



February 16-17, 2022 Council Agenda

5648

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Wednesday, February 16, 2022 9:30 am

Session Status: Recessed

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Linly Rees, Chief Deputy City Attorney; Keelan McClymont, Council Clerk

The Consent Agenda was adopted on a Y-5 roll call.

Council recessed at 11:16 a.m. and reconvened at 11:26 a.m.

Council recessed at 12:04 p.m.

Communications

87

[Request of Dee White to address Council regarding the Water Bureau's lead problem and lack of urgency](#)
(Communication)

Document number: 87-2022

Disposition: Placed on File

88

[Request of Portland Advocates for Lead-free Drinking Water to address Council regarding the Water Bureau's lead problem and lack of urgency](#) (Communication)

Document number: 88-2022

Disposition: Placed on File

89

[Request of Abby Greenfield to address Council regarding banning the sale of foie gras](#) (Communication)

Document number: 89-2022

Disposition: Placed on File

90

[Request of Peter Rose to address Council regarding the housing crisis shortage being exasperated by requirements from Bureaus](#) (Communication)

Document number: 90-2022

Disposition: Placed on File

91

[Request of Bryan Wellington to address Council regarding child support laws](#) (Communication)

Document number: 91-2022

Disposition: Placed on File

Time Certain

92

[Create the Errol Heights Local Improvement District to construct street, sidewalk, and stormwater improvements \(Hearing: C-10064\)](#) (Ordinance)

Document number: 190716

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Transportation

Time certain: 9:45 am

Time requested: 30 minutes (1 of 2)

Disposition: Passed to second reading as amended

Motion to accept substitute Exhibit E: Moved by Hardesty and seconded by Wheeler. (Y-5)

Passed to second reading February 23, 2022 at 9:30 a.m. as amended

93

[Authorize a full payment deferral loans program to property owners in the Errol Heights Local Improvement District until the participating property is sold and/or title transferred to another owner or entity.\(C-10064\)](#) (Ordinance)

Document number: 190717

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Transportation

Time certain: 9:45 am

Time requested: 30 minutes (2 of 2)

Disposition: Passed to second reading

Passed to second reading February 23, 2022 at 9:30 a.m.

94

[Accept the Year Six Bond Oversight Committee Report on the \\$68 million Parks 2014 General Obligation Bond](#) (Report)

Document number: 94-2022

Introduced by: Commissioner Carmen Rubio

Bureau: Parks & Recreation

Time certain: 10:15 am

Time requested: 15 minutes

Disposition: Accepted

Motion to accept the report: Moved by Ryan and seconded by Rubio. (Y-5)

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

95

[Authorize Bureau of Environmental Services Director to offer market-rate and Safety Net loans to property owners for sanitary sewer dump installation when required by City Code and for repairs on private property to continue sanitary sewer service](#) (Ordinance)

Document number: 190718

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Time certain: 10:30 am

Time requested: 10 minutes

Disposition: Passed to second reading

Passed to second reading February 23, 2022 at 9:30 a.m.

Consent Agenda

96

[*Authorize a sixty-six month lease with GVI-LC Harrison Square Owner, LP at 1800 SW First Ave for office space for the Fire & Police Disability & Retirement Board for an estimated annual cost of \\$198,000 \(Emergency Ordinance\)](#)

Document number: 190700

Introduced by: Mayor Ted Wheeler

Bureau: Facilities; Fire and Police Disability and Retirement; Management and Finance

Disposition: Passed

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

97

[*Pay settlement of Patrick Dundon bodily injury claim for the sum of \\$25,000 resulting from a motor vehicle collision involving Portland Fire & Rescue \(Emergency Ordinance\)](#)

Document number: 190701

Introduced by: Mayor Ted Wheeler

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

Disposition: Passed

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

98

[*Pay settlement of Matthew and Gina McMahon bodily injury lawsuit for the sum of \\$15,000 involving the Portland Bureau of Transportation \(Emergency Ordinance\)](#)

Document number: 190702

Introduced by: Mayor Ted Wheeler

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

Disposition: Passed

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

99

[*Authorize a Settlement Agreement between the City and Oregon AFSCME Council 75 Local 189 relating to the terms and conditions of specific represented employees' merit increase and cost of living adjustments](#) (Emergency Ordinance)

Document number: 190720

Introduced by: Mayor Ted Wheeler

Bureau: Human Resources; Management and Finance

Disposition: Passed to second reading

Passed to second reading February 23, 2022 at 9:30 a.m.

100

[*Authorize signatory authority to the Director of the Office for Community Technology for letter agreements granting access to the public right-of-way](#) (Emergency Ordinance)

Document number: 190703

Introduced by: Commissioner Carmen Rubio

Bureau: Community Technology

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

101

[Authorize Asset Purchase Agreement with East Portland Solar, LLC to purchase the solar facility at East Portland Community Center for \\$23,000](#) (Ordinance)

Document number: 190704

Introduced by: Commissioner Carmen Rubio

Bureau: Parks & Recreation

Second reading agenda item 80.

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

102

[Accept the City's project submittals for the 2025-27 Metropolitan Transportation Improvement Program Regional Flexible Funds Process](#) (Resolution)

Document number: 37562

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Transportation

Disposition: Adopted

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

103

[*Accept grant in the amount of \\$940,981 and authorize Intergovernmental Agreement with Oregon Department of Transportation for SE Flavel St at SE 72nd Ave](#) (Emergency Ordinance)

Document number: 190705

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Transportation

Disposition: Passed

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

104

[*Authorize a competitive solicitation and contract with the lowest responsible bidder for the Central Eastside Access and Circulation Project](#) (Emergency Ordinance)

Document number: 190706

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Transportation

Disposition: Passed

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

105

[Authorize a three-year Intergovernmental Agreement with Oregon State University to partner on projects and programs related to wastewater, stormwater, and watershed health not to exceed \\$450,000](#) (Ordinance)

Document number: 190714

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Disposition: Passed to second reading

Passed to second reading February 23, 2022 at 9:30 a.m.

106

[Authorize grant agreement to award \\$10,000 to Oregon Museum of Science and Industry to support an Advisory Committee to co-develop the Center for Tribal Nations and Waterfront Education Park with Affiliated Tribes of Northwest Indians and Columbia River Intertribal Fish Commission](#) (Ordinance)

Document number: 190707

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Second reading agenda item 82.

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

107

[Declare surplus real property at five Water Bureau locations and request authorization to dispose of the properties](#) (Ordinance)

Document number: 190715

Introduced by: Commissioner Mingus Mapps

Bureau: Water

Disposition: Passed to second reading

Passed to second reading February 23, 2022 at 9:30 a.m.

Regular Agenda

108

[Appoint members to the Private For-Hire Transportation Advisory Committee for three year terms](#) (Report)

Document number: 108-2022

Introduced by: Mayor Ted Wheeler; Commissioner Jo Ann Hardesty

Bureau: Transportation

Time requested: 10 minutes

Disposition: Confirmed

Motion to accept the report: Moved by Hardesty and seconded by Wheeler.

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

109

[Amend the Community Budget Advisory Board to allow participation of those who live, work, worship, play or go to school in Portland.](#) (Resolution)

Introduced by: Mayor Ted Wheeler

Bureau: City Budget

Time requested: 15 minutes (1 of 2)

Disposition: Continued

Continued to February 23, 2022 at 9:30 a.m.

110

[Appoint James Parker to the Community Budget Advisory Board for a term to expire December 31, 2024](#) (Report)

Introduced by: Mayor Ted Wheeler

Bureau: City Budget

Time requested: 15 minutes (2 of 2)

Disposition: Continued

Continued to February 23, 2022 at 9:30 a.m.

111

[Appoint David Chen and David Knowles to the Charter Commission](#) (Resolution)

Document number: 37563

Introduced by: Mayor Ted Wheeler

Bureau: Chief Administrative Officer; Management and Finance

Time requested: 10 minutes

Disposition: Adopted

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

112

[*Authorize Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the NE-SE 82nd Ave Crossing Improvements Project through the exercise of the City's Eminent Domain Authority](#)

(Emergency Ordinance)

Document number: 190708

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Transportation

Time requested: 10 minutes

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

113

[Authorize bid solicitation and contracting with the lowest responsive and responsible bidder for construction of the North Jantzen West of N Pavilion Ave Water Main Improvement Project for an estimated cost of \\$1,326,698](#)

(Ordinance)

Document number: 190719

Introduced by: Commissioner Mingus Mapps

Bureau: Water

Time requested: 10 minutes

Disposition: Passed to second reading

Passed to second reading February 23, 2022 at 9:30 a.m.

Wednesday, February 16, 2022 2:00 pm

Session Status: Recessed

Council in Attendance: Mayor Ted Wheeler
Commissioner Carmen Rubio
Commissioner Dan Ryan
Commissioner Jo Ann Hardesty
Commissioner Mingus Mapps

Mayor Wheeler presided.

Commissioner Ryan arrived at 2:28 p.m.

Officers in attendance: Lauren King, Deputy City Attorney; Keelan McClymont, Council Clerk

Council recessed at 3:39 p.m. and reconvened at 3:50 p.m.

Council recessed at 4:50 p.m.

Time Certain

114

[Adopt the Environmental Overlay Zone Map Correction Project, amend Title 33, Zoning Maps, Natural Resource Inventory, and supersede and replace noted watershed, conservation and protection plans \(amend Ordinance Nos. 164472, 163770, 164517, 165002, 167293, 166572, 168154, 168699, 171740, 172421 and 176115\)](#) (Ordinance)

Introduced by: Commissioner Carmen Rubio

Bureau: Planning and Sustainability

Time certain: 2:00 pm

Time requested: 3 hours

Oral record is closed. Written record remains open until February 18, 2022 at 5:00 p.m. Submit written testimony via [Map App](#).

Proposed amendments to be posted at www.portland.gov/bps/ezones on April 6, 2022 at which time the written record will reopen.

Disposition: Continued

Continued to April 14, 2022 at 2:00 p.m. time certain

Thursday, February 17, 2022 2:00 pm

Session Status: Adjourned

Council in Attendance: Mayor Ted Wheeler
Commissioner Carmen Rubio
Commissioner Dan Ryan
Commissioner Jo Ann Hardesty
Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Lory Kraut, Senior Deputy City Attorney; Megan Lehman, Acting Council Clerk

Council adjourned at 3:21 p.m.

Time Certain

115

[*Ratify a Successor Collective Bargaining Agreement between the City on behalf of Portland Police Bureau and the Portland Police Association relating to the terms and conditions of employment of represented employees in the Portland Police Association bargaining unit for 2021-2025](#) (Emergency Ordinance)

Document number: 190721

Introduced by: Mayor Ted Wheeler

Bureau: Human Resources; Management and Finance

Time certain: 2:00 pm

Time requested: 3 hours

Oral record is closed. Written record remains open until February 24, 2022 at 12:00 p.m.

Disposition: Continued As Amended

Motion to accept amended Ordinance: Moved by Wheeler and seconded by Hardesty. (Y-5)

Continued to February 24, 2022 at 2:00 p.m. time certain as amended

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.

February 16, 2022 9:30 a.m.

Wheeler: Good morning everybody, this is Wednesday, February 16th session of the city council. Good morning please call roll.

Clerk: Rubio?

Rubio: Here.

Clerk: Ryan?

Ryan: Here.

Clerk: Hardesty?

Hardesty: Here.

Clerk: Mapps?

Clerk: Wheeler?

Wheeler: City council is holding this meeting electrically, all members of the council are attending remotely and the city made several avenues available for the public to view on the meeting. The public may always provide written testimony by e-mailing our incredible clerk and is taking steps as a result of the covid-19 pandemic and you need to limit in person contact as well as promote physical distancing. And thank you for your patience, flexibility and understanding managing through this difficult situation to conduct city business. Good morning legal council.

Linly Rees: Good morning mayor and council you may sign up for public testimony on resolutions, reports the published council agenda contains information on how and when you can dress testimony. When testify, please state your name. If you're representing an organization, please identify it. Individuals have three minutes to testify. When your time up,

disruptive conduct such as shouting or interrupting other testimony or council deliberations will not allowed. If there are disruptions a warning will be given that further disruption may result in the person being placed on hold or ejected interest the remainder of the meeting and please, be aware, all council meetings are reported.

Wheeler: Thank you, great to see new the morning that puts us into communications.

Clerk: Request of d white to address council on water emergency.

Wheeler: Are you unmuted.

Dee White: My name is Dee White and for Portland advocates for drinking water. And for four years, we've pointed out troubling data and lack of urgency and meaningful action. Using best practice to protect public health. And today we thought citizens would like to hear where we are now. We're sorry and sad to report our city and state water officials have been noncommittal and grossly unresponsive to ongoing high lead levels in water, they've been fully engaged with changing messages, Portland water bureau is egregiously convincing the public our water is safe and they deliver water to homes, schools and businesses with disproportionately higher and unsafe levels of lead than any other city in our region. To set the compare sob, it's an apples to apples comparison of treatments done to reduce lead and in Portland water bureau's case, which the tallest bar on the chart, how much more obvious that Portland has badly, and sadly, failed with treatment method and public health policy when it comes to urgently minimizing the levels of lead in the water, it's understandable because even drinking water advocates, such as myself didn't know. We weren't told. Leaders made a flawed choice decades ago to implement partial treatment and this policy has, for over 20 years, exposed generations of Portlanders to an invisible, tasteless and potent neurotoxin. Today, tens of thousands of Portlanders are at risk of being exposed to lead in water at levels that are the highest in 20 years and we hope by sharing this information with the public today, the city will move forward swiftly to protect our children's developing brains. This is an emergency and should be treated as such. Any questions?

Wheeler: Not seeing questions. Next individual, please, Keelan, item 88.

Clerk: Request of Portland advocates for lead free drinking water to address council regarding the water bureau's lead problem and lack of urgency.

Portland Advocates for Lead-free Drinking Water: Good morning. Can you hear me? Great. Keelan could you please put up the graphic? Thank you. I'm here on behalf of drinking water advocates. Pwb learned of excessive lead in drinking water levels allowing the allowable limit. We've asked commissioner Mapps for filters last spring. You all, all of you commissioners in September and escalated in December after learning of the city's [inaudible] . The bureau held a meeting that with a low advertised and low attended. We came because we came to hear about a free filters program. We hoech the bureau would letter explain lead in water, but people left, confused. Here is the take away. Is our water safe to drink? When I say water we refer to drinking water delivered to maps. Levels far surpass cities like Seattle. Keelan, could you please put up that, thank you. Portland's levels surface Seattle, who has naturally corrosive water and similar homes with lead solder. The water bureau problem has been around 30 years, while engineers have had the tools in their tool box to tackle it. We thought we'd share the story of Newark, new jersey. A 30 second version. In 2016, Newark schools made headlines for finding lead in drinking water as did Portland that spring. Newark water and sewer was forced to admit high lead levels. The schools were the canary in the coal mine. After attempts to resolve the issue, groups filed a suit against the city and state and in june, 2018 to secure safe drinking water for Newark residents. Newark handed out filters and bottled water and in less than three years they replaced many lead bearing pipes, all at no cost to residents. Vice president harris visited Newark to praise locals and state as a national city model. Newark demonstrated residents can drink water free from lead contamination. We refuse to settle for anything less than safe drinking water, why haven't you held a press conference? Why should pregnant people, and children wait for city test kids? Why aren't free filters available now and until the Portland water bureau permanently reduces lead? Thank you.

Wheeler: Next have had, please, Keelan. Item 89.

Clerk: Request of Abby greenfield to address council regarding banning the sale of foie gras.

Wheeler: Good morning, Abby.

Abby Greenfield: Good morning. Are you able to hear me okay?

Wheeler: Yes. We see you as well.

