its east side neighborhoods. I cannot applaud the cities and commissioners enough for passing that which allows us to build multiple homes on a single lot. We exclusively built larger new construction homes, basically one house per lot. This is what a lot of people would refer to the McMansions that many objected to as part of the original discussions the past several years with the cost of land permits and fees. It's not uncommon for new construction homes to cost upwards of \$1 million in today's market, so truly not affordable by any measure. With the new code in place, we 100 percent focused our efforts and plan on building in the upcoming year, approximately 60 new smaller homes across the 15 lots. And with that median price point that has come out at 500 8f thousand dollars and the average price of 571,000. Many of these projects and we are hoping out to become to participate in the waiver program so we can see how the programs were intended. So the two most recent sales were young families were both parents worked in both cases one was a teacher and one the other period worked in a restaurant and the other as a public employee for the city. So prior to the co- these are traditionally that cannot afford a new construction home just like the person who testified before me. So I go the thoughts that we just cannot build these houses at 420,000-dollar price cap. I am in full support of commissioner Ryan's increase and we look forward to participating to bring a large number of homes on to the market next year to have those exact type of participants. I you can pass this.

**Ryan:** That is all the testimony that we have a think we can turn it over to public testimony.

**Clerk:** Three people have signed up first is Ryan Makinster.

**Ryan Makinster:** Good morning. Thank you for the record my name is Ryan I am the director of policy affairs at the homebuilder's association I am a registered lobbyist but as a couple of the homeowners take advantage and then to speak more eloquently to the program so first of all thank you to the counselor you were made aware. And as said earlier you took the effort so that's the way they should work. So I really do appreciate that. And then making time for all of us to speak to you. I just want to point out the highlighted issues census is previously under consideration since that time 12 months ago production causes have gone up 17.2 percent if we look back to last June that number is higher. We expect lumber to start going up again. So they are expected to rise again first quarter. And that another issue. And this is the

property tax waiver program that developed value and that is kept in the open market. That's important. That they can still offer that discount so as the previous testimony said moving from 460,000 down at 420. So finally I just want to say that we appreciate your time on this. I hope you can join us in supporting that.

**Clerk:** Next up, Douglas MacLeod.

**Ryan:** Is Douglas here.

**Clerk:** Douglas you are muted, are you able to unmute?

**Douglas MacLeod:** I apologize for the internet I believe it's a hand crank system. Thank you for pivoting superfast to and to others on those issue. Is not perfunctory at the super busy time of the year I appreciate you. It has just been super busy. Thank you very much. I don't want to speak too long I would just reiterate what other builders have sandwiches programs getting squeezed so much it doesn't make sense to pursue this. It is funny because the issues on process, I was at this number last week more or less by accident. With the development that they are currently planning, and as soon as I saw the number of blade increase, I said stop. I don't know what I'm going to do with the number doesn't change. My program will change and there will be less middle income housing. Fifteen years almost exclusively, and I have been bird dogging lots for years for folks uses the program, and I know those numbers pretty darn well. And then to track the larger market. That's all I have to say.

**Clerk:** Next up, Michael Mitchoff.

**Michael Mitchoff:** First, I would like to say thank you for your time this morning. And as a neighborhood resident, I first want to say good job and thank you for the efforts you have done most recently and though whole neighborhood is thrilled. We seriously appreciate you. You are doing a good job. Keep it up. My name is mike and I have a small building company here in Portland. Portland house works. Seven years ago be shifted or modified what we build to build smaller than average houses to try to hit sound entry level market affordable houses. I have a lot of experience building between 15 and 20 houses per year with the intention of right now close to 60 for the next couple of years given the provisions of the residential project. I have a tendency to ramble so I will be does that I put together so it's a good use of your time. First of all the waiver program is a great program for everyone involved that builders can deliver and with constant cost pressure on materials, labor and land it is getting

consistently harder and less attractive to deliver. And those that recently accounts for the increased cost in order for us to participate. I know I speak for most of the people in the building community because I run that division so I talk to these people all the time. So the goal of this is homeownership everything we know about the cost of constructing and the time involved local pricing that current buyers are experiencing so why would be further hamstringing the ownership opportunities for those that want to buy into our community? The program is consistently raising their pricing threshold from the seven and a half years I have participated or have been willing to participate in the program so why would we not increase it? I will take your comments. I will take your questions or comments off-line.