Greenfield: Great. My name is Abby Greenfield and I am a student at Lewis and Clark law school. When I first I was in a environmentally conscious and beautiful area, which is why I was surprised to learn that foie gras is served in Portland. I strongly believe it bos against the core of what this city stands for. The cruel practice involved in foie gras production is difficult to comprehend, geese and ducks are force fed with a metal or plastic tube shoved down their throats, three times a day, every day, until their livers become diseased, often causing them to grow about ten times their normal size and the animals have a mortality rate 20 times higher than nonforce fed birds because of the serious consequences that come from this practice. Many of the ducks and geese in the foie gras industry have weakened immune systems making them more susceptible to bird flu. I recognize we're all too familiar with the detrimental outbreaks of disease outbreaks as we continue to struggle with covid-19 that is made all of the more obvious, I are to speak with you today behind a screen rather than in person. And it's important to note that the bird flu can spread to humans and leads to disease outbreaks so we continue to try to manage covid-19, and variance, another disease outbreak is the last thing we need. In 2021 France registered 475 outbreaks and the majority of those farms were foie gras operations. When these ducks and geese are not being barbarically force fed they spend their lives in crowded cages, no access to fresh air, or sunlight. There you consume animal products or not, we can agree this production is unnecessarily cruel, no food products should be worth inducing liver disease and force feeding so we can consume it. Geese and tucks are not the only ones who suffer. Our environment suffers as well. And almost all of the foie grass comes from a massive factory farm and has shown this is violated numerous protection laws. If Portland were to ban the sale, we'd not an lone and we'd be joining New York City, state of California as well as UK, Germany, Italy, Norway, Poland, Turkey, Israel and India and I urge Portland to continue to commit to a more ethical Portland. Thank you.

Wheeler: Thank you. Next individual? Keelan.

Clerk: Request of peter rose to address council regarding housing crisis shortage being exasperated by requirements from bureaus.

Wheeler: Good morning, peter.

Peter Rose: Good morning. Can you hear me, council?

Wheeler: Yes. Loud and clear.

Rose: Thank you. Today I wanted to take the opportunity to share with you the vast barriers owners are facing to bring additional multi family apartments to the market. I'm employed by a locally owned and operated management company specializing in multi family. Carla Pearlstein a client of ours on several historic apartment buildings specializes in restoration and committed to preserving the last through affordable housing stock in the city. Rather than going demolition throughout, Carla insists on a housing stock that results in a more affordable product. She names Johnson Street Commons in Northwest Portland with an existing study in the basement. The previous owner used it as storage. When Carla purchased the building to restore it, she desired to bring the unit back on the market. The original building plans could not be located and the city did not have the unit registered. The city demanded we go through necessary steps to bring it up to code. The subsequent request from BES, water bureau as well as PG&E have been so onerous that the cost to bring this single unit to marketplace consists of two thirds of non co-dependent requests of the building include inspection requirements and \$33,000. A traction closure by BES and in addition they have a substantial impact on the economic feasibility of legalizing this unit. Breaking down costs city requirements account for 75% of the over all costs which are 186,000\$ today bring this single unit to marketplace. Please, note, that this number for appreciation of housing supply. We understand every budget has a revenues goals, however, if not required together a true solution will never be attainable as supply will, and has, tapered off. Like the goals at HB2001, objective for housing creation should be to increase supply in support of the science of economics or supply and demand. Not create additional barriers reducing affordability for residents. I implore council to look at the commands in lock step with stabilizing affordability. Thank you, I yield remainder of my time for the next item on the docket.

Wheeler: Thank you, Peter. Last, but not least?

Wheeler: Commissioner Hardesty?

Hardesty: If I may, I have a question for Peter. So Peter. I don't know if you're aware there has been an internal group lead by Commissioner Ryan for at least the last year, consisting of permitting groups and a couple things you should know. One, bureaus are not bureaus that, other than PG&E that charges permitting fees. Fire does, being too. But let me just say

there is a reason for some of those permits. A fire last year four people died because there is no sprinkler system in that building. We'd be irresponsible to allow someone to have a residency and not have a sprinkler system if they're renovating the property. I can say that necessary. The other thing is that during street improvements so all of the community benefits from the development, also, in my mind is a good thing. I don't know if this individual situation so I can't speak to it specifically. I can say you've made generalizations I absolutely disagree with and if there is a problem let's talk about how to unpack the problem this individual is having. I can tell you, people are trying their best to remove barriers and let me ask you one question. When you say affordable, what to you mean?

Rose: In terms of had comparison to new construction this, is an existing unit in, a building, that has been vacant for --.

Hardesty: Here is a direct question, how many money do I need to make in order to rent this building once renovated.

Rose: I'm not too sure I understand that question.

Hardesty: People tell me building affordable housing the family income in this region is \$96,900 so when someone says they're building affordable housing at 80% that means they are to make 80,000 to afford a studio or a one bedroom. You say affordable, I want to know, for who?

Rose: Right. I guess I was going with this commissioner Hardesty and I appreciate your perspective on this. I did follow that and I do want to acknowledge that was a disaster. The sprinkler requirement is, as stated a small portion of the requirements. The larger ones are kind of more barriers that were kind of dealing with and this is a single unit and that is where the feasibility to bring this online is an issue. And from our perspective, supply and demand is real in this market and if we cannot have deals that is a problem. I want to be a part of the solution rather than just stating the problem. If there a committee I'd love to be part of it.

Hardesty: I do know that there is internal work happening. I appreciate you being here, we're all frustrated because I just want people to be intentional. Who are they talking about it's affordable for? Right? A lot of workers can not afford to live in the city today and so I just want to make sure when we say affordable, we're talking about professionals, investment class or

for working class, right? In our community. Thank you very much. Appreciate you being here. And appreciate your offer of help. And we need your help.

Ryan: Peter, thank you for being here, our office will be in touch with you so we can discuss with you and this is complicated.

Wheeler: Next item.

Clerk: Request of Brian Wellington to address council reporting child support laws, brian hasn't joined yet.

Wheeler: Let's move to consent agenda any items pulled from consent agenda?

Clerk: No.

Wheeler: Please call the roll.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: Aye.

Clerk: Mapps?

Mapps: Aye.

Clerk: Wheeler?

Wheeler: Aye. The consent agenda is adopted. Time certain item number 92 and 93 read together, please.

Clerk: Create Errol heights local improvement district to construct street, sidewalk, storm water improvements and 93 authorize full payment deferral loans program to property owners in the Errol lights local improvement strict until participating property is sold and or title transferred to another owner or entity.

Hardesty: Thank you, mayor, good morning I'm happy to bring these projects to you that have been a long time in the works. And I want to thank the other bureaus working with us from the beginning to bring these projects to council today. I want to thank BES. And of course, p got. Staff projects, I just lost my document. Just a moment. I'll have p got staff take it away and I'll come back later with my comments. Thank you.

Elizabeth Tillstrom: Thank you. Thank you commissioner Hardesty and good morning mayor and commissioners. I'm project join by my project manager and we're excited and relieved to bringing this to you for approval. First being to create the water district and second, establish the program until such time they sell property or transfer title. It's the second ordinance, in this program that is really the turning point for our work in forming this so very important, and we're excited to bring both forward to you, today. And in front of you last year, was a resolution to authorized p got. We've complete that had work and assessment and valuations with revenue bureau. And over the last year, in addition to that work we have completed the stein after additional refinements with water bureau as well as site specific, I'm realizing I'm in the sharing my screen here. I'll open power points so you can see. We've completed the design.

Hardesty: Excuse me, do you think you're sharing your screen now? We're not seeing it.

Tillstrom: Okay. I'm going to we've completed the design with refinements with water bureau, bes and with parks and site specific refinements so the design has since been completed and we're now preparing those to be packaged and opened for bid and over the last year we went through land use permitting and hearing to receive approval for the two storm water facilities located in the south part of our project area on parks property in open space. That item took time over the last year but we're finally hear and very excited so we thought, since it's been a while, we'd go through scopes and goals, get into specifics of the lid and then, open it up to questions. We have community members signed up. We did not invite testimony this time but had great testimony last time.

Hardesty: This project took a very long time and so, if you don't mind, I will do my statement and turn it back to you f that is okay with the mayor?

Tillstrom: I would love it. Absolutely. Thank you.

Hardesty: I'll ask if you just take the slide down for a moment.

Tillstrom: Excuse me. Yes.

Hardesty: Thank you. It's my fault. My printer was out of paper and I didn't know it.

Tillstrom: Sorry. My zoom window does not line up.

Hardesty: Thank you. So let me start by just saying thank you to mayor and council. It's a pleasure bring this local improvement district formation to council. This project is reaching an

important milestone to date in its 12-year history. The design has been completed between p got, BES, Portland parks, consulting engineers and property owners. And at this time staff completed work on proceedings and recommending council authorize project for bidding. It's been a long journey in getting to us this point today I want to thank everyone involved in this project including community members, property owners and staff for commitment, their advocacy, and patience, we're excited to form this lid that has such significant support and we're able to fully defer payment until further sales or title transfer of the property due to funding allocated to this project. This project has had a significant impact on residents. 88% of the streets within Errol heights, almost 1.2 miles, combined are unimproved and which creates serious issues and these unimproved roads continue to impact water quality and habitat within the Johnson Creek water shed. And so this project represents the largest application of p got shared street standards in a city. We hope collaboration with BES and community provides lessons learned aimed at reducing remaining 40 plus miles of streets in the city of Portland. Now I'm happy to turn it over to Elizabeth so she doesn't have to work so hard to explain why this is an incredible project. I'm crossing my fingers your slide show will pop back up.

Tillstrom: Thank you. I appreciate it. And I don't think I could have cited that information. Thank you.

Hardesty: You're welcome. I thought it was very important and wanted the whole picture, thank you.

Tillstrom: Thank you. So just a refresher of where this is and what the scope includes. Our project area includes all of those streets lined in blue here, 1.2 miles within this area and most streets here with the exception of southeast 46th improved years ago with development along this street. Sits between 45th and 52 south of Woodstock and north of Johnson Creek and Errol Heights Creek you see on the south side of the map. Here are images of existing conditions and conditions are not improved on many streets and construction looks just like this, or worse. There is no straight line you can follow anymore. It's good traffic calming but presents challenges for anyone trying to move through this neighborhood by my mode for mail delivery, great delivery. Emergency response. There is a property owner that I heard from in Errol where just thriving through the neighborhood presents a lot of pain just trying to get

to and from their house. So definitely accessibility issues and many streets are, you know, impassable this, is a photo on the right doesn't matter season. You can no longer travel in this section of roadway. And storm water and amount of storm water coming from above the area just eroded these roads and are had longer passable. The neighborhood has been asked for this for a very long time and I have been working on this since 2008. And these were goals and objectives so intent for the project to be improve roads improve access for pedestrians, people biking, driving cars and emergency vehicles and addressing safety, livability and storm water convenience and water quality. And as we improve roads goal is to maintain low traffic volumes and speeds there is a concern this would become an attractive cut through in the neighborhood. I'm speaking about the design aims to address and mitigate that concern and maintaining character of the neighborhood those that chose to buy homes or live in this area many did so because of the more rural aesthetic. It has a different feel had this area. The goal was to maintain some of that as we fit in the maybe. All of this needed to be low cost and concern about displacing long time residents and anyone on fixed or low income took a lot of work to make sure that we've addressed this concern and people can stay once addressing this project. Our commitment to pursue other funding opportunities and I'm happy to report we did just that. And so how we're able to keep costs low maintaining the rural aesthetic was to apply p got shared street design standards so they need to carry less than 500 vehicles per day and now will have a lower posted speed limit instead of 0 miles per hour they'll be posted at 15 and drivers can expect other modes and legally allowed to use that space. And here is a rendering that going to be the design. So 49th, 49th. 51. Includes your narrow parking and through that zone will be our storm water management infrastructure tour so those will infiltrate or carry it down into infrastructure tour then piping it out to existing infrastructure tour on 45th and 52. This is the haired street dine. On two streets there are entry points the mall to the north and we'll are that narrower section and there will be sidewalks so as we improve these roads we wanted to make sure pedestrians were out of the roadway, and safe. To help reduce these from being that cut through these roads will be chicaned. So then, in addition to the roads there will be speed bumps to serve as pinch points so it doesn't look like a street you should be cutting through to go between two main roads. With that I'll turn it over to Sean to talk about the storm water elements.

Sean Bistoff: Thank you, I'm the capital project manager for BES portion of this project which is storm water management. And design and construction. I want to explain about the unique storm water design that we have and direct benefits it will be for Johnson Creek. Initial concept was to do some surface infiltration and based on soil types, that wasn't possible to do that shallow surface infiltration so we moved to a hybrid approach to use ground water injection devices so storm water, whoops. Okay. Which will send storm water into deeper ground water after throwing through sediment manholes to provide treatment. There are two large storm water facilities that are situated in places where infiltration does work and located on parks property and I'd like to thank Portland parks and recreation for their cooperation is beneficial and is great to work with and by removing leaves from properties. Next slide, please. So there is a strict benefit. On the right, you can see an outfall to Johnson Creek. Almost all of the storm water again rated in Errol Heights neighborhood flows down those streets to areas on the left and used to seeing oils and greases and goes to the creek and a vast majority will be managed for water quality. It's important to note that is in the middle. It water quality project intended to benefit native species and will help us design a better project and so in combination with Errol Heights and park project, parks managing we have three really important projects that are directly adjacent to each other in this neighborhood will have direct benefits to Johnson Creek water shed and that all I have.

Tillstrom: Thank you. And we'd with remiss if we didn't acknowledge this project that will be under construction at the same time. And we're joined by project manager should there be questions but I wanted to highlight this project in that we've been in close coordination throughout the design phase and are building improvements that are now part of the project and being funded by design and construction being funded by parks bureau owe so to coordinate their excel schedules and sequencing of work when our project areas overlap. Very excited about the project. It's going to be very active in this neighborhood. And so we've been in discussion about combining our efforts so we're not inundating the community too much so folks know who to contact with questions or concerns during construction. So that wrapping up the scope of the work. So I wanted to turn to these specifics including properties highlighted in blue is capped and it a traumatic reduction from original estimated assessment in 2008 during early conversations with the community where, at that time got in full build

out, about \$80,000 so that brings up average to \$14,000. And all lid assessments can be deferred until the property sold, so at the end of construction, when we will offer deferral to property owners and they elect to defer the payment we'll file liens with the county for those individual properties. P got will fund the costs up front and as payments come in, over the years those would be directed to p got and just replenish that fund. Just reminder of the petition process, so is results that we're over 50% and resulted in 56% almost 57% of support and those properties have waivers on them in lieu of building a mall section, we issued waivers and so those are the properties you can see this yellow but they're kind of an automatic question and we're really proud that we had over 50% support and that second number is combining waivers we ended up with almost 68% and I wanted to note that doesn't mean remaining property owners don't support, many just doesn't respond or submit petitions of support. I want to note we did receive through the proceedings, a in waived property that waiver in response have been submitted with item 92 and with petition report and based on a review we're recommending council still form the lid. So the proposed lid would fund 18% of the project. Again it's fixed and this graphic the remaining funds that have been allocated. Bes paying for the entirety of the storm water improvements that is estimated 1.8 million and this puts us at a \$9.3 million capital project. We've talked about how long this is been going on and at this point our plans are completed and we're ready to bid this project and begin construction. This is the first reading and second vote and approval would be next week and pending that would be advertising in march and advanced utility relocations in spring, including PGE moving a number of poles had our project area that are in conflict with proposed design and water bureau has relocation in advance of our construction. And then, we'd go through procurement and likely start construction end of may, early June and construction continuing into fall, 2023. Including installation of storm water infrastructure tour. There is a ton of pipe and a number of said installed on streets and project area and then, following that would be pavings so included two construction seasons including dry, warmer weather for that work so based on that, anticipated assessment would be spring, 2024 where we'd be offering deferrals, we want to thank city council for support and discussing the fund program as well as continued authorization of funding to help reduce those costs and past, present leadership and parks and recreation this is a multi-bureau effort

and would not be possible without all of the participation. Darlington neighborhood association and Errol heights community that helped advocate for the project that have grace and patience and we've made refinements is now pencils up and I believe we have public testimony, as well.

Wheeler: Very good. Any questions before moving to public testimony? Seeing none. Keelan, how many people do we have signed up? .

Clerk: One person on the call right new.

Wheeler: Very good. Three minutes and name for the record please.

Clerk: Teresa kubo.

Wheeler: Welcome. You're muted.

Teresa Kubo: I had a hitch for some reason. Good morning members of council, thank you for the time. My name Teresa Kubo a resident in the Errol heights neighborhood really excited about the project and wanted to testify on behalf of the local improvement district proposal and proposed project and to provide you additional on the ground perspective. This decision will affect residents personally. And us on a neighborhood and water shed level. We've been personally affected. My parents who live in southern Oregon came for a visit when they were departing our house they used google directions which took them down to 90 drive to 45th avenue. This is this road so poor, it's unpassable and my parents bottomed out their car resulting in over a thousand dollars damage in the car and it was really inconvenient trip home. So yes. Roads are bad. And I'm concerned emergency response time as been and continues to be affected by the quality of the roads in the neighborhood. We have an aging parent living with us and have elderly neighbors as well as folks with health conditions and mobility issues and in a medical or fire emergency as you know, seconds water and this can take precious time. And wanted to echo commissioner Hardesty. The city of Portland and metro and other agencies and organizations spent millions of dollars on restoration actions in johnson creek and surrounding areas I spent 20 years working for the federal government on environmental protection and restoration and I believe in the value and importance of the work and it pains me to see those gains compromised every time it rains. Our road develops rills and gullies and say we river front property whenever it rains. Our road river is carrying tons of sediment into johnson creek and compromising water quality, and spawning gravels

I've felt by not addressing this upstream work we've been putting that restoration cart before the horse. So in sum, I strongly support the formation of the proposed road project I want to thank the board and bureau for their hard work and especially Elizabeth, I encourage council to vote in favor of the road formation, thank you.

Wheeler: Thank you. Commissioner Hardesty.

Hardesty: I would like to make a motion to substitute exhibit e.

Wheeler: Second.

Hardesty: I believe we have someone else for public testimony.

Wheeler: Could you give a couple sentences so people know what it is we're doing with the motion?

Tillstrom: Yes. We had a place holder for any written we'd received to include a copy of the remonstrance as well as the board summary of that remonstrance and findings.

Wheeler: Okay. To be clear that is an exhibit to item 92. Is that correct?

Tillstrom: Yes.

Wheeler: Very good so I don't forget before moving this, I'd like to call roll on addition on the amendment. Please call roll.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: Aye.

Clerk: Mapps?

Mapps: Aye.

Clerk: Wheeler?

Wheeler: Aye. The amendment for item 92 is adopted. Colleagues further questions before moving this along?

Clerk: We do have one other person.

Wheeler: Sure. Go ahead. Call that individual.

Clerk: Thank you. Kathleen Guillozet.

Peter Guillozet: Are you able to hear me? I'm not Kathleen. I'm Peter Guillozet. She had a sudden field meeting and couldn't call in. I wanted to thank you for the opportunity and we're strongly in favor of the project we're both ecologists and suffer from the quality of life impacts and it's been a long, somewhat frustrating process but we're glad to be at the stage and are strongly in favor of the work. I'll just leave it at that. Thank you.

Wheeler: Great. We appreciate that. Thank you. Colleagues any further discussion? Seeing none, item, commissioner Ryan?

Ryan: Yes. Thank you, mayor and thank you, commissioner Hardesty. Do I have a couple questions because I want to make sure what I'm voting on next week. Elizabeth. I heard you use the word relieved and I can tell that is an accurate verb so I wanted to first acknowledge that there has been a lot of work gone into this and I'm coming in just to ask questions to understand a little bit more. One pet peeve when it comes to one way streets. When deliveries come in which we've noticed it's a thing. So I just wanted to hear your voice about that.

Tillstrom: Thank you. You will find that the street will be two way streets some drivers can be uncomfortable so there is that space adjacent to the roadway. We have on street parking on both sides. So there is room to scoot over into on street parking area to pass.

Ryan: Okay. Good. And just a statement I saw a photo that looked like a car, parked on the sidewalk and I said I don't see I saw someone walking on sidewalks so I thought I'd say that. The question I have, is if I urge you mention, it sounded like residents have done improvements as part of the waiver. Is that correct?

Tillstrom: Waivers are typed. They stem from development of the properties so when homes are built in Errol we'll issue the waivers.

Ryan: So that called I didn't hear those on fixed incomes how are we providing for people that want to age in place? And have to suffer from these pavements?

Tillstrom: To go back to clarify. The waivers are no longer issues we have the program where in lieu of developing frontage developers pay into a fee and but, the, to address the concern about any property owners on fixed or low income, lid will be deferred until a later date when the property is sold or title transferred.

Ryan: And did you tell us what the thresholds are?

Tillstrom: Everyone qualifies. Yes. There aren't any conditions you don't have to meet any. We're offering to all property owners.

Ryan: Good thing.

Tillstrom: And it will be a lien on the property. Yeah.

Ryan: Right. Thank you.

Tillstrom: Yeah.

Wheeler: Commissioner Mapps?

Mapps: Before we wrap up I just wanted to take a moment to commissioner Hardesty for bringing this forward and acknowledge Sean, and Elizabeth for the great presentation and recognize Ross, and my colleagues who are relatively new, it's worth pausing to underscore how remarkable this collaboration is. You know? We have parks, environmental services and parks coming together to make changes that will make life better for Portlanders and improve our infrastructure and protect the environment this, is what the environmental services call a triple win and just great work and a model I hope we can replicate throughout the city. Thank you.

Wheeler: Thank you. Item 92 goes to second reading. Item 93 as well, we'll go to item 94 please, a report.

Clerk: Accept the year six bond oversight committee report on \$68 million parks 2014 general obligation bond.

Wheeler: Commissioner Rubio?

Rubio: Thank you, mayor. The Parks Replacement bond passed in 2014 for \$68 million as focused on repair and replacement of park systems most urgent needs. The bond oversight committee was accomplished in 2015 and members were appointed by each city council member to represent the community. The purpose of the committee reviewing work of the parks bureau in carrying out promises and projects of the bond measure and committee report created in response to sixth annual report on the parks 2014 general obligation bond and had includes program evaluation and recommendations for moving forward as bond program completes work. The committee, I'm grateful for time, depth of experience and wise counsel of the committee they've shared over six years to ensure that adherence to the bond language and now, I'd like to introduce David Staczek presenting this report to council.

David Staczek: Good morning can you hear me okay? See me okay? Great. Thank you. Mr. Mayor, hello, good morning I'm chair of the community led parks replacement bond oversight committee. I'm here today to present to you our annual report to provide a brief summary of the report. The community would like to acknowledge challenges and to hair appreciation for all staff and bond program have done to keep our city and parks here for us in this great time of need. We're charged with three categories or objectives relating to original bond one adherence to bond language and three is transparency. And rotor as proved bonds to improve funds for repairs and costs not for operational expenses. As we complete sixth year of the bond measure, 49 of the 52 projects are now come plated and three remaining projects will be completed or begin construction in year 2021, 2022 this criteria of adherence has been and continues to be met and pond committee confident costs are appropriately spent and audit of the pond program performance completed in 2019 confirming the objective continues to be met. For objective two, maintaining fiscal accountability is a core driver of the bond, the dollars clearly and separately tracked to ensure integrity and accuracy of financial statements. Ppr remains accountability of bond dollars for tracking system accessible to all staff, and administrative overhead is lower than 10% of the total budget goal. Highlights have been 41% of the contracts awarded to disadvantage business enterprises, minority owned, women owned emerging small businesses and service-disabled veteran. 31% of the value awarded to bond project as warded to these firms as well, surpassing original 20% goal. When moving on to issue reports and executive summary in English and Spanish. Secondly audit completed in 2019 available online and findings demonstrate bond program has been successful in delivering in council resolutions. And lastly, more projects are completed and begin construction and the pond oversight committee would like to congratulate the bond team on success over six years and finish line is in sight. We can applaud. That we'd recommend a final performance audit be conducted after projects reach final completion and findings to be submitted to bond oversight committee and city council. We'd like to suggest a staff survey be taken to gauge the lasting effects of the bond. And it my pleasure and privilege to serve on the parks replacement bond oversight committee and present our report to you, Mr. Mayor, and distinguished council

members, if you are questions or comments, about the report or presentation I'd be happy to take them, now.

Wheeler: Colleagues? Any questions at this point? This is a report. Do we have testimony on this item?

Clerk: No one signed up for this item.

Wheeler: Very good I'll entertain a motion.

Ryan: So moved.

Wheeler: Moved and second. Any further discussion? Madam clerk, would you please call the roll.

Rubio: I want to thank David for presentation and parks and recreation and oversight committee for bringing the report forward and acknowledge despite this, staff continued to work full time and working with the oversight committee to ensure clear communications and meeting project goals so I'm happy to vote aye.

Clerk: Ryan?

Ryan: Yes. Thank you and congratulations commissioner Rubio and David that was a clear report sometimes we don't ask questions it's because you just hit it out of the park. Thank you. And also, for incredible leadership of director long, it's noted your achievements of awarding contracts to women and bipoc contractors is refreshing and I'm looking forward to and I accept this report. Aye.

Clerk: Hardesty?

Hardesty: Thank you, commissioner Rubio and David, excellent presentation, it's good to see when we do what we tell the public we're going to do, pin continues to provide an opportunity for the public to have confidence in things we tell them. So when the report is within budget and on time, and no drama attached to it and you exceed goals it's work well done and I will say, I'm looking forward to hearing about long term funding stream that is developing because we cannot continue to do what we've done and expect the outcomes to be different. I look forward to an update to address the backlog in maintenance. Thank you.

Clerk: Mapps?.

Mapps: I join my colleagues in thanking david and congratulations commissioner Rubio and parks bringing in these projects on time and on budget for these reasons I vote aye.

Clerk: Wheeler?

Wheeler: This is great report. We're on track. Thank you, everybody for the report. I vote aye. Report is accepted. Next item is 95.

Clerk: Authorize bureau of environmental services director to offer market rate and safety net loans to appropriate owners for sanitary sewer dump installation when required by city code and for repairs on private property to continue sanitary sewer service.

Wheeler: This nonemergency ordinance, commissioner Mapps.

Mapps: Thank you. Colleagues this comes from bureau of environmental services and this ordinance expands an environmental services financial assistance program supports the installation of sanitary services for permitted occupied vehicles on properties this, work is an extension of what is approved last year and will decrease financial barriers for people that want to provide additional housing on their properties and protects public health from disease, bacteria and pathogens by providing proper sanitary sewer services for this housing. Here, with a brief presentation is ivy Dunlap, landscape architect with environmental services. Welcome, ivy.

Ivy Dunlap: Thank you, I appreciate that. And, let's see, the counsel has my presentation. To project for me. Thank you. So next slide, please. As commissioner Mapps noted the shelter to housing continuum project changed city code to allow for permanently occupied vehicle or a teen aye house on wheels on private property to expand housing options. City code requires installation of a sanitary sewer dump to provide safe housing this legislation will make meeting code requirements for this housing option for more affordable for property owners by providing loans. Next slide. Bes provides loans to support homeowner ability to obtain and maintain sanitary sewer service. This program is administered for 28, pes financial assistance rule. These loans are available for two code required situations. Properties required to correct, share, or party sewers and sometimes, referred to as nonconforming sewer. There are two types of loans available. Market rate and safety net loans, market rate are a conventional loan opens payment deferral can happen until the sale of the property or transfer of the title. Both options are available to pay for charges charged when connection is made for either the situations described above. And go-to-pay for resulting work that might be necessary to make that connection. These will continue to be available, none of this will be going away.

Next slide. In addition this will expand allowable expenses to include market rate and safety net loan and option to have on residential property and we're expanding safety net loan program to finance emergency repairs to continue sanitary housing potentially preventing people from losing housing or living in unsanitary conditions. These will be incorporated into the existing rule and changes will be incorporated into that and anticipated to go into effect in April. I'm happy to answer questions and thank you for your time. Colleagues.

Hardesty: Thank you, mayor and ivy. That was a fabulous presentation that raised all kinds of questions for me. So is it true that this program has existed for a year? And now, we're expanding it?

Dunlap: I believe since the 90s. The sanitary sewer dump portion requirement went into effect, I believe in august. And the loan program has been in effect since the 90s during the mid county annexation when the sanitary sewer connections were required?.

Hardesty: Yes. Yes. The good old days, yes. That helpful.

Dunlap: Sure.

Hardesty: Can you tell me how many homeowners are able to advantage of this annually?

Dunlap: So, I do have some statistics on that.

Hardesty: About 300,000 a year. I'm wondering how many households would be helped?

Dunlap: Sure. So I'll work backwards. In 2021, finance 23 loans. In fiscal year 1920bes planned 19 loans and in fiscal year 1819 financed 14 loans so you can he the number going up. We're proposing to keep the budget of \$300,000 a year, the same, for now. And of course, we'll revisit that. As time goes on to see if we need to expand that allocation.

Hardesty: And my last question is what is the last time you've evaluated the income eligible opportunities by the ones based on income? Where is that? What is the median family income you're using to judge that on?

Dunlap: Sure. We just evaluate that had when we're making the changes to the rules so I didn't want to get too into the weeds on the rule because it gets swirled around. So we changed 80% median family income requirement to 100% so more people will qualify for the safety net program and we've increased the of savings cap.

Hardesty: I saw that.

Dunlap: \$50,000 to \$100,000 so that reduces the penalty for of saving money and would make the loan program available to more property owners.

Hardesty: So I'm curious how you'd prioritize that in a community where the median family income for a family of four is \$96,900. Had you do you, when you say low income, or income redistricted, I'm terrified we haven't moved past a artificial number to address the severe need in the community. That is like in society using that as a tool that further and purger way from people's reality. So I'm just curious who we're helping stay in their homes and to be able to have auxiliary units. Where I sit, I'm terrified we're continuing to say we do one thing but the data does not show that is true. Right? That people need help are not on the radar when talking about these programs.

Dunlap: Right. Right. I will say we plan to do more outreach and to coordinate with housing bureau with their home repair loan options and we will coordinate more to get the word out about this loan option because the hurdle can be people not knowing this is an option, available.

Hardesty: You're right because I think about how many homes and apartments go on a daily basis so it does beg the question and I like your creative thinking, ivy. There is knowledge in your head we should be accessing so thank you for being here today. I appreciate it.

Dunlap: Thank you.

Wheeler: Commissioner Ryan?

Ryan: Yes. Thank you. It's good to see you. I just want to make sure I'm tracking this right. It's exciting to see the work and I want to make sure it's delivering on many meetings we have had on it and I hope our questions owe how can we this is an affordable housing strategy, and not a guest cottage or vacation rental? I just want to make sure we have those kinds of rules in place. Dazzle me with that knowledge, please.

Dunlap: Yeah. I can, or BES will only be able to tell you how many people take advantage of the loan option for the for making the sanitary sewer connection. Bes does not have any other tracking. Option, available to us. For, um, who else might be making the connection and not asking for a loan. It's a plumbing loan that required to install it. So BES does not over see plumbing loans and I did try to look into plumbing loans have been initiated to put in a sanitary sewer dutch. It's not something in plumbing permit. I used the wrong word there.

There in tracking of plumbing permits for a sanitary sewer dump installation. I have had this question. So that would have to, my understanding, and because had the question from other folks. My understanding is that would be a bds-driven data, data collection effort.

Ryan: Since we're all one team, I'll talk to the housing commissioner and make sure that that coordination is for and talk to the commissioner who oversees bds to make sure it's in place. I'm officially talking to myself. Thank you so much.

Dunlap: Yeah, thank you. It's a great question because it came up, you were not the first.

Ryan: We're the city there is a lot of this that goes on. We deliver on what we discussed in the meetings last spring. Thank you.

Wheeler: So dan just had the quote of the day. That was my favorite by far. So thank you for that. Any further discussion on this item? Is there any further testimony on this item, Keelan?

Clerk: No mayor.

Wheeler: This is a first reading of nonemergency ordinance moves to second reading. Thank you, everybody. Will that we'll flip the page here. Looks like we're to the regular agenda item, 108, a report.

Clerk: Appoint members to the -- I'm sorry, appoint members to the private for-hire transportation and advisory committee for three-year terms.

Wheeler: Commissioner Hardesty.

Hardesty: Thank you very much, mayor. I did not know I was presenting this item. I'm going to turn it over to Mark Williams, who is standing ready to let us know how we got to this place.

Wheeler: Perfect.

Mark Williams: Thank you, commissioner, appreciate it. Good morning, mayor and good morning, councilmembers, what you have before you are appointments to the private for hire adviser a committee. There are about 19 members total. But these are members that are replacing existing members that have expired terms. We expect to bring additional members to council here in the coming future as we continue to go through the recruitment process. That being said, I would be more than happy to answer any questions you might have.