**Ryan:** That is the last testimony.

**Clerk:** Yes. That completes public testimony.

**Ryan:** Mayor we have to vote on the amendment first.

**Wheeler:** Also want to make sure commissioner Ryan or if anyone has anything they want to present quick.

**Ryan:** We have staff here as well as the policy and planning manager do you have a question or comment?

**Wheeler:** I would like to ask director O'Callaghan her reasoning to not actually raise the threshold because I would like to know that about the amendment.

**Brigid O'Callaghan:** Good morning. So the overall rationale for the homeownership programs is to target lower incomes that 100 percent and especially focused on communities of color where there is a minority homeownership cap. And the program itself is a wonderful program and it is subject to economic forces and it is a mismatch with the cost of housing in people's incomes. So that problem will exist no matter where you set the price cap for the program we usually do a modest increase we increased at \$7000 in your before that 10000. So it is traditional we do raise that. We are at the overall crux of the issue with rising homeownership rates. So this will bleed into all of our programs that affects the private market. So that is some of the rationale coupled with the fact of the changes to better housing by design what the commissioner is proposing is modern increase of just over 4 percent from the previous years price cap and as the development community as you are on the call. We did have a communication maps reaching out to the stakeholders, and I

apologize to them. I will say that our bureau has many families and households are experiencing pandemic related challenges. That was our rationale.

**Hardesty:** Thank you very much, director, because I share that same concern. Wages are stagnant and everything else is becoming very expensive. Making sure not making the possibility of homeownership available I'm hoping this change does not reduce the number of people who have the ability to buy homes at the lower end of the homeownership scale. As someone who spent the last 14 years I know how difficult it is to build to the affordable housing I don't know who can answer this question but what is the outcome of this change what would be required compared to what was proposed before.

**O'Callaghan:** The income level remains the same so the buyer has to be at 100 percent in line or less with the family of four is \$86900 so the difference in the pricing is based on who can afford first of all there is availability for the units and household. So what that may do is those who have larger down payments or smaller down payments it is a small program overall there is only 100 applications we can approve each year. And where we're at with this present and where they need to reassess where incomes are and the realities of the market. It is true the median family home price has gone up \$100,000 in the last year. That is astronomical. So you will see from us so to talk about sodomy alignments and programming and also try to realign some of these programs that you have passed into better housing by design so I would assume over the next year and a half we will have a better idea of who is buying at the increased rate and what some of those factors are we should consider.

**Hardesty:** Thank you so much director O'Callaghan. It is a sober reality of where we are the want is to make sure we are crystal-clear of the choices we have ahead of us we are talking 100 homes per year that I already know there's not one zip code in the city of Portland where black people not any in the entire city and not one zip code where they can afford a home. So until we deal with the fundamental income inequality that exist, it feels like we are using a teaspoon to stop the titanic from sinking. Thank you. I appreciate that.

**Mapps:** Essentially I want to underscore that concerns it seems like in the context of affordable housing that we are caught in an increasingly structural problem. Housing prices have gone up extraordinarily and incomes have not risen analogous. So I do see a coming crisis toward the city. If it's not already here, I do think it is time to enter the discussion for

more affordable housing to the city especially homeownership opportunities across the spectrum and I just want to encourage commissioner Ryan and those that housing to launch that discussion. It cannot happen soon enough.

**Wheeler:** Any further discussion? Please call the roll in the amendment.

**Clerk:** Mapps?

**Mapps:** I want to thank everyone who testified today. I also want to express my appreciation for my colleague to bring this forward. I am a big fan of the program. And to the city of Portland, for many reasons, the homeownership which is the most effective way with wealth accumulation. I want to see more programs like this. I look forward for future conversations so we can continue to help low income Portlanders achieve the American dream and for these reasons and more I vote aye.

**Clerk:** Ryan?

**Ryan:** Colleagues, I will go ahead and do my remarks. I just want to talk about utilizing the whole program that we want to keep active. Earlier it was intended to facilitate homeownership from low to moderate income households. The utilization on an annual basis nonprofit developers typically sell between 20 and 30 homes to qualified buyers. The builders that you have heard from and those consumers as well then participated. So between from the five and we want to keep that going also how the dramatic increase of median home sale prices with material labor cost and the supply chain have forced builders whether to participate in the program are not or to build larger homes in the market. In contrast the nonprofit developer should use of Portland housing bureau to offset the district on -- the instruction and having 100 k less then the for-profit builders. This is a holistic program we will keep studying it. But remember there is a supply so a story about last night I used to collect vinyl albums and I just assumed like Michael Jackson album it would be worth more but it turns out there's tons of Michael Jackson albums out there so the prices low that there is no supply for others I found out this is worth a lot of money that is just an example of the simple equation of supply and demand you cannot look at one without the other. This time I'm not willing to take a risk for those who are willing to participate in the program. And government cannot do it alone. So and then to the threshold so they are incentivized to participate. The goal is to create different outcomes then we need to think differently about