Hardesty: I think it's a really excellent list of candidates. I was very happy to see we involved a gentleman from the green cat industry on the board. I have no additional questions, mayor, colleagues, any questions?

Wheeler: I have no questions at this point. I think they are good appointments and I appreciate their willingness to serve. With that, I will entertain a motion to accept the report.

Hardesty: So moved.

Wheeler: And I'll second it myself. Any further discussion on the appointments or the reports, seeing none, please call the role.

Clerk: Rubio.

Rubio: I just want to thank the new appointees for their willingness to serve. I vote aye.

Clerk: Ryan.

Ryan: Yes, thank you so much for the countless hours you are going to put in to the city of roses, I vote aye.

Clerk: Hardesty.

Hardesty: I am just so happy to see the creativity coming out of the transit for hire community. I didn't know what would happen to the taxi industry but the ability to come together and create a network, I think is some of the best work that's happened. And for hire transit industry in some time. And so thank you, mark, for your work to get us some excellent candidates to replace folks who have transitioned off. And I look forward to the next group. We've got some work to do to make sure for-hire transit is equitable and fair all across the city of Portland. I'm happy to vote aye and I look forward to our continued work together.

Williams: Thank you, commissioner.

Clerk: Mapps.

Mapps: Aye.

Clerk: Wheeler.

Wheeler: Aye. The report is accepted. Thank you very much. Next item on the regular agenda, Keelan, please read items 109 and 110 together. 109 is resolution, 110 is a report.

Clerk: Amend the community budget advisory board to allow participation of those who live, work, workmanship, play or go to school in Portland and 110, appoint James Parker to the community budget advisory board for a term to expire December 31st, 2024.

Wheeler: Very good. I'm going to have comments before I do, I'm going to turn it over to director Jessica Kinard from the city budget office to present the resolution and then when she's done with that, I have comments on the appointment.

Jessica Kinard: Thank you and mayor and members of council. Jessica Kinard, the city's budget director. I have comments on the first item, which is a resolution. The statewide community budget advisory board was authorized by the council in 2005 as the citizen advisory board, renamed to the community budget advisory board in 2007. This board is unique in it that the members get a seat at the table and are charged with providing direct input and advice to every member of the council. The authorizing legislation currently resolution requires participants of the board reside within the city of Portland. The resolution before you amended the requirement to allow the participation of those who reside, work, worship, play or go to school within the city's jurisdictional boundaries. This is a small but meaningful amendment to reduce barriers to civic participation and to allow for the empowerment of voices from communities that have deep and meaningful connections to Portland but who may not reside within the city limits due to displacement or other factors. Council will be required to approve the appointment of all board members but this amendment allows for more individuals with meaningful connections to Portland to be considered for appointment. This language is not unique to this board, it was modeled after language used for the Portland utility board and supported by the office of community and civic life. I'm available to take any questions on this item.

Wheeler: Very good. Before we get into questions, I would like to introduce item 110. The Portland community budget advisory board was first created as director Kinard said, back in 2005 to provide with community input in the budget decision-making process. While bureaus seek community input on budgets and investment decisions, the city of Portland community budget advisory board offers their expertise and advice on statewide decisions as the council weighs the needs for many priorities and services that the city provides. Being a community budget advisory board member requires a significant time commitment. As board members participate in all of the council's budget work sessions. As you know all know, there are many of them. These advisers play a critical role in the city's multi-faceted budget processes, they often ask really good questions that need to be asked. We're fortunate to benefit from the

time and expertise of all budget advisers. I'm very happy to be adding James Parker to our group of esteemed advisers helping us with our budget decisions in the months to come. James is the executive director of the Native American Chamber, a nonprofit, dedicated to providing economic and educational opportunities for Native Americans in Oregon southwest Washington through the pillars of service in education and growth, relationship building and economic justice and transformation. And I believe James is with us here today to say a few words about his background and his interest in serving on the community budget advisory board. Welcome, James.

James Parker: Good morning. Good morning, Mayor and members of Council. My name is James Allen Parker. I'm an enrolled citizen of the Chippewa Creek Tribal Nation. I come with lived and professional experience. I am a husband, father of three and live in a multigenerational household as we take care of elder family members. Professionally, I'm executive director of the Oregon Native American Chamber as well as co-chair of the Community Chamber Coalition and co-convenor of the Oregon Small Business Coalition of Oregon. Additionally, I serve as the deputy director for affiliated tribes of Northeast Indians, which is a regional policy and advocacy organization representing nearly 50 tribes in the Pacific Northwest. I have the honor and responsibility of serving on a number of City of Portland work groups and task forces, including the Economic Recovery Committee and Mayor's Action Table. I serve on the Governor's Racial Justice Council Equal Opportunity Committee. It is with experience I commit to serving on the Portland Advisory Board and bring by experience in order to strengthen the city support of underserved communities and strive for better outcomes for all of us. So thank you.

Wheeler: Thank you. We're appreciative of your service and willingness to be here this morning. With that, colleagues, questions or thoughts? Commissioner Hardesty, I saw you had your hand raised earlier.

Hardesty: Thank you, Mayor. I guess I will speak up. I guess I'm -- and I am thrilled that James Parker has agreed to be part of our community budget advisory committee. I guess I'm a little concerned about the slippery language that we're being asked to adopt today. There is a reason why the City of Portland wants people who live in the City of Portland to be engaged and deeply in our budgets. Right? And what I know as the City of Portland goes out to 166

place and so I'm just trying to figure out the problem that we're trying to fix where this amendment. Is the just to make language uniform? Or is it really because we can't find black indigenous and other people of color within the city of Portland boundaries? I'm confused by the change that's --

Wheeler: Thank you, commissioner Hardesty. I'll take a swing at that and turn it over to director Kinard for her thoughts as well. First of all, I want to reiterate that the city council is not required to accept any particular individual if we decide that somebody is not connected enough or understanding of the needs of the community. We obviously do not have to accept that individual as a member of any board of commission. But what we have also found is there are many people who work or lead organizations or significantly connected with our community, even if they live just outside of the limits of the city of Portland and they do have a perspective and an important connection they can benefit from and bring to the community. So that is the thought predominantly behind this. Director Kinard may have technical reasons as well.

Kinard: I think you said it well, mayor. And I would just emphasis it is removing, it's meant to remove a barrier to participation. But not to be a blanket acceptance. And the policy is in place, the council, the mayor nominates and the council will appointed every member. The intention is a deep I meaningful connection to Portland as a prerequisite.

Wheeler: Thank you, commissioner Hardesty. Commissioner Mapps.

Mapps: Let me start out by thanking James for his being willing to serve on our budget advisory board. That is incredibly important work. And it's time intensive too. So I appreciate that. And Mr. Mayor, and director Kinard, I also really appreciate your explanation of the theory driving ordinance 109. And I'll just state, I share some of the commissioner Hardesty's concerns here. I'm still kind of debating this issue in my own head. I kind of wish we had had more discussion about this before we got to this moment.

Wheeler: Very good. Any further discussion on either of these items? Is there public testimony on either item, Keelan?

Clerk: No one signed up.

Wheeler: Call the role on 109, the resolution.

Hardesty: Mayor?

Wheeler: I'm sorry, commissioner Hardesty had a question.

Hardesty: Thank you. Mayor, could we do the appointment without approving a resolution today and I see director Kinard shaking her head, no.

Kinard: We cannot because Mr. Parker does not reside within the city of Portland.

Hardesty: Oh... I guess I'm still concerned I do not want people who live in the city of Portland to not be as equally vetted as people who are outside of the city of Portland. And again, I hate that we're doing this with Mr. Parker here. Because I want to assure him that this has absolutely nothing to do with him. We are being asked to change policy at the fly at the same time we're appointing you. No disrespect to you intended, Mr. Parker, it's about this a good policy and will there be unintended consequences if in fact we move forward as intended. Based on what I know right now, unfortunately I'm required to vote no.

Wheeler: Colleagues, let me jump in here. Mr. Parker, I apologize to you, you should not have to see this dysfunctionality. This issue was raised in cab two weeks ago with your staffs, colleagues. That was the time for us to have this conversation, that was the time for council to interact and being informed and express any concerns that people might have had. There were no concerns expressed to my office subsequent to that presentation. It's my understanding that representatives of each of your office were present. And so I'm not really sure what happened. I would encourage us to move forward on this.

Hardesty: Could we have a recess?

Wheeler: Let's do that. Let's take a 10-minute recess. It's always good for the soul anyway. The current time is 11: 16, let's reconvene at 25 after. We're in recess.

Wheeler: This was the subject of a February 7 memo that went to council. This was also a subject of a cab meeting two weeks ago. But it was very clear that there was some confusion on the part of some council offices about this item. As I'm often fond of saying, things move quickly here at city hall and we need to work hard to keep up. But in the spirit of collaboration and making sure we have a robust discussion about this, I would propose that we continue both of these items, 109, the resolution and item 110 the report, to next Wednesday. Keelan, do we have room on next Wednesday morning's agenda interest this item?

Clerk: We do, we'll place it on the regular agenda.

Wheeler: We'll do that and give people more opportunity to have their questions addressed. I know director Kinard, you reached out to Mr. Parker I apologized to him on behalf of the council, thank you, Mr. Parker for your indulgence and just so you all know, his response was he strongly supports a robust council discussion. So thank you for being a gentleman as well as a great community leader here in the city of Portland. Thank you for that. These two items are continued until next week. Next item, 111. A resolution and appointment.

Clerk: Appoint David Chen and David Knowles the charter commission.

Wheeler: Colleagues this resolution fills two vacancies on the charter commission created by the resignations of Steven I Colleen. We appreciate their work on the commission. They put in a substantial amount of work I want to acknowledge. We approached this vacancy, we used the original applicant tool and agreed upon shared selection criteria. I'm pleased to share that David Chen and David Knowles, were selected to fill the vacancies. Sophia Alvarez engagement and communication coordinator is here to give background on new commissioners before we invite them to say a few words. Sophia, good morning.

Sofia Alvarez-Castro: Good morning, mayor and members of council, for the record Sophia Alvarez, communications coordinator. So I'll share briefly about David Chen and David Knowles here with us. David Chen is a business attorney with 20 years of legal experience at the international law firm he practiced mergers and acquisitions. He cofounded a bioinformatic and served at the U.S. Department of justice litigation discrimination cases. He currently asks a board member investment committee chair and a finance committee member at the Portland community foundation, eco trust and co-chair of eco's trust investments. His other civic engagements included volunteering with the demographic committees' voter protection, poll observing in Arizona on the legal team awarded the American lawyers 2013 pro bono, and prenatal program, a social service agency in San Francisco. He has a B.A. in public policy from Duke and a J.D. from Stanford law school. David Knowles has worked in politics public policy and law for over 40 years. Practiced law for nine years, elected metro council and served the city of Portland as director of bureau and planning. Most recently a land use and transportation consultant for cities in the Pacific Northwest. And both public and private work, often called to create consensus around major public policy where the participants have multiple and often conflicting interests. He and his wife Pam who served two

terms on the board of directors of the Portland public schools live in Wilshire neighborhood. Share sons attended Portland public schools and graduated grant high school. He has a degree from Lewis and Clark college and a law degree from north western school of law. They are both here with us today. We invite them to share a few words with us about why they want to serve on the charter commission. David Chen?

David Chen: Yes, good morning, mayor and commissioners. I'm a Portland resident, my name is David Chen, serving on the charter commission for me is a unique opportunity to influence directly the executive structure of our city government. To effect how diverse communities and constituencies are heard and represented. And ultimately, to impact how our government addresses the basic functions to which the city citizens are entitled. I'm excited by the opportunity to consider and recommend change in partnership with the other charter commissioners and the greater Portland community. I'm happy to answer any questions. Thank you for your time.

Wheeler: Thank you, David.

David Knowles: Hi. I'm David Knowles, mayor, members of the commission. Nice to see you again. I'm honored to be considered for this. I think it's a really important undertaking by the city and the charter commission. You know, my interest in this is really driven by the fact we've got big complicated problems in the city of Portland. The opportunity to adjust the form of government may be the way in which we elect our elected officials is one of the things we can do to address those problems is changing the charter, changing the governance isn't going to solve all of these issues that we face today. But it's one of the tools we have available to us. And I'm hoping my experience and working in politics and public policy in the city of Portland for many years can be helpful and moving this conversation forward. Thank you.

Wheeler: Thank you. We appreciate it very much. Both of you. Colleagues, any questions for comments? Very good. This is a resolution. Is there any testimony on this item, Keelan?

Clerk: No one signed up.

Wheeler: Excellent. These are two fantastic, highly, highly qualified appointees. I know both David Knowles and David Chen are very connected and busy people in this community. That

makes their service I think all the more impressive. Thank you, both. With that, please call the role.

Clerk: Rubio.

Rubio: I want to thank the mayor and Sophia for bringing these really experienced and very impressive appointments forward. I also want to appreciate the hard work that the charter commission is carrying out. I'm so grateful to David and David for stepping up to serve our city. Eager to follow the work of the charter commission and hear you add your experience to the conversation. I vote aye.

Clerk: Ryan.

Ryan: Yes, thanks for bringing it forward. I want to acknowledge Steven, that was a lot of work they have done over the past over a year. And/or two years, I don't know. I'm losing track. I want to thank you how great the service was on the charter review commission. Wow, the Davids, here you are. You sold yourself so well to us. Thank you for your service. Careful what you wish for. Don't blame me but dig in and have fun and please speak up. I vote aye.

Clerk: Hardesty.

Hardesty: Yeah I want to know what's been pumping up commissioner Ryan today he's got some lines today [chuckling] -- thank you, mayor. And thank you, Sophia, for these excellent candidates to serve our charter review commission. David and David, neither of you are strangers to hard work. Neither of you are strangers to long hours. And neither of you are strangers to really listening and leaning in to community concerns. And you are going to add a lot to our charter commission. We have some fabulous community members who have been working very hard. And I see both of you as really unique individuals that will bring very unique perspectives that will only help make the charter commission better. Thank you for your willingness to serve, especially at this challenging time in our city. I think both of your steady leaderships will help us continue to do excellent work and bring the voters something that will be proud to support. I'm happy to vote aye.

Clerk: Mapps.

Mapps: I join colleagues -- my colleagues in feeling gratitude towards Mr. Chen and Mr. Knowles, for serving on the charter commission. You are both exceptionally qualified. I'm glad to see you in the role. I believe the work the charter review commission is doing right now is

some of the most important work done in the city. I look forward to your contribution to that project and the charter review commission making Portland work better. For these reasons I vote aye.

Clerk: Wheeler.

Wheeler: I'm happy to support these appointments and grateful to both of them for being willing to serve. I vote aye. The appointment is accepted. The appointments are approved. Item 112. This is an emergency ordinance.

Clerk: Authorize bureau of transportation to acquire certain permanent and temporary rights necessary for construction of the northeast-southeast 82ndavenue crossing improvements project through the exercise of the city's eminent domain authority.

Wheeler: Commissioner Hardesty. Thank you, mayor. I am so excited to be helping us move forward part one of our major 82ndavenue redevelopment project. I am going to turn this over to the very capable Winston Sandino, who will walk us through this with a very brief presentation. Welcome.

Winston Sandino: Thank you, commissioner and mayor. I think we have the presentation --

Hardesty: It's up.

Sandino: Let's see. Okay. Thank you very much. We can moving to the next slide. We're working right now on the 82ndevery crossings at avenue and beech. These are two locations in order of i-84 and south of i-84. This is a north street project. The funding is \$1.5 million to do two signalized crossings at these two locations. Next slide, please. The two locations we're going to be installing signalized pedestrian crossing at each location. We will be completing new A.D.A. Ramps at each corner of the sections. And we would be marking pedestrian crossing at both locations. The location of the beech, we will be installing an island to due to volume of traffic to avoid conflicts with pedestrians. Next. So this is the location of 82 and beech, you can so we're doing all the A.D.A. Ramps at beech crossing. And we're building an island. This location will have a signalized pedestrian crossing. Next location please. We're doing the same at 82ndavenue and ash, we're not doing an island at this location because of traffic. There is one island on the south side already. We're going to modify that and rebuild the A.D.A. Ramps. I just wanted to mention before we move to the next one, I wanted to mention and Ashley is going to talk about the right-of-way portion. We're not really

impacting anybody, measure impacts on this project. We're just basically taking a little bit of permanent easement just to build the ramp said, the A.D.A. Ramps are very, very complicated to design and we're going to have a lot of difficulties with utilities and very tight space to work. We're just basically getting a little bit of right-of-way just to get the A.D.A. Ramps in compliance. Next slide, please. In the public involvement, as you may know, there is a -- there was a huge planning process in 2019 that ODOT Led. PBOT Was involved in the planning are process. During that time we identified several locations through the entire 82ndcorridor, you all know that we will be doing, getting a jurisdictional transfer on the project, on 82nd. These are only two locations that we identified during that planning process. So we conducted interviews with property owners, business owners, community members, as well as market research to better understand barriers to redevelopment. We're currently working, we finished 30% plans, we're closing to 60% plans on the design. We're working with the adjacent property owners and business owners. The other thing I wanted to mention is that the designer who is doing this project is actually a consultant and it's a minority-owned business. And they are doing a pretty good job on the design. And I think now I'm going to turn it over to Ashley.