that program and how it is utilized in the true north star goals. But the point is it is way more complex. And then that historical data. And then to have more homebuyers. And those that have not cannot the table. And then also to incentivize the homebuilders to the violet utilize the program and then to go back to building larger homes and higher prices. And those we have more work to do to improve racial equity the enthusiasm you have shown on this amendment means you will be at the table was systemic challenges and this means there are compromises to stay at the table how we get to the north star goals this resolution also highlights the bigger change to closely evaluate how to address the gap for median family incomes and how it meets the intended goals. With all that said I'm very excited to have a lot of progress the last few days and it was a busy time of year and I think the builder community and my colleagues and everyone we have dialogue about this position last few days I appreciate it. I vote aye.

**Clerk:** Hardesty?

**Hardesty:** Building those units per year is a priority for the city of Portland. And those who live or work can afford to live here. And that is not the case today to solve it by itself so we have reports coming back around many of the housing bureau programs and what the role will be in the future. The reality is that is a decision as a counselor we have to make. I will support the proposal I think the case has been made that honestly we are not building housing. This is not middle income housing and we should start telling people that it is. This is housing for professionals that can afford two incomes to purchase a home. That is what this is. And even putting an end housing so council should stop pretending we make opportunities available for lower income people. So I support the amendment. I vote yes.

**Clerk:** Wheeler?

**Wheeler:** Thank you to commissioner Ryan for bringing this forward, for those legitimate concerns, and this furthers the progress as we have heard from private testimony this morning. I vote aye and the amendment is approved any discussion further. Please call the roll. [roll call]

**Wheeler:** Next up, second reading 931.

**Clerk:** Approve application under the Multiple unit limited tax exemption program under the inclusionary housing program at 4525 southwest California street.

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

**Wheeler:** The ordinance is adopted and now to the pulled item from the consent please read the item.

**Clerk:** Pay property damage claim of Jennifer Ginger in the sum of \$6144 resulting from a motor vehicle collision involving the Portland Police Bureau.

**Wheeler:** Who pulled the item? Let's hear from them and that made focus the conversation.

**Clerk:** Marc Poris.

**Wheeler:** Alright Mr. Poris, 3 minutes for the record.

**Marc Poris:** For the record I am Marc Poris. I use he had and I lived in northwest Portland. But it is a mysterious settlement attributed to the police bureau. That is above the threshold and I testified on December 1st that all settlements about \$5000 regular agenda by default but for transparency to allow public comment and I was asking you again. Please put the settlements on the regular agenda. Regarding the item from December 1st. We heard from the city attorney. To tell us about the \$25000 settlement. And then in the process of being arrested she was pushed over suffering injury to her thumb requiring surgery. That's not the whole story but it is a glimmer of transparency. So please let all settlements on the regular agenda from here on out I'm interested to hear about this incident. Thank you.

**Wheeler:** Thank you. Joseph you give us some information on this please?

**Joseph Jesse:** This is a motor vehicle collection near 6461 February 29th, 2020 at 6: 00 a.m. Police was on route to assist another officer he was approaching a corner westbound when the vehicle slid and hit Jennifer Ginger's Jetta parked on the side of the street. It was dark and rainy at the time the parked vehicle was unoccupied. The vehicle was determined to be a total loss in her insurance carrier pursued subrogation of this matter with evidence of damages \$6144.4.

**Wheeler:** Thank you. Is there any further testimony on this?

**Clerk:** No.

**Wheeler:** Any questions? Please call the roll. [roll call]

**Wheeler:** The Ordinance is adopted. Item 917 was also pulled from the Consent Agenda.

**Clerk:** Pay settlement of Dimitri Stoyanoff bodily injury lawsuit for the sum of \$100,000 involving the Portland police bureau.