Ashley McLay: Thank you, Winston. Good morning, mayor and commissioners. My name is Ashley. I'm with PBOT Right-of-way acquisition. This agenda item 112 gives PBOT The compensate property owners for temporary and permanent easement rights and condemn those property rights for the 82ndproject. The permanent right-of-way and temporary rights needed from eight properties to support the construction of the permanent right-of-way will offer construction support of ADA Facilities and temporary easements used for construction support. All effected property owners have been informed of the project and needs for rights and invited to attend this meeting. That concludes the presentation and we can answer questions at this time.

Hardesty: Let me just say, very well done.

Wheeler: Thank you for the presentation. Any questions? Keelan, any public testimony on this testimony?

Clerk: No one signed up.

Wheeler: Emergency ordinance, please call the role.

Clerk: Rubio.

Rubio: Thank you, commissioner Hardesty for bringing this forward. And thank you, Winston and Ashley, for the presentation. Really excited about this project and it will ensure living near 82nd people will have the ability to walk, bike and travel safely. So very excited. I vote aye.

Clerk: Ryan.

Ryan: Yes. Thank you so much, commissioner Hardesty for bringing this forward. It's quite a journey to transform 82nd and you are all over it. And thank you, Winston and Ashley, great presentation. I love the graphic said actually. It's fun to look at blueprint said I vote aye.

Clerk: Hardesty.

Hardesty: Thank you, Winston and Ashley, great appreciate. Presentation -- this is one tiny piece of all the incredible opportunities that 82nd avenue will present over the next few years. I'm happy to see us every step of the way investing limited resources that improves safety for transit in the city of Portland and 82nd every desperately needs it. I'm happy to voted aye.

Clerk: Mapps.

Mapps: Aye.

Clerk: Wheeler.

Wheeler: This is further proof we can walk and chew game at the same time. There has been a lot of discussion in the last two weeks, week and a half about the need for city of Portland to invest in infrastructure that would help improve safety across the city. It's somewhat disconcerting when a proposal is vetted that does not overtly address that issue, people panic because they think we forgotten about it. It's nice to continue to see the work that's been done along one of our busiest and more dangerous traffic corridors, 82nd and acknowledge this is one piece of a project. And part of an infrastructure investment across the city to improve public safety. I applaud the aggressive efforts of commissioner Hardesty and her team as well as PBOT I look forward to continuing to support this important kind of infrastructural investment across our city. I vote aye. The or the is adopted. Next item. Item 113.

Clerk: Authorize bid solicitation and contracting with the lowest responsive and responsible bidder for construction of the north Jantzen, west of north pavilion avenue water main improvement project for estimated cost of \$1,326,698.

Wheeler: This is a non-emergency ordinance. Commissioner Mapps.

Mapps: colleagues, the water bureau has approximately 2250 miles of pipe in its water distribution system. Some of these pipes are old and obsolete which can lead to breaks and diminished water quality. They use asset management, risk management and financial planning to determine when to replace aging infrastructure. The ordinance before us today is part of that effort. This ordinance authorizes the bureau to replace some of the worst pipes in our water distribution system. There have been leaks in these pipes. These pipes are made up of substandard material. These pipes are located in areas that will liquefy during an earthquake and fail to meet quality standards. The pipe replacement project accomplishes three important things. First, replacing them will improve seismic resiliency. Second, will bring the infrastructure into compliance with the water bureau seismic implementation plan. And the 2013 Oregon resilience plan. And third water bureau services into compliance with Oregon health authority requirements. Here to tell us more, we have Jodi Inman, chief engineer for the water bureau. Jodi, welcome.

Jodie Inman: Thank you.. Keelan, could you start the presentation? -- You may recognize the important points in the presentation. Can you go ahead and go to the next slide. As commissioner Mapps described and I wanted to give a little bit of background, this project is a project in the distribution means program one of the larger programs a that Portland water bureau. This program has over 2000 feet of or excuse me, miles of water main in the distribution system. We do use asset management to identify projects. Based on condition risk and financial implications. The asset management plan for distribution mains identified a main replacement goal per year of around up 35 up to 50000 feet. You will be seeing before you more contract distribution mains that we will be doing in addition to the work our crews already do. The goals of the contract distribution main projects are two-fold. One is to increase the footage replaced every year to meet the asset management goal. And second, it is to be able to provide different sized contracting opportunities to the community, particularly firms. When we look at distribution mains, contract projects to bring before you, we're seeking to look for projects that fit within the tdc program and prime opportunities to support firms. Next slide, please. So why this particular water main? Not to reiterate what commissioner Mapps said but this project was identified in addition to the asset management

plan as part of the 2013 master plan, this will replace 2250 feet. We'll protect the water system against contamination and improve fire protection with the addition of a fire hydrant. The new pipe will help make sure water is safe and reliable in this area for generations to come.

Next slide. What is earthquake resistant pipe. We call it erp, it's a key component of the water bureau seismic implementation plan. As part of our water bureau seismic study we had some mapping done to identify areas of the Portland area where it was susceptible to lateral spread or liquefaction when the ground settled. Our typical water main installation standards have us putting pipe together and restraining them so they don't move, flex or pull apart. This is challenging and can lead to breaks in areas where there is a large amount of land movement. Earthquake resistant pipe is a joint construction, the joints have flexibility. They can be pulled apart. They can be pushed together and rotate on their axis. This pipe material, joints was initially led by the memory corporation are the first manufacturers, there are u.s. Manufacturers of the joints also. What you have before you are pictures of the earthquake resistant pipe in action. One is a demonstration of a pipe put together as one solid piece, it flexes and bends and able to stay connected. And an actual picture on it the right on an example where firm Japan where they have had subsidence and the ground underneath an existing pipe as one of the recent earthquakes move and the pipe shown there is still sealed, it is providing water to the customers in the area, which is a key component of how to recover after a seismic event.

Next slide. One of the key components on the Jantzen avenue project, Jantzen avenue is on Hayden island. And Hayden island is a unique part of the system and city and how it was developed. Brought into the city in the late '80s, the Jantzen beach water system. The Hayden island area is not like the rest of the city. There are not many public rights-of-way. There are easements in the middle, the sort of yellow shaded areas are existing easements that cover rights-of-way as well as many utilities. That water bureau project is primarily within the existing right-of-way, however there is need to coordinate with two property owners for additional easements. Those include temporary construction easements to be able to access the main, they include or be able to stage construction equipment for that work as well as temporary easements for access and to install the new hydrant. The water bureau has commendation authority. We like to do everything we can to avoid using it. We have been successful in negotiating one of the property owners and currently right now work

working with the second property owner to come to a resolution we will be-- we hope will be agreeable to all. I want to assure everybody that while we're asking for the authority today to be able to go to bid, for this work, we will not be going to bid until all property issues are resolved. Next slide. I promised it would be short and sweet. Again, our request is to authorize the bid solicitation for the north Jantzen water main project at \$1,326,698, late this fall. With that, last slide, I'll take any questions.

Wheeler: Colleagues, any questions? Commissioner Mapps.

Mapps: The slide that shows the bendy pipe. I think so. Perfect. I don't really have a question. I wanted to highlight this for my colleagues on council and those folks watching at home. It's easy not to appreciate how remarkable this is. We're replacing these old pipes with really cutting-edge modern pipes that are earthquake resistant. You can see the bend right there. We all spend a lot of time in Portland kind of trying to prepare for the big one. And this technology we're looking at today is part of the next generation of infrastructure which will help our city survive when that, you know, nine-point something earthquake hits. I'm proud to be associated with this and want to congratulate the bureau for being so innovative.

Wheeler: Thank you. Any testimony on this item, Keelan?

Clerk: Yes, one person signed up.

Wheeler: Very good. Let's hear from them please.

Clerk: Ron Schmidt.

Wheeler: Hey, Ron.

Clerk: Ron, you are muted.

Ron Schmidt: Ron Schmidt here, can you hear me?

Wheeler: Loud and clear.

Schmidt: Thank you very much, mayor and members of council, a special thank you to commissioner Mapps' staff who had the very last moment was able to do some last-minute efforts for us and we're very grateful for that. We're also grateful to the Portland water bureau for all their efforts. We believe that this pipe needs to be replaced. However, we're very opposed to the process that's being used in it. My name is Ron Schmidt. And I'm a resident, part owner of Jantzen beach moorage, a floating home in north Portland, comprised of 175 homes, some of which are the most reasonably priced and origin was from homeless building

structures on log rafts in the last century. You can see we're the ultimate in urban infill with a few feet between our homes. We're comprised by retirees, low income working folks. Our homes and property are the main financial investment and shelter in our lives. I testify against agenda item 113 and ask that you table this funding until an agreeable solution can be made in the taking of our property. I ask that if you do approve this funding, that you instruct your staff to work diligently to find solutions other than the taking of property from citizens when that taking is not needed. And if the taking must occur, evaluation of \$80000 for a half mile of river front seriously needs to be recalculated. Lastly, I ask that you consider moving the fire hydrant inspection back to the fire department and away from the water bureau, given the fire department is more able to do so without the taking of this property. If you look at your impact statement in your package, it states that all easements are currently in negotiation and will be in place prior to bidding the project. What is not in the statement is that a huge hammer, eminent domain is being used to obtain a permanent easement over most of our property that is not needed, has not been needed for decades and would stop us citizens and homeowners from future development, such as carports, garages, multi-habitational under the hayden island plan. As the risk manager over three decades of my life, is worrying about the worst-case scenario. That being the state declares that floating homes are environmentally insensitive and non-renew our submerged land leases. It's critical for us to find a higher and better use for what property we have left over, or you have 175 bankrupt families in the city of Portland. It's been told to us, the reason for this easement is to guarantee access to a maintenance employee to test and maintain the hydrants given our security fences and gates at each end of the property. This project is a replacement and not a significant change from the existing lines. No significant change from the system has been inspected or maintained for decades. As a matter of fact, station 17 captain hayes tells us the fire department has no problem getting in for inspections or test runs with huge fire engines, both now and when the fire department was responsible for the fire hydrant inspections. Police have no problem getting in with vehicles, in fact we give codes our dates to city employees or agencies that want them. And the water bureau has not complained in the last several decades that we've had the security fences in place. We have to decredit the water

bureau tried to work with them including their rights-of-way people and the city attorney. We have suggested as laypeople --

Hardesty: Excuse me, mayor, excuse me. We're almost two minutes over. And I just want to be respectful of everyone having three minutes to testify. And you have exceeded that time, sir.

Schmidt: Commissioner Hardesty, I acquiesce, I didn't realize a time constraint. We ask you table this or instruct your staff to do everything possible not to do eminent domain and work with the citizens. Thank you for your time.

Wheeler: Thank you, Ron. Commissioner Mapps.

Mapps: Ron, thank you so much for your testimony today. I would like to invite Jodie to weigh in here and see if she can place this issue into some context.

Inman: Thank you, can we pull up slide five. I want to thank you for presenting and appreciate the acknowledgment and all that you have done to work with us. What I'm not showing here is that the yellow shaded area is an existing easement. You see coming down are existing water bureau owned fire service lines and fire hydrants. Those exist on a moorage property. And we have an easement to access those. It is important for the water bureau to have a permanent accessible easement at all times to be able to maintain, replace, repair or work on our assets. We had originally because there is now a fence that sort of borders the area between the yellow and pavement, the parking on the moorage property, we had gone in with commendation authority to seek an access, a permanent access easement on the hydrant side of the fence. I believe after working with Mr. Schmidt, we're seeking other alternatives, such as being able to ensure there is their ability to get to hydrants in the existing easements by working on the fence that is currently blocking it or looking at other options. There are alternatives to be had here. And I expect that we will have continued dialogue with mr. Schmidt to work those out. And our current position is we'll be moving away from taking the commendation and working towards the existing access as we have.

Mapps: Thank you, Jodie. Thank you, Ron. I want to encourage all parties here to continue to dialogue around this issue. I'm confident we can work something out.

Wheeler: Thank you. Commissioner Hardesty.

Hardesty: Thank you, mayor. Thank you, commissioner Mapps. Jodi, are you working with the fire bureau and addressing the issues around the hydrants?

Inman: I have to check into that because they are water bureau owned. [audio cutting in and out] our responsibility to test and maintain them and replace them. So the ability of the fire department to access them is sort of secondary. But that could be--

Hardesty: Not to us if there is a fire there.

Inman: Exactly, which is I think Mr. Schmidt addressed they access to get to them in case of a fire. What is needed is the permanent, clear access to be able to do the maintenance.

Hardesty: Thank you.

Wheeler: Very good. Any further discussion on this item? If not, this is a first reading of a nonemergency ordinance, it moves to second reading. Thank you, everybody. With that, Keelan, we completed our work for this morning?

Clerk: We have, mayor.

Wheeler: Thank you. We're adjourned. I'll see you all at 2:00 p.m.

At 12:04 p.m., Council recessed.

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.

February 16, 2022 2:00 p.m.

Wheeler: Good afternoon. This is the Wednesday afternoon February 16, 2022, session of the Portland city council. Keelan, good afternoon. Please call the roll.

Clerk: Good afternoon. Rubio?

Rubio: Here.

Clerk: Ryan?

Clerk: Hardesty?

Hardesty: Here.

Clerk: Mapps?

Mapps: Here.

Clerk: Wheeler.

Wheeler: Here. Under the Portland city code and state law Portland city council is holding this meeting electronically. All members of the council are attending remotely by video and teleconference. And the city has made several avenues available to the public to listen to the audio broadcast of this meeting. The meeting is available to the public on the city's YouTube channel and of course channel 30 the public may always provide written testimony to the council clerk at cctestimonyPortlandoregon.gov the council is taking these steps as a result of the covid-19 pandemic and the need to limit in person contact and to promote physical distancing. The pandemic is an emergency that threatens public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, your flexibility and understanding these challenging circumstances to conduct the city's business. And with that we'll hear from our very able legal council on the rules of order

and decorum. Good afternoon.

Lauren King: Good afternoon, mayor and members of council. To participate in council meetings, you may sign up in advance at the council clerks office for communications to briefly speak about any subject. You may also sign up in advance at the council clerks office for first readings of ordinances. The published council agenda www.Portland.gov/council/agenda contains information about how and when you may sign up for testimony while the city council's holding electronic meetings. Your testifying should suggest the matter being considered at the time. When testifying please states your name for the record. Your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When your time is up, the presiding officer will ask you to conclude. Disruptive conduct, such as, shouting, refusing to complete your testimony when your time is up, or interrupting others or council deliberations are not allowed. If there are disruptions a warning will be given that further disruptions may result in the person being placed on hold or rejected for the remainder of the meeting. Please note that all council meetings are recorded.

Wheeler: Thank you very much. We have one item this afternoon, item 114.

Clerk: Adopt the environmental overlay zone map correction project. Amend title 33, zoning maps, natural resource inventory, and supersede and replace noted watershed, conservation and protection plans.

Wheeler: I would like to expand my comments about public testimony just a little bit that I gave earlier. Since this is a land use issue the public can read and submit written testimony about the proposal by visiting the map app www.Portlandmaps.com/bps/testify/numbers/easyones. That is the most challenging email url I think I have ever seen, but if you go to www.Portlandmaps.gov you will find a link that will get you to this proposal. And as I've said, members of the public can provide written testify by e-mailing the council clerk cctestimoney@Portlandoregon.gov today, colleagues, we're holding a hearing on the environmental overlay zone map correction project. It's often known as the e-zone project for short. Before we begin the presentations, I would like to provide an opportunity for my fellow commissioners to disclose any conflicts of interest.