**Wheeler:** Anyone signed up to testify?

**Clerk:** Two people signed up.

**Wheeler:** Three minutes each name for the record.

**Clerk:** First up, Marc Poris.

**Poris:** Me again I am Marc. This is another item pulled from the consent agenda. If somebody decides if it goes on the regular agenda or the consent agenda but this on the regular agenda. 82 percent of Portlanders voted to have an oversight board to deal with issues like this so hopefully to keep dangerous cops away from committee members. 82 percent we would have decided maybe we should talk about this at the next council meeting. If you like city council on the other hand just hope this will go away, maybe think there's just a few bad apples, but there is nothing you can do because the current system of accountability and the cops don't face consequences anyway. But then \$125,000 settlement. The city has learned from this incident. So now this comes at the expense of health and welfare and instant committee members through the first amendment rights.

**Clerk:** Next up, we have Dan Handelman.

**Dan Handelman:** Good morning. I use he/him pronouns. Want to echo the call for particularly items from the consent agenda. Pretty sure he made that a policy like to see that the back in place. So this incident seems to be read as part of the political bias, talking about this with the protests, how they all have their backs turned to protesters carrying guns, even in the gun free zone. And then Tuesday register to vote here. Those that are two not to register to vote to say it is a weapon there are plenty of people carrying picket signs. There are now over \$500,000 settlements for protests and that through 2020 that it keeps going up and up. We understand there is a self-funded insurance pool of money the city has but that comes from taxpayer money in the first place we should not be looking at these cases as noted the opportunity for us to make sure that these things don't happen again but when city settles even if it is a jury award but nothing happens to the officer involved. And the officer is being represented by outside counsel and being sued for this incident I'm not sure where that fits into the settlement but that is an interesting development. With the cost of doing business we should note the largest number and 16 years paying out a very large sum of money and that's another thing that has to come back. And then as they testified last week investments

policy. Or that to be fully implemented just having promises that they will not invest in nuclear weapons that is not satisfactory. You could trust that everything would be okay but something happens down the line. That is indirectly responsible. So the money should be, the police find. Like they did in Colorado. Individual officers have to pay out of their own pockets. I'm just hoping the city council takes all points of consideration.

**Wheeler:** I don't speak for the whole counsel that when I speak on the issues and that goes well beyond the scope of the settlement. That is a negotiated agreement between the city and those through their attorneys or to the insurance carriers do accept that agreed-upon settlement you have important but other issues not directly related enemy of other ways of engaging around police practices and use of force and discipline that are also a public process of course the crc reviews all these questions with use of force and the opportunity if they so choose to act the group that has been repeatedly funded by the city council for use of force cases to bring that information so I want to be clear we address those settlement issues that does not mean rest of the issue goes away what has been swept under the carpet. It just means when these come to council and they are on the consent agenda it is the question of the settlement. Do we agree or not? Your broader point is well taken it requires a deeper look in terms of policy and what happened and how things happened and how they unfolded. I just want to be clear whether or not we accept the settlement. That is my thinking with these particular issues. If council were to override me I would certainly comply. But I believe we have the correct form when we talk about negotiated settlements. I believe we also have invited testimony for this.

**Mallory Beebe:** My name is Mallory, and I'm the deputy state attorney. I am a representative in the city as well as one of the officers. This case stems from September 20, 2020. Protests that occurred in north Portland. The plaintiff was gathered in the park with other protesters holding a sign on a tall pole. The police bureau officers determined and attempted to take the pole. He alleged that during the interaction, officers used excessive force and he also alleged he was unlawfully arrested. He filed a lawsuit in federal court against the city as well as two individually named officers alleging excessive force, assault, battery, wrongful arrest and other violations. Given the risk there could be an average jury verdict which would include her could include the attorney fees, the parties negotiated a settlement October 2021. The

parties have agreed upon a settlement amount of \$100,000 which includes attorney's fees to resolve this lawsuit. The city attorney's office as well as risk management recommend the city council approved the settlement and one of the counsel attorneys is here as well. We have been asked to address councils now I will turn it over for any remarks to be made.