Colleagues, do any of you have any conflicts of interest that you would like to disclose? I am seeing a bunch of head shakes, no. This project is brought to us by the bureau of planning and sustainability so I will at this point to invite commissioner rubio to give opening remarks. Commissioner.

Rubio: Thank you, mayor. I'm proud to introduce the environmental overlay zone map correction project to city council today. As we hear from project staff, e-zones are an important tool that Portland uses to protect critical natural resources. Remapping the e-zones using updated technology will make them more accurate than ever before. And helping to make Portland more resilient to extreme weather events and the impacts of climate change. To date e-zone project staff have conducted more than 600 site visits to confirm and correct data in the natural resource inventory. This is an unprecedented level of field work for a natural resource protection plan for the city of Portland. And they will continue to offer site visits in the coming weeks to ensure that the natural resource data is as accurate as possible. And I'm eager to hear public testimony on the co-proposals. But first, I would like to thank staff from the bureau of planning and sustainability, and especially project manager Daniel Sobbeing for an impressive amount of work and public outreach. I would also like to thank the planning and sustainability commission for holding hearings and making amendments to this proposals prior to making their recommendations to us. I would also like to thank the bureau of environmental services for assisting the site visits and projects by providing support and for also supplying expertise in mapping wetlands and other natural resources. And finally, I want to appreciate all those who already have submitted written testimony and those who will testify today. I'm eager to hear their thoughts, as we all are, my colleagues and I, on how they think proposal might be strengthened. I will now turn it over to Eric Engstrom and Daniel Sobeing from the bureau of planning and sustainability to provide a presentation on the project.

Eric Engstrom: Thank you, commissioner and mayor wheeler. Good afternoon. My name is Eric Engstrom I'm a principal planner from the bureau of planning and sustainability. As the commissioner mentioned, e-zones are part of a natural protection program that is part of state-wide planning goal 5, they protect streams, wetlands and forests. The project we are presenting today is ultimately about making our zoning maps more accurate. The

environmental zone maps were developed through several different projects over a 30-year period. And over that time our mapping technology has improved quite a bit. As an aside, I'll just say that one of my first jobs with the city in my 20s was making zoning maps, and at that time we used sticky tape and paper. And so I'm saying this just to highlight to give you a clear sense of how things have changed over the life of this particular program. The primary takeaway I want to leave you with today is this is about map accuracy. We are doing this now because many people have asked us to update these maps for a long time. Our adopted and state acknowledged conference of plan included an updated natural resource inventory based on that improved technology. And it's important we make our zoning maps reflect that better information. There is also a relationship to our work here to implement the remaining parts of the state's middle housing mandate. In short, the state requires we use the latest maps in identifying where middle housing can be allowed or not. And this is one of the ingredients in that mapping process as well. So there's a little connection to the next project we will bring you. Again, the primary takeaway being map accuracy that I want to highlight. At this point I will turn it over to Daniel to give you more information about the program. And also want to echo all the thanks that the commissioner gave I want to second all of those. Thank you.

Daniel Soebbing: Thank you, Eric and thank you commissioners. My name is Daniel Soebbing. I'm with the Portland bureau of planning and sustainability. And I'm here to talk to you today about the environmental overlay zone map correction project. Environmental overlay is a part of Portland's zoning code. And they protect important natural resources. The conservation zone is typically applied to forest vegetation. And within the conservation zone some new private development is allowed sensitive to the natural resources. The protection zone is a more stringent environmental overlay and applies to our most critical resources like streams and wetlands. And in the protection zone new development is prohibited except under certain circumstances. The reason that we're doing this project is that state land use planning goal 5 requires Portland and other cities in Oregon to inventory natural resources and to create a plan to protect the most important natural resources. Metro also has policies that requires jurisdictions to protect natural resources and the adopted comprehensive plan directs Portland to update the e-zones. I think that there is a general perception that e-zones

are all about protecting habitat or threatened species and for preserving nature parks. And, yes, they do that and that is important. But that is not the most important reason why we have e-zones. Natural resources provide critical infrastructure. Vegetation absorbs rainfall and prevents landslides. Trees literally hold steep hillsides in place. Streams and wetlands help to retain and to convey storm water. And they prevent downstream flooding. By preventing negative outcomes like flooding and landslides, resources help make Portland more resilient from the effects of climate change, which are expected to include elevated peaks in summer temperatures and more intense rainfall events. And we know that development is going to happen in Portland. The population will continue to grow, and people will continue to build new houses and to divide lots. And if we don't protect the resources that we have from this coming development, we will lose these resources and the ecosystem services that they provide. Losing these resources would have negative consequences for the city. And if we losing them, we will have to make big investments in concrete and steel infrastructure and spend lots of money to replace the functions of those lost resources. Portland has had e-zones for a long time, starting in 1989 and up until 2003, 13 different specific area resource natural protection plans were adopted to protect resources in different parts of the city. Each of these plans say which resources are intended to be protected, and we're not trying to change that intent. We're only trying to correct the e-zone to match the existing adopted policy. In 2012 Portland adopted the natural resource inventory. The NRI employed new technology to map streams, forests and wetlands. And what we found when we compared the adopted NRI to the existing e-zones is that a lot of the resources that were supposed to be protected were missed when the e-zones were originally applied. This slide you see here shows an example of a stream system that is in southwest Portland. And this stream system is only partially protected. The intention was to apply a protection zone to the stream and to apply a conservation area to the forest around the streams. But the protection zone was only applied to the central stream channel because the tributaries weren't mapped very well, and the overlays totally missed one of the tributaries which is jutting out from the side and has no environmental overlays around it at all. This is the type of situation that the e-zone project is intending to fix. There are also e-zones mapped where they shouldn't be and we are trying to fix that as well. The scope of this project is pretty narrow. The primary output of the project

are amendments to the official zoning maps to correct the e-zone boundaries and there are some code clarifications and code amendments. What is not part of this project are policy changes. We're not intending to change what should and shouldn't be protected. We're only trying to align the e-zone with the map's natural resources. This map shows you the project area. All of the colored areas are places where the e zones are being rematched. And I have circled some areas here that shows you industrial areas in the Columbia corridor and along St. Helens. These are areas where we do have conservation and protection zones, but we are not remapping the e zones in those circled areas in this project, and we hope to have a follow along project that will start shortly after this project that will update the e-zones in those areas that will be current with the economic analysis. In the past resource protection plans generally applied protection zones to streams and wetlands, but they weren't always consistent. Sometimes part of the stream would be in a protection zone and another part of the stream would be in a conservation zone. And some of these old plans didn't mention wetlands at all. The e-zone project isn't intended to make new policy, but the proposal to apply a minimum protection zone to all streams and wetlands is the change. We have better technology that allows us to match streams and wetlands with much greater accuracy and with more certainty than we did before. And this allows us to apply protection zones to these features more consistently than we did in the past. When the planning and sustainability commission was reviewing this project they voted to amend our proposals to apply a minimum of 25 feet of protection zone to all streams and wetlands. So I'm going to tell you a story now about why we have natural resources in the city of Portland. And the story starts with slopes. If you think back about one hundred years in the city of Portland people cleared all of the forest and vegetation throughout the entire city. The intention was to develop everything that is now the city of Portland. What people found when they removed all of the natural resources, the areas that were steeply sloped were highly susceptible to landslides and erosion. So you can see the colors on this map, the dark red are areas where the slopes are 25% or greater. Those are areas where that all of the resources were removed, but development generally didn't occur in those areas. And this is a map of the vegetation mapping we have today. As I said, at one point all of the forests were completely cleared. Now have forest in a lot of these steeply sloped areas and we also have some woodlands in those

areas as well. Those are also places where the streams were allowed to remain surface streams and they weren't piped and buried as they were in the rest of the city. So this is all second growth forest, for the most part. And the second growth forest that we have around the city of Portland is providing important eco system services. This is a map of the heat island effect in the city of Portland. The blue areas are relatively cool compared to the rest of the city. The red areas are relatively warm compared to the rest of the city. And you can see that these cool areas are located in close alignment with places where forest and woodland vegetation is located. So these resources that we have, have a significant impact on the lives of people that are living in the city of Portland and doing really important things for us. This is a complicated slide here, and I'm going to try to unpack it for you. This was a vulnerability analysis, an economic displacement analysis that we did. And this is something that we do with all of the projects that we do in the bureau of planning and sustainability to try to determine what the impacts of zoning changes will be on vulnerable populations. And so there's a lot going on here. The top layer is our e-zones. So we have the existing and the proposed e-zones overlaid on top of census data. The census data is a four factor analysis. It looks at renter status, income status, and educational attainment and populations of color. And any census tract that scored high on those factors is colored in dark blue. The areas that are less diverse and have higher educational outcomes are the lighter colors on this map. So what is this trying to tell you? It's trying to show that the e-zone there is not a lot of intersection between the existing and proposed e-zones in areas where we know vulnerable populations are located in the city of Portland. And that means two things. One, it means that there is not a significant risk of displacement of vulnerable populations from this project. The e-zones as they are being remapped are not likely to have impacts on properties that are owned or rented by members of vulnerable populations. The flip-side of that though is that a lot of these vulnerable populations are not living in close proximity or benefiting from being near natural resources. This is a problem. This is something that is pretty well known in the city of Portland. East Portland doesn't have a lot of trees and it doesn't have a lot of natural resources and it's a hotter area than the rest of the city. We need to fix that. We need to grow more trees in east Portland. We need to add more natural resources there. It's something that we have programs in the city of Portland that are working on, but it's not something that we can

directly address through the e-zone project. That is because the way the e-zone works, it protects the existing resources that we have right now and it's not a tool that we can use to expand resources into places that they don't already exist. So I want to get into the details of what the e-zones actually do on individual sites. This is an example of the type of site that you find in Portland where e-zones are mapped. A residential site, the e-zone is represented by the dotted black line that is running through the house and the existing developed yard. This is not at all unusual. Because in the history of Portland we built houses close to streams and in places we probably wouldn't allow it today. That's okay. The e-zones don't really have any impact on existing development. So even though the e-zone is running through the yard and through the house there are exemptions for all existing development. That means that the house is fully vested with the footprint and if a disaster was to befall this house and the owners wanted to rebuild it they could do so within that existing footprint without any restrictions from the e-zone at all. And there are also exemptions for the yard and all of the structures in the yard. And so if the owners of the house want to keep mowing their yard no restrictions on that. If they want to resod or replant, no problem. If they want to turn their yard into a garden if they want to turn their or garden into a landscaped area there is nothing that would restrict them in the e zone code. This is all existing development and exempt. However, expansion of the footprint or removal of native vegetation with the e-zones is limited or restricted under some circumstances. So it's really only impacting new development. Overall, the change in the amount of areas covered by the e-zone is pretty small. There is an increase of about 3% in the overall e-zone coverage, which is fairly minor. But the e-zones are shifting around quite a bit and they are having impacts on individual lots. And so we wanted to look at what are the impacts on lots around the city of Portland. So there are lots on which e-zones are already mapped. There is an increase in e-zone coverage. There are over 7,000 lots that fit that definition. There are also lots that have e-zones on which the e-zones are shrinking, and there are almost 5,000 lots that fit that definition. There are some lots that currently have no e-zones and they would have e-zones, if our project proposals are adopted. And there are 3,000 plus of those lots. And there are almost 1,000 lots that currently have e-zones that would have no e-zones if our proposals are adopted. These changes are site specific, and looking at the lots doesn't tell you a lot of detail about what the

impact and the changes look like. On many of these lots the changes are fairly insignificant, are small, just a few square feet here or there. On other lots the changes could be very significant, it could be a matter of acres of e-zones. You really need to dig into what site you are talking about to say what the impact actually looks like. This project has been ongoing for 3-and-a-half years now. And a lot of what we've done with this project has been public outreach. Project staff have conducted over 600 site visits on sites in the field to verify and confirm our natural resource mapping. We have working with the bureau of environmental services to do wetland mapping on private sites. We're still offering services today, so if there are any additional corrections to be made we have a few more weeks to make corrections to ensure that the data is as accurate as possible. We have done mailings to property owners and renters that have e-zones. We have attended community meetings and homeowner associations and other community groups. We held drop in hours where you could talk to staff one-on-one about your site. And we held open house meetings and we had a hearing process with the planning and sustainability commission. That process consisted of 3 public hearings over a 14 month period starting in July of 2020. PSC wrapped up their hearings in September of 2021. During the hearings of the PSC we received 388 pieces of testimony, verbal and written. Initially during the PSC process the majority of the testimony we received was site specific. People had questions or concerns about the e-zones that were mapped on their site. Project staff offered site visits throughout the PSC hearing process to go out there and verify natural resource mapping. The number of site-specific testimony that we received later in the hearing process was much smaller. And we hope that was a reflection of the fact that we could address the concerns of the people raised at that hearing. So we have 48 people that are signed up to testify today. And in reviewing some of the written testimony that's been submitted and from the testimony that we received at PSC, these are some of the themes we can expect to hear from the testimony today. We're going to hear from people that are going to request stronger protection from natural resources. We're going to hear from people that wish to expand the protection zone around features like streams and wetlands. We're going to hear from people that wish to expand the protection zones around features like streams and wetlands. You are going to hear people raise concerns about whether e-zones are going to prevent future expansion and development on their lots or

prevent land division. People may raise concerns about difficulties imposed by e-zones on property value or whether e-zones will make it difficult to sell property. You may hear concerns raised by some about whether e-zones may impact the housing supply in the city of Portland. Some may testify about the risk of wildfire and whether e-zones will prevent people from protecting their homes from wildfire. And you will also hear from people who will talk about how natural resources protect us from natural disasters and the make us resilient to the impact of climate change. I'm happy to stick around and address any of these concerns if the commissioners want to discuss them after the testimony has concluded today or in a follow-up memo later on. Some take home messages from this presentation.

Wheeler: Could I just jump in here since you left an opening?

Soebbing: Yes.

Wheeler: First of all, I really appreciate this presentation. And I appreciate you laying out some of the potential themes that we will hear in testimony, and I assume we will hear in instances as well. I won't speak for everybody, but for my part, I would absolutely like to hear -- not today, but I would like to hear a brief response to each of these potential concerns either through a memo or through a direct meeting. I think you have done a good job of outlining what we're hearing. And I think it would be useful to hear staff's concerns on some of these issues. I appreciate you offering. Thank you.

Soebbing: Thank you. And we will follow up on every piece of testimony as best we can. The take home messages. The e-zones are intended to protect streams and forests and wetlands. And we are remapping them using the best available technology that we have. E-zones are a natural resource protection program that is required by state planning goal 5. So far project staff have conducted three-and-a-half years of public outreach, which includes 600 site visits. This development is fully exempt from e-zone regulations and newer expansion is allowed within certain limits. We have a project report that's available on our website. And if you want to look at individual sites and see what the existing and proposed e-zones look like on those sites. We have a map app posted online where you can review the e-zones on individual sites. And a note on timeliness, and why remap e-zones today? We should move forward with the e-zone project because using the Best available technology to remap e-zones is the right thing to do. It's an example of good governance. The

comprehensive plan has directives that instruct us to update the e-zones. We had a large contingency of Portland residents who had been requesting that we update the e-zone mapping for over a decade now. And the second phase of the residential infill plan are relying on the project for the mapping work. So adopting the e-zone project will help advance the work of that project. Some notes on the process for moving forward here. The written record is posted on the e-zone project website and it can be found at www.Portland.gov/bps/ezone/tfcsummary. Additionally, all written testimony that's been submitted can be accessed and reviewed by members of the public on the e-zone map app. And testimony can be found at Portlandmaps.com/bps/testimony. The e-zone project staff will continue to offer site visits to confirm natural resource mapping. The deadline to submit a request is a week from today, February 23rd, 2022, at 5:00 p.m. All site visits requested by that date will be completed before March 16th, 2022. And staff have committed to follow up with all property owners who request a site visit by e-mail or phone. And staff will work with people that request site visits to find a mutually acceptable time to review the mapping of the natural resources and the draft e-zones on their property. Site visits can be requested by contacting staff at ezone@Portlandoregon.gov or you can leave a voice mail at 503-823-4225. And that is the end of my presentation. Eric Engstrom and I will be available to answer questions at the conclusion of the public testimony. I would like to turn it back to commissioner rubio to introduce the planning and sustainability commissioner Gabe Sheoships.

Rubio: Thank you eric and Daniel for that presentation. And as Daniel mentioned, next I would like to introduce Gabe Sheoships a member from the planning and sustainability commission who will present the PSC's recommendation.

Gabe Sheoships: Thank you commissioner rubio. Good afternoon city council. Before I start I want to thank city staff, Daniel and eric and others, who have diligently done this work to correct decades of mistakes. My name is Gabe Sheoships and I'm here as a representative from the planning and sustainability commission to present a recommendation today. Daniel just gave this great overview. A few key points I want to share. On September 28, 2021, the PSC voted unanimously to recommend the e-zone project to city council. This came after a 14-month hearing process that started in July of 2020. We at PSC held 11 meetings on the

e-zone project, including three public hearing where we heard testimony. While considering the e-zone project the committee voted to amend the e-zone project in several ways. This includes the following amendments that would allow for the following activities. The replacement of failing septic systems, failing fire breaks, and the recommendations of ADA to trail standards. Some of the most important amendments that the PSC voted on were minimum protections for stream and wetlands. The PSC voted to apply at least 25 feet of protection zones and 25 feet of conservation zones to all streams and all wetlands. And an important note, this is a fairly conservative measure compared to other state and federal recommendations of 50 to 150 feet of stream buffer protection. So this is a conservative move in the right direction. I would say most importantly, I am a citizen of the confederate tribes of the Umatilla. And before the city of Portland was known as Portland this was indigenous lands that were made up of first food resources that were in forms of native plants and fish and game. This was always an area that was known as an ecological sustainable landscape. The city supports 40,000 indigenous people who have a strong need and desire to be able to access first food and resources within the city limits. The e-zone project will help to stabilize and protect what has yet to be lost. Natural resources are vital elements that are woven through the fabric of the city of Portland. And they help to contribute to the livability of the city and they protect people from the hazards and effects of climate change and wildfire. It is extremely important that the city council votes to adopt the e-zone. To modernize our natural resource protection program, and to really continue the strong legacy of environmental protection that the city of Portland is known for and has preceded being known as the city of Portland. So thank you for your time.

Wheeler: Very good. Thank you, Gabe, we appreciate your work on this as well. We know you don't get paid the big bucks in the work that you do. This work is very complicated and I appreciate your being here today. I assume, commissioner rubio, that completes the formal presentation?

Rubio: Yes, it has, Mr. Mayor.

Wheeler: Do you have any questions for the staff or our PSC commissioner before we take public testimony? Commissioner Hardesty?

Hardesty: I'm not going to ask any questions until after the public testimony. I just want to

appreciate Daniel and Eric and Gabe and all the staff. You know, I am just amazed at all of the work it takes for to develop a land-use policy. And how important it is for staff to check all of the boxes and cross all of the t's and dot all of the i's. Eric, you have been doing this for a long time. I almost fell out of my chair, you said you started making maps when you were 20. And I just wanted to not lose the opportunity to thank all of you so much. I know the dedication that you put into this work. And I'm very grateful. I can't wait to hear what the public feedback is, but I just didn't want to leave today without saying, thank you, thank you, thank you.

Wheeler: Thank you, commissioner. Keelan, how many people do we have signed up for public testimony?

Clerk: We have 49 people signed up, but not everyone has arrived yet.

Wheeler: We'll now move on to public testimony. Each person will have two minutes to testify. As you just heard we have a lot of people that have signed up. We're eager to hear from each and everyone of you. I will ask that if you have already heard your points being made by another testifier, you don't have to reiterate it chapter and verse. You can say, I agree with what John or what Sally said earlier. Also, if you are part of a group testifying and advocating together, we'd appreciate you keeping your points as short and to the point as possible just so we can get through this long list of people who want to testify today. Please be aware that after two minutes our very outstanding Keelan, our very outstanding council clerk has been instructed to mute you. It's important that you watch the clock that will be made available. And that you wrap up your comments prior to two minutes. And with that Keelan, I will turn it over to you.

Clerk: I will call people three at a time. First up we have Susan Torch, Jeanie Friedman, and Joseph Angel. Go ahead, Susan. Oh, Susan, you are muted.

Susan Torch (Namkung): Thank you. I'm Susan torch and I appreciate the presentation by the bureau staff, but I think they operate in a world of regulation speak. And we, the property owners on the ground, are trying to desperately navigate and abide by these complex new regulations that are being imposed on us. I don't understand it all myself, just by having spent quite a bit of time researching it. But I have been able to hire experts to try to help me understand what this means for my property. And the upshot of it is that we have a large property. We had always had plans to put in adu's for aging parents and college students that

always seem to return to the nest. And just to put in one adu is going to cost 36,000 dollars of a surveyor's time because the lines that have been drawn on our property which cover almost 90 percent of our property, including our home and driveway, it's hard to navigate that. I understand that the bureau of planning and sustainability has done a great job of putting together these expanded maps. But I would argue that they are illogical and overly broad and too restrictive and putting unfair burdens on property owners. And the reality is that there is concept and theory, which sounds great. We are all environmentalists here and we all want to protect important watershed areas, but not at the cost of unfairly putting arbitrary, unreasonable and impossible to understand demands on property owners, who are trying to do the right thing and be good stewards of our properties. Thank you.

Clerk: Next up we have Jeanie Friedman. Jeanie, are you there?

Jeanie Friedman: I was muted. I just want to say I don't have any questions. They are just going to pass me, you know what I mean?

Clerk: Jeanie, you are unmuted.

Friedman: I don't have any questions.

Wheeler: Did you want to testify or are you good? I guess she is good.

Clerk: Next up we have Joseph Angel.

Joseph Angel: Mayor and commissioners, thank you very much. I want to first thank Daniel and Mindy for tromping around on my property and almost getting lost. We found all of the things we needed to find. It was very much appreciated that we had staff from the city that were that interactive about what was going on. What I would like to testify about today is not the maps. I think the maps turned out fine. The issue I want to talk about is this issue about septic up on skyline. For years and years we have been up on skyline with this problem. We're in a septic system area because there are no sewers. Because of the rural reserve there will not be sewers for 50 years. So our only alternative is septic systems. The plan that has been put forth about existing septic replacement I think is good. It's a good way to do it. What it does is it simplifies the process. It allows people to come in and do it in a more efficient and orderly fashion because they are satisfying the certain standards that the city has put down under this new process. What is missing is that that should be the same for somebody coming in for a new system. The systems are exactly the same. When you have a failed system it doesn't get

fixed. You move over and you build a whole new system. So, protecting the e-zone for a new system for a new home owner or protecting it for an existing home owners are exactly the same. They should apply to both. Thank you for your time.

Clerk: Next up we have Bob Sallinger, Dominic Corrado and Linda Bauer.

Bob Sallinger: Good afternoon, Mayor Wheeler and members of Portland City Council. My name is Bob Sallinger, and I'm the conservation director for Portland Audubon Society. And I'm here today to express our strong support for the adoption of the e-zone map updates. We appreciate the work of the city staff and planning commission moving this forward, it's long overdue. Our e-zones are absolutely critical to protecting the natural resources, to protecting the natural resources, to protecting the public from and natural hazards, and from mitigating the effects of climate change. They provide the regulatory backbone to protect critical natural resources like trees, wetlands, forests, steep slopes and wildlife habitat within the city. This is the foundation of which we build a healthy environment. Many of those maps are long, long out of date. I think it's really important to reemphasize this is a map update and map correction process. It's not a change in policy. It's simply taking the policies that we had in place that have gone through extensive vetting, and making sure that they are accurately applied. That is a matter of common sense. We don't want to apply regulations where they are not appropriate and apply them where they are. The city has done an outstanding job updating the maps to make sure that they are accurate. I would note again that there were 11 hearings before the planning commission 11 meetings and work sessions. And over 800 site visits, 600 by BPS and over 200 by BES. So this has gone through an incredible amount of vetting. I want to call out to the fact that parts of the city were not done, the North Reach and the Columbia Slough. And that is because we have not yet updated the EOA. And I want to flag that because a lot of our natural resource programs this one, the flood plan program and the trees are not being addressed in these areas because we have an out-of-date EOA that keeps getting postponed. We need to do that as well as make sure we can do these things holistically. So in conclusion we strongly support this moving forward. We think it's really is simply a matter of making sure our maps --

Clerk: Next up we have Domenic Corrado. Domenic, you're muted.

Domenic Corrado: Am I alive now?

Clerk: Yes, we hear you. Thank you. My name is Domenic Corrado, 697 southwest 49th avenue in Portland. And I object to both the premise and process of the map correction project. The premise is it's a correction, but that is the subterfuge. Brand new wetland overlays are being proposed where none were originally mapped. They proposed to do this with purportedly new and improved aerial surveys that, in my experience, have proven through wetland delineations to be flawed. The imposition of new wetland researching should be addressed as an entirely separate process, separate from the map correction process. I own four parcels in southwest Portland that are affected by this process. All of them either contain proposed new wetland designations or are close enough to be affected by a wetland boundary. The parcel to the west of me was also covered by a new wetland designation. We objected in order to the wetlands delineation that proved no wetlands existed on any of those parcels. A 100 percent failure rate of the aerial maps that are on those four properties that are now being relied to encumber numerous properties with new e-zones. I'm sure those property owners don't even know they are affected. Designation as a wetland is a devastating event for property owners. If owners want to build an addition or do repairs, it creates a serious obstacle. And it's not just a problem for the property owner. Adjacent property owners within a certain distance of a wetland boundary are also affected. An incorrectly mapped wetland designation is just as devastating as it is to a wetland. The only way to correct it is through a delineation that only can be conducted during the rainy season. When I pointed this out to staff I was told that even though we were disproportionately affected we're not being treated any different than anybody else in an e-zone. Notice how neatly they have carved out a new class of citizens with diminished constitutional rights. We now have a citizen review committee in Portland created because of the repeated violations of citizens rights by the police bureau. If we expect the police to understand citizen rights shouldn't we expect the same accountability?

Clerk: Next up we have linda bauer.

Linda Bauer: Good afternoon. I have two requests for you this afternoon. First of all, please do not add additional e-zones to our property. After the storm water run off, which has been diverted on to our property, the storm water will no longer pool on our property and then the e-zone criteria will not be met. Request two, please direct the appropriate bureau to send the

public water storm water runoff from southeast foster road to the existing BES public water storm facility. Here's what happened. The city of the Portland issued a building permit for a new house on an adjacent lot to ours. In order to build that house the existing drainage way on that property had to be blocked. When the drainage way was blocked the public storm water run off from southeast foster road was diverted on to our private property without our permission. I want to be clear, we did not and do not consent to public storm water runoff being diverted on to our private property. Our property does not meet the code requirements for a public or a private storm water facility, especially when there is an existing BES public storm water facility approximately 75 feet from our property. The BES facility is 32,234 feet or three quarters of an acre large. Please do not add e-zones and please direct the appropriate person to handle the public storm water. Thank you.

Clerk: Next up we have Joseph Schaefer, James Howsley, and Chris Robisch.

Joseph Schaefer: Good afternoon. I'm Joseph Schaefer a land use planner at Jordan Raymus here with attorney Jamie Housley, who will speak next. We have many clients whose names and addresses are on the record and will be repeated here. You are hearing today about what areas are not within the environmental zones. Please recognize that these regulations affect all properties that include any e-zones on any portion of the property, including the 3,280 properties with e-zones on them for the first time. This includes the obligations to hire consultants to identify and survey the e-zone boundary. And to dedicate the e-zone as a conservation tract whenever development occurs, even when the proposed development is far away from any environmental zone. The consultant cost for compliance runs into the tens of thousands of dollars even when no housing is proposed in the environmental zones. In our view, these are unreasonable costs which discourage the development of housing because the city shifts the burden of mapping the environmental zones boundaries on to each applicant. Mr. Sobeing's powerpoint indicate that the proposed maps are consistent with existing policy. Jamie Housley will now explain why they are not consistent with state policies on housing. Thank you.

James Howsley: Mayor, commissioners, for the record, Jamie Housley, 1016 southwest davenport street Portland 97201. Attorney for several property owners including those that will be impacted by the proposed regulations. We submitted a letter today that we previewed

with Ms. King in the city's attorney's office in draft form a few days ago. Cutting to the quick, there are several state laws that protect housing capacity and we believe that this proposal conflicts with those. Oregon's need housing statute precludes the adoption of regulations that impact housing that are not clear and objective. The proposed e-zone maps are not clear and objective as the city has not clarified where the resources are present as shown on the maps and that is why there are so many last minute changes being made following staff visits, and, again, we heard that they are willing to do that again today. Second the adoption of e-zones are completely discretionary. They only require that the city determine that natural resources are presents. Third, the city puts the burden on the applicants and their consultants to actually locate a map their purported resources on their own properties. Obviously, if the proposed maps were accurate this would not be necessary. Our letter raises a number of other legal issues that you can find there. This is a complicated task to balance all of the interests. Washington county has been working on their e-zones since 2018 with numerous legal challenges, and they are still not there yet. We hope that the city delays this ordinance and request that staff consider the points raised by our office, and as the city attorney knows, we remain open to a dialogue to find workable solutions. Thank you.

Clerk: Next up we have Chris Robisch.

Chris Robisch: Good afternoon members of the council and Mr. Mayor. Thank you for the time for allowing us to speak. I want to echo the others and to thank dan and the staff for all of the work they have done. The site visit was extremely educational for us. We live in southwest Portland in the Arnold creek area. Our property is in the conservation and protection zone. There is 4,000 feet of a 7,500 square foot lot that is in the conservation zone that will not be. So our conservation zone will shrink. We have been in the process of mitigating steep slope, storm water drainage and run off problems. And we inherited, unbeknownst to us 20 years of environmental problems. I bring that up as a strong supporter of this project and ask for due pass. Because 405 and then specifically 33 430 and 405 those edits allow one in our position who inherited the problems or violations can move forward in a non-land use review far less expensive an expedited process to resolve problems on the property and remove the violation as we are actually helping the environment. So, for example, it would cost us roughly \$15 to \$20,000 just to fill out an application to get approval

to fix things that builders, developers and previous owners created. So therefore, we are in favor of this plan. Finally, the accuracy and the effort for accuracy while maintaining the city's policy for environmental protection we find in our instance has been top-notch, and we support the work that has been done. Thank you.

Clerk: Next up we have Tara Mather, John Rabkin and Tessa Dover

Michael Harrison: Good afternoon, Mr. Mayor and commissioners. Tara Mather is my co-worker of mine at OHSU and unfortunately had an emergency and a little while ago had asked if I could step in for her, if that's all right. I'm director of relations at OHSU. I just wanted to come and testify today and thank staff. I have watched and participated in a massive number of city endeavors over the last 20-some years. And I don't know that I have ever witnessed just the sheer -- I mean, I have witnessed a lot of great public engagement, but the level of public engagement in this project has really been amazing. You know staff willing to come and meet with us multiple times on site. Walking through, helping to explain regulations. It's really been kind of an amazing process to participate in. At the beginning we had a lot of concerns, like many people, with wildfires in the west hills where much of OHSU exists. And through the process, staff has very patiently explained to us what the regulations would do and wouldn't do. And it's alleviated our concerns. I wanted to give a huge thumbs up to the public engagement process that has taken place, and support the efforts of the city with this measure. Thank you so much for the time to be here.

Clerk: Next up we have John Rapkin.

John Rabkin: Mr. Mayor and commissioners, thank you for the opportunity to speak today. I will try to be brief. And I would like to thank Mr. Sobbeing and his staff for their willingness to come out for a site visit. I don't want to repeat, mayor Wheeler, you suggested I don't want to repeat what the prior property owners have already stated. I do want to echo Susan, what the original property owner stated. I would like to point out as property owners, and I have been a long-standing property owner in Portland well before the institution of the overlay. The value of my property, unfortunately, has been taken by the process, by the city, because of all of the things that you have heard about what it would take to further develop buildable lots that are part of my property. And so my intent to have built on the additional lot is now adversely impacted. I would also like to point out that unfortunately there is no mitigation for

the taxes that we're paying annually for the privilege of owning this property in Portland that we no longer have the freedom to develop as we intended. But most importantly, I think this process is disincentivizing some of us for protecting the property. I say that because the way this -- as it's called, the revision of existing maps is being done, is by looking at the tree cover. And so my properties is having additional overlay and had I not protected the tree cover it wouldn't be included. Now I have been de incentivized to reduce the tree cover so when this happens again I won't have additional property affected by the overlay. Unfortunately we see this is going to happen now and will happen in the future, there needs to be some way to not disincentivize property owners/home owners from not taking down trees.