**Franz Bruggemeier:** Thank you. Thank you for all of your work to help this case come to resolution. Thank you for your testimony and hello and good morning to the city council and city staff on behalf. I use he or they pronouns I am one of the attorneys along with Jim and Juan Chavez. I will be semi- brief but I also want to give voice to what lies experienced and some of the issues that we have seen in protest in general and in this case. I will be showing some videos. I think I have the ability to show my screen. And those that are seen and acknowledged by the city and public. That first briefly I want to tell a quick hypothetical story to get a feel for what the legal issues are involved and how we might feel about the police conduct what was experienced in a slightly different context. So let's imagine walking through chapman square and the word for world is for a stand out loud. I say this is an amazing book. And officers sees me. Sit there and admires my book and thinks I was told to stop people from having weapons in the park. I saw a book used as a weapon. Somebody can hit someone with the book. So I will stop that person and take the book. Maybe he sees me and just doesn't like me. Maybe he doesn't like the way I left as long as he has legal justification he can do that. Regardless of what other underlying circumstances are. Portland city code prohibits people from possessing weapons and parks. A weapon in a park is described as either an object to cause physical harm to carry that out. To risk guns and knives and tear gas canisters. And all kinds of things. And that is prohibited from the park. And that is carried with the intent to cause more physical harm to a person. And then to use that weapon or that object as a weapon. And then the officer approaches me and stops me and obviously I will be surprised. And if I refuse to let him steal it. And then interfering with the police officer. That is a crime if it prevents an officer for their lawful duties. Or if they refuse to obey an unlawful order for when a person engages in passive resistance. And then he pepper sprays me and then throws me to the ground. And then arrested for interfering with the police officer. And he has no right to take that book from me. He has no lawful reason to stop me because I'm not doing anything wrong. And we say that in a way. Because that's exactly what

happened. Just past 10:00 o'clock p.m. He was at the announced gathering place for protesters when they were going to march in protest. And those that were just milling around the park. And then to protest police violence particularly against black people. He was also there to encourage people to register to vote. He has a sign that says vote. Register here in support of the black lives matter and was wearing a blm shirt. And then the searches and seizures and arrest disproportionately directed at black and other committee members of color. That the narrative the police that everyone wants to believe that there are whole groups of good protesters if any would left-wing protest in particular on those violent protesters. And they only use force and weapons against bad criminal process on -- protesters because they had to. That is not the reality. They used weapons and no impact we nations and all sorts of individuals. Those chanting and those that happen to be residing they use so much force and much of it was unconstitutional because it was not directed at individuals but there were 6000 reported uses of force. There was so much unconstitutional force that it became normalized of the protesters of what happens to you when you attend a protest. And then just for standing there or chanting or even following orders to disperse. That is not okay and that protects our freedom of speech and the right to be free from excessive police force. It certainly not okay for city like Portland. As you can see in the video with the protester narrative that is not true you can ask for a more peaceful protesters. Holding a cardboard sign in to register to vote. May not understanding their legal authority to respect their constitutional rights and those to stop others to violate people's rights but that is what we saw throughout the protest last year they were wrongfully and unconstitutionally believe that they could do something they would do it and violate people's rights and then nothing would happen to them and they were not be held accountable and do it again the next day. They did not announce the gathering was an unlawful assembly worker they have declared it to be because people were just standing around in a park. The Portland police said they were there to seize weapons and find other violations of park city codes the incident commander that day told sergeants to look for weapons and sees them and the sergeants told the officers to do that but again things are only weapons or they are being used as a weapon. And that sure incident. Are you able to see the video?

Many people in the streets last year were out there because they want a city that does not allow the public servants to abuse their power. They want systems that support people in the community to help them to heal and be healthy and safe and public money to fund public services to provide that help. But then reverting to police violence and some more accountability that the city does not believe or allow police to go above the law. Yes, I were to do with those officers were to do to someone in a park, then similarly there is no difference. But there was no local justification for attacking or arresting him. He was arrested just for interfering with an officer. So another angle that shows a little that more what happened before the incident. I'm sorry this is just another angle to give a little more context of what was going on. The officer who had the pepper spray and pepper sprayed another person before he pepper's white on -- pepper sprayed. Is the sergeant in charge of the rapid response squad in the park that night. He is the one that ordered the officers to arrest the defendant for having a flimsy pvc pole with a cardboard sign on it. What you might have also seen are not seen in that video is that he was standing holding the pole. It was the pole with a sign on it. He was not moving he did not move towards or against the officers that the movement he did do was push and pull by other people. So briefly to talk about under the directives what allows an officer to use pepper spray against a person is if that person is engaged in physical resistance and performs in a physical attempt to evade officers lawful control. And then what the officers were doing had no legal justification. Sergeant Emeryville the moment the pepper spray that they were taking weapons from people that including shields and knives or anything that can be used as a weapon with the city code that specifies a foreign object not designed to be a weapon to be a weapon in a park that has to be shown it is used as a weapon. When the officers tried to take his pole & ampersand and his nine. - - sign. And then in the next video, I want you to look at the people and those who are providing medical services. There is a family in that medical tent. There are on -- there's a family eating food when officers approach and attack him. Sorry this is taking a while. The officer that you see with the orange strap across his chest is the one who takes him down and kicks him in the ribs. What we have seen there when the officers believed they could take what they believe is a weapon. They said justify as a weapon, to rely on what we saw last summer where police consistently and improperly rely on the actions of other people and