Clerk; next up we have Tessa Dover.

Tessa Dover: Good afternoon, I'm Dr. Tessa Dover. I'm a professor at Portland state and I'm here on behalf of myself and my wife, Dr. Hailey Donovan who is a child psychologist. We bought our first home in the west hills about two-years ago. And our property is covered entirely by the new proposed c zone, including the house itself, the paved driveway, the front, back, and side yards, and even the street in front of it. We back up into a wooded gully with beautiful forest views and ample shade and diverse wildlife. We affectionately refer to our home as the "treehouse". And this forested area behind our house while still on our property is already a protected p zone. But much closer to our house including in our front yard there are at least 10, 50 to 60-foot big leaf maple trees. And we love these trees, but they are not indigenous to the forest. They were planted around 1980 when our home was built and they are dying. Shortly after moving into our new house the top third of one of those maples broke off and fell onto our deck missing our living room and windows by a matter of feet, damaging our deck and our railing. It could have been much worse. Before we moved in a similar incident led to a several hours long electrical fire as a tree fell on a transformer right outside of our window. As homeowners we have become diligent about hiring arborists to manage these trees through approved channels. We've been diligent about preventing wildfires.

Clerk: Next up we have Douglas Kinnaird, Willie Levenson, and Lynne Chao.

Douglas Kinnaird: Thank you, Mr. Wheeler, members of the commission, and the staff of pps, including Daniel, who visited our site recently. My name is Doug Kinnaird. As a western united states injures another drought condition as evidenced by California's longest drought

period in 27 years, devastating wildfires in California, cascades and frighteningly low water levels in nearby reservoirs maintaining watersheds is a vital part of -- Portland is one such critical watershed where 3 small branches of lady fern creek which in turn is a tributary of -- a more recent survey shows it has been reduced to fewer than 10 undeveloped acres. Recent completion of the boone sperry bridge to allow flow underscores its importance to the area. Therefore, we fully support the environmental overlay zone map correction project as presented. Thank you very much.

Clerk: Next up we have Willie Levenson.

Willie Levenson: Good afternoon. I'm Willie Levenson, ring leader of food access project and I just wanted to express my support of auto buying Portland staff and citizen advisory committee and just want to thank city hall members for your dedication and commitment to our city. You guys I know just put everything in and I know how hard -- well, I have no idea how hard your job is, but I'm grateful you're sticking in there and fighting for Portland. Thanks again, everybody, for your work.

Clerk: Next up we have Lynne Chao.

Lynne Chao: 34 of us have submitted written testimony. The foundation the entire project is based upon the accuracy of the computer maps. The maps are 12 to 17 years old and missing data from 2004 to 2022 for repairing areas. Does the e zone map correction project have the slope data needed, the vertical assessment to apply a 3d mapping to 3d land?

Wheeler: We've unfortunately got, like 50 people signed up.

Chao: What? Can I continue?

Ryan: Yes. Please continue.

Chao: Oh, okay. Does the e zone map of the data needed to apply reading -- 3d mapping to 3d land? It's a supplement plan to add additional protection to streams for slopes protecting up to 200 feet based on steepness of slope. By not adopting metro title iii, the e zone map correction project has reduced the protection of our streams by 100 feet in the west hills. Is this because a computer model is incomplete and does not have the slope data needed, which metro title iii needs? If so, the model is incomplete and cannot assess 3d properly. To protect streams, it's important to apply a minimum of 50 feet horizontal t-zone's regardless of how the terrain slopes. The e zone map correction project is applying 50 feet at

any angle the terrain slopes. It vertical up to the e zone is protecting 50 feet on slopes, which means construction can happen on the slope 50 feet straight up next to the stream. Is this because a computer model is not able to give a full 50 feet horizontal p zone because it does not have the slope data? 50 feet in their computer model is 50 feet in any direction. Current adoptive policies, like metro title iii is not being applied. Is this because the technology does not have the capabilities? If the computer algorithm is not able to properly assess 3d terrain, do not approve this product until slope data is obtained. Not protecting with greater protection the watershed headwaters and tributary areas will create more inequities to neighborhoods downstream. It's the start of the entire water system of Portland. It's where the coolest --

Clerk: Next up we have Cassandra Dickson, Robert Torch, and John Gibbon.

Cassandra Dickson: Thank you, mayor wheeler and commissioners. Experts tell us that climate change is hydrologic change and that to be adaptive and resilient we need to think and act now about the changes that are already percolating through our watersheds. That's why we are asking you today to consider conferring more bust protection for this little-known place in Portland, Cornell mountain, which is the highest elevation site in the city. One that provides so much support to watershed function and ecosystem protection. How much water is up here on Cornell mountain? A lot. As the old saying goes, when the well is dry we know the worth of the water. At 1300 feet, the highest elevation in Portland we have more of everything. More rain, more snow, more ice, more fog. It often snows up here when there's no snow in skyline boulevard. When you look up from downtown and you see the mist in the hills, those old growth trees capture their precipitation. They store it in this mountain and its released downslope in both directions east and west feeding the high unnamed tributaries that provide water to bold creek, the jewel and crown of forest park. The good news is the north Cornell mountain is still developed and there's very little ecologically sensitive land like this that is still intact. Local nonprofits including the Columbia -- and the importance of protecting it for the greater good. Because Cornell mountain is the highest elevation in the city, a place of headwaters and an important wildlife corridor, Cornell mountain does support the health of the ecosystem and the Audubon sanctuaries that sweep up to skyline boulevard. Please think of Cornell mountain like a small, but powerful custodian of the city's

other parks that the public uses. We want to honor the work that staff has done, the map correction staff, dan and Mindy. This is truly a herculean task. --

Clerk: Next up we have robert torch. Robert, you are muted.

Robert Torch: Thank you. Hi. My name is robert torch. I live at 4715 sw. -- boulevard. My wife, Susan, testified earlier and she stated the current environment zone encompasses the northwest corner of our property approximately 15% of our land. The proposed environments zoning would cover 90% of our property, including our driveway and even a portion of our house. I think that's entirely unreasonable and will make it very difficult to sell our property in the future and will have an immediate devastating impact on our property's value. I spend hours each week maintaining our property in an environment of the conscious manner, which primarily involves reading it of invasive species. We have close to 75 trees on our property and never touched anything in the current environmental zone. I'm constantly pulling up ivy, garlic mustard, but also pruning trees and working with professional arborists almost on a monthly basis. Being required to apply for a permit or risk a potential significant find multiple times a year simply is not feasible either from a property owners perspectives or frankly from the perspective of bds, which will be swamped with permit requests. I don't think the bps zoning recommendations take into account the timing and cost involved for property owners and how difficult it will be for bds temperament the proposed rules. In addition for better or worse, most of the trees and landscaping on our property are almost all non-native. This type of landscaping should not be classified as a protective natural resource on a personal point we have elderly parents on the east coast and we purchased our property with the understanding that with undercurrent zoning we would have the option of potentially building and a vu or 2 if we wanted to move both sets of parents to Portland. We brought property -- would limit us to possibly squeezing in one additional lot, and even that is uncertain and would require significant expense already estimated tens of thousands of dollars. In a similar vein after reading for the past decade and agreeing with the desire to increase housing density in the city's acknowledged housing shortage, all the sudden it appears as though urban density is fine for the east side, but now the city wants to turn west into no development zones --

John Gibbon: Hello?

Clerk: Sorry. Next up we have John Gibbon.

Gibbon: Hello. I'm holding up a magazine article for Daniel's information because he will understand this. It's entitled "engineers are building ridges with recycled wind turbine blades. That's one of the issues that I address in my written testimony that I submitted both to counsel and on the map as a member of the neighborhood association it's a transportation and watershed share. One of my concerns about this project is that there are areas in Markham, most of the major streams in Markham have either gone from standalone conservation zones where it was reasonable to plan for trails and bridges to cross them to protected zones where it is going to be much more difficult and much more expensive for people like Pbot to make improvements and the neighborhoods to support those improvements. I also am speaking on behalf of the Quail Park neighborhood association or Quail Park homeowners association in saying while Daniel is right that existing homes are not directly impacted by the expansion of the T-zone, the existing zones that depend on instream water structures to protect them from water overflow. If you will look at my written testimony, we have several locations inside Quail Park where we have built rock retaining walls to prevent streams from going in certain directions at the request of the city, I might add, in the 1970s when this project was developed. Those areas will be subject to much more intense regulation --

Clerk: Next up we have Scott Simmons.

Scott Simmons: Yeah, I think we are all in favor of taking care of our wetlands, protecting our habitat, trees to streams. Can everybody hear me? Okay. And back in 1970 my father built a house, his dream house on this piece of property just off that road and he will be 97 in April, and he's still living there. There's a large living that runs along the side and back of the house that is hidden from the overhead view, but the overhead view that I'm looking at shows the canopy of the trees. Now, those trees have been in this particular ravine, which the orders are the ravine is impossible to build on. There's no extension that can possibly go in there and the trees that are in the ravine or over 100 years old. Those trees have grown and forced over these 100 years and so the canopy of the trees is actually covering half of his garage and where you guys are zoning or rezoning the boundaries is actually going right through his kitchen. There's actually no possibility that anybody could even build anything or plant

anything and we have gone through extreme expense to reinforce the banks of the ravine so we don't have any erosion I'm just really asking the council that has worked so hard on this if you guys can give us some additional time so I can get somebody out to my property and explain to me how this makes sense because right now where the boundaries are going is taking over two thirds. It's reducing the property by two thirds and is going to affect the resale value. I'm not exact a short who would even want to buy it, so that's kind of what I wanted to say.

Clerk: Next up we have Marita Ingalsbe, Claire Carder, and Craig Kiest.

Marita Ingalsbe: Hello, my name is Mrita Ingalsbe and I live at 614 sw. -- avenue and thank you for this opportunity to testify and thank you to the bureau of planning and sustainability for a huge amount of work on this particular project. I want to tell a couple of stories. In her neighborhood, in which I live, we experienced a recent example of how important it is to have accurate maps, which we currently do not have. A couple of years ago 11 house subdivision was approved and is now being built in a wetlands area that would have had greater protection if the new maps were in place. Neighbors protested. However, the subdivision was approved. Well, last fall, damaging flooding and erosion occurred. Great impact downstream to homeowners and we really wish those new maps had been in place. Also, the impact of steep slopes has been experienced in our neighborhood. In 2016, a 7 unit apartment building had to be quickly evacuated. Residents were at a loss to find new housing. I heard several pleas for people to move into basement in the neighborhood or find someplace to live and in 1996 a complete house was demolished by a landslide. So, the impact of not having correct maps and allowing development in areas where there really shouldn't be development is huge for people who live in our city. Climate change -- the new draft plan map has very irregular lines that are more like coral fingers coming into properties. The irregularities of the lines will make it very difficult to determine where proposed development can be, and it will cost a homeowner a lot more to figure out where those lines might be. You will see there are some eddies, like water and things like that on the maps. And I went over the maps on the city and I was amazed at how complicated the edges of the maps are. I think they need to be simplified. Thank you.

Clerk: Next up we have Scott Terrall, Laurie Rutenberg, and Gary Schoenberg.

Scott Terrall: Thank you. My name is Scott Terrall and I live on 4710 sw. -- boulevard. I have additional property next door to that, which has a large ravine through it and running water this time of year. I'm actually most of the year on the other side of my house I have a smaller ravine that has water running part of the time. I'm all for protecting those areas and I keep a tree canopy. I plant lots of trees. I even use Portland urban tree sharing program this year where they just brought me 2 trees not too long ago. I'm all for it. What I do not wish to happen is have such regulation and increased difficulty in obtaining permits to take care of trees. I have a lot of huge trees on my property. They have to be taken care of. They become dangerous. I paid a lot of money recently to have iv cutaway from the bottom of my trees. I don't think I see any incentive provided by the city for people to maintain their properties in a better fashion that would be more -- would help improvement with the environment. I do not want to see through this process, but it becomes more difficult to obtain permission to do certain things on the conservation portions protected zones. Protection zones I don't have as much problem with. I do have running water on the property, but there should be provision where it's not made prohibitive by fees, penalties, regulation, prohibitive costs, and having your property reviewed to do certain things. I hope that you keep that in mind and I also look at the map on Portland maps about my property. It did not outline where my property goes in conjunction with Normandy street. I'm a little bit concerned about how I would be able to effectuate something to do with my land if the map isn't correct. Thank you.

Clerk: Next up is Laurie Rutenberg. Lori, you are muted.

Laurie Rutenberg: Can you hear me now?

Clerk: Yes, we can hear you.

Rutenberg: Mayor wheeler, commissioners, thank you for the opportunity to testify. My husband and I are asking for your help to prevent the ease own remapping project from making development impossible on our property. We chose to move to our home in 1990. Because we saw this home is a perfect site to fulfill our vision for our work to create a home-based problem of outreach to share Jewish life and for community building with the larger Portland community. We are faulting -- welcomed 32,000 people. We also chose our home, which we bought from a developer, because we had every reason to believe that one day we would be able to develop our property. In 2015 anticipating retirement we approached bds

and work with staff across Portland bureau was to plan an environmentally sensitive subdivision of 17 much-needed homes. After 3 arduous years in 2019 we were granted preliminary approval and not once did anyone ever mention that there was a plan afoot to put an e zone almost over our entire property changed to almost 80%. 17 different developers have said they would have invested in our property if it were anywhere but Portland. Last year bds audit explains due to a connective road were acquired by pbob they will not pencil out with the proposed e zone if our current entitlements expire. We are asking you to help us. To keep it open a path forward for development. Development that is actually greater for health and safety of our neighborhood. We ask you not to impose the ease own correction project here and equally important to consider covid and current development entitlements we would like to have extended for 6 more years. We dedicated our lives to the community, counted on this for our retirement, and the city has much to gain from this development. Thank you.

Gary Schoenberg: Please keep the video on because I'm going to continue. There is a stub of the street called southwest 26th that leads into the south end of our property. It has a steep 22% grade. It doesn't lead anywhere but to a clump of trees. Casual conversation with Adam Lyons, commissioner Mingus Mapps representative to a bds caught the full implications of this stub. In asking Adam about it, I mentioned that pbob had insisted that a street connecting to the other side of our property was necessary for connectivity between neighborhoods for fire and emergency access. I also said that we needed more time to find a developer that would take on our project. Adam asked how long. I said, until the city's relationship with developers heels. He wrote us this letter. I quote with his permission. Dear Lori and Gary. Our office is open to an extension of your exemption regarding the e zone. A rationale is twofold. First, it is a large property in a dense neighborhood near schools and amenities. The surrounding neighborhood is relatively dense and is developed consistent to what you intend for your property. The city needs more housing. 2nd, it is extremely clear that the city of Portland predicted to the point of encouraged development given the cul-de-sac at southwest 25th,". Adam explained this stub. It was the intention all along of the city to develop our property. Has that changed? Like with Adam, we need to talk with mutual respect and a desire to truly understand what is the best and highest use of our property that

addresses the city's core values. Thank you.

Clerk: Next up we have Joe Hertzberg, Zivit Atkins, and Hans Steuch.

Joe Hertzberg: Hi. I simply want to speak in support of rabbi Gary and rabbi Laurie. They are 2 people who worked very hard and played by the rules and could end up as unintended casualties of this process. Their instruction and modeling of Jewish home life have had a profound influence on my family and any others. They have enriched our lives and really to the point in hand today their home and large wooded property were essential elements of their ministry. My youngest daughter told me recently that what she recalls most is playing in the woods and singing with other kids. Far different from my memories at the religious institutions of my own youth. But I always knew that the property was always Gary and Lori's nest egg for the future, the nest egg of their retirement planning. As they mentioned, several years ago they embarked on the daunting task and working with all of the city bureaus that had a role in the future of their property. 3 years ago they came to an agreement with all of the bureau representatives. The