crowds and then those people have nothing to do with those other people who previously used pole three days before against police and an unlawful way. To be clear that constitution does not allow for police to do that. Only actions of the person to use for signing is relative circumstances at that time. That the law and the constitution does not allow for a group punishment does not allow for the police to punish for what they like what they don't like and to punish people for expressing themselves. The defendant knew he was doing nothing wrong he was in a park he was holding a sign about rogers on -- to register to vote they approached him and he passively resisted by keeping a hold of his sign and for that he was attacked and arrested for daring to passively refuse to allow police to do whatever they wanted he was attacked. This settlement allows the city to avoid going to trial because there is a risk of a much greater reward and to avoid with all the details coming out during the trial and out of control it would be. So the city also avoids the cost of going to trial. They don't want to spend city resources, and then to say this was an unlawful and violent attack with the exercise to speak and he wants what little justice that it affords. And it is silent, but not explicit acknowledgment for what the police did is not okay and what they did is not constitutional or acceptable. I think we have forgotten after seeing hundreds of videos of illegal police violence during the uprising for black lives that is neither normal nor acceptable or constitutional. For police to use ways from last year against protesters. It is not new. We just have to look at the cities settlement. A few weeks ago after the city was sued when a police officer shot him in the head with a less lethal munition. Showing up at the protest last year not knowing too much about the issues that he knew there were a lot of problems with policing in their from others they are and he learned how police violence against protesters how common that is. He went there because he thought it was important to help people understand the rights to vote how to register to vote and then to help to register 100 people and he had discussions with all types of people whether they can register that he did not take anyone's information he just helped them to register to vote. He also went to those protest with his wife and kids. And they went to learn about the issues and they were not okay with the way the police acted against black people and people of color. And those that are a strong safe community. That can create a stronger and safer community is accountability. Police acts of violence harms the community in ways beyond actual physical harm including a



roving trust to do what is expected and needed. When serving in the marines and Iraq he knew that he should not follow illegal orders and knew that he had a duty to report illegal activities of his colleagues he expects Portland police to do the same. But what he saw and experienced show the sergeant who ordered officers to do something they had no legal authority to do and violated the first amendment and fourth amendment rights he experienced sergeant who use pepper spray to carry out that unlawful action which itself is a constitutional violation. Officers all around him at least one through into the ground and kicked him in the ribs know whether officer stopped doing that. Use Portland police did nothing to discipline these officers for violation of his rights the police bureau and the city refused to acknowledge any wrongdoing other than the tacit and silent acknowledgment they could be fine for violation of rights. When he started to go to the protest, he was not someone who joined the crowd all cops are bastards because he does not believe that. But he was surprised when they attacked. And what he had seen an experience meet him understand where that sentiment comes from and that's what I have heard from those that protested last year. It is not just the bad acting officers that not don't trust the police but also the officers who do nothing with those fellow officers illegally harm people it is the sergeants who approve of the bad actors or order them to do that it is the police command that do nothing to retrain or educate bad actors and the city continues to allow public safety employees to keep doing all of that over and over again. So it's not just a few bad apples but a culture to allow bad apples to thrive makes people understandably believed the city needs to act to stop. But those who fail to discipline those officers and those lawsuits against unconstitutional attacks and the overwhelming number of voters all want to see police violence stopped, and those that have constitutional rights to be held accountable. These lawsuits are paid from public funds. The officers are not affected at all. Their jobs don't change. They are not disciplined. You have mandatory training. They don't even have mandatory training to teach them what they did was unacceptable and unlawful because they don't do anything wrong. Everything is justified. There are systems that exist to hold officers accountable, that the will to do, that does not exist. And it needs to change. What will it take to force the city to end that constant cycle of violating civil rights and illegally hurting people with impunity? I would assume we have reached that point so I am

concluding but we also urge us city council to do more to prevent these acts of police violence from continuing to happen again and again. Thank you.

**Wheeler:** Have others signed up?

**Clerk:** No.

**Wheeler:** Please call the roll.

**Clerk:** Mapps?

**Mapps:** Mr. Mayor and colleagues I support this and here's why the ordinance the city of Portland next accept responsibility for an incident that never should have happened. I also support this ordinance because I believe this council has taken steps to make sure incidents like this will not happen again. In the past year the council has taken important steps to improve police training and accountability and capacity and for example I look forward to the implementation of body cams for police officers and the establishment of a new civilian oversight board and possibly the adoption of a new discipline guide for these reasons and more I vote yes on the settlements.

**Clerk:** Ryan?

**Ryan:** Thank you for showing up today and for the presentation. That was very helpful. Accountability is what this is all about you are at the right spot and I look forward to continue to see our future policy with a culture change we are making great decisions. I don't favor one -- I vote in favor.

**Clerk:** Hardesty?

**Hardesty :** First, my apologies. What happened to you never should have happened to any community member. I apologize on behalf of the city of Portland that you had that experience. Today visiting those videos 20 and 21 -- 2020 exposed a lot for us that those systems as a council and community needed to change. Seven bills are passed in the legislature last session that helps us to create a new standard in community safety. I personally with the support of the entire city council, likely effort to have the first of its kind truly community independent police oversight board. One of the commissioners will come back any two months and present to the council a policy recommendation to fully recommend to implement the oversight board. We approve the hiring they civilian training company in 30 years of working with accountability and with community but not at the

expense of community. I am looking forward to working with the new training for those that are in inclusive. We also had her own bill passed to ensure the accountability commission takes a seat and to have you 30 and then we are rebuilding at the Portland police bureau and I'm excited for the opportunity to start recruiting high school folks from our community into all first responder bureaus. So as we are preparing for this new generation. And with the community safety officers. They are grounded in the community to be held accountable. And then to speak to the public showing up at council meetings. It would be irresponsible for the council prior to settlement. I do not want any to think that we are thinking about her feeling or empathetic. I have a responsibility does that jump up and down? We have an obligation to 600,000 to make sure that anybody who offers the responders system. Thank you all for showing up today. Thank you for your testimony. Before we pull this item, I don't think we should have 100,000-dollar item on the consent agenda. I think it is in the public's interest, and we will work with my colleagues to see where that line is and hopefully we can all come with a council decision that makes a full public dialogue and conversation. Thank you for your service.

**Clerk:** Wheeler? If I can just interrupt, we have someone else that wish to testify.

**Wheeler:** We are calling the role.

**Hardesty:** She has been here the whole time. I was wondering who she was.

**Wheeler:** Let's do this three minutes for the record and we will suspend about.

**Karen Bond:** I'm actually a senior claims analyst.

**Clerk:** The person on the line you wish to testify is Joy Wilson.

**Joy Wilson:** My name is Joy Wilson and I want to start by stating I'm in full support of the settlement for the suffering he endured at the hands of the officer want to be clear I am only in opposition to the process or lack there of that leads to the repeated need of the settlements. As a full-time working mother of two teenagers I've been working hr over 15 years I just love serving the greatest asset. And is the intervention training and support to course correct however if repeated efforts for improvement are unsuccessful or there is no effort to grow than the behaviors are bad and sometimes there is no second chance and those two pay attention so out of that 300 k we the taxpayers pay the consequences of the abusive cops. My tax dollars as a single mother have to pay for this this is an unnecessary win

and repeat cycle of police brutality's settlement. And those with the black lives matter. And those that created the \$100,000 settlement other than he did not like my assertion that black lives matter if I had not seen ample video footage I may not have believed how blatant that abuse of power really was as was mentioned that not to fall into the t14 it. That was not my perspective. But I tell you that it is really hard not to maintain a fair perspective out after what I experienced. That was September 8, 2020 the victim today was abuse also abuse 20 days later on the 28th. And those to hire more officers is not a solution. And what are you doing to stop the settlement cycle? What are you doing to address the bad acting police and those that support that?

**Wheeler:** Thank you.

**Clerk:** That completes testimony.

**Wheeler:** Thank you for giving us a thorough presentation, and thank you for the defendants for working with the city council on this agreement. I feel this is fair. Thank you for what you've done for the settlement. I vote aye and I believe that concludes our business this morning?

**Clerk:** It does.

**Wheeler:** We are adjourned. Happy holidays to everybody on the line.

**At 11:34 a.m., Council adjourned.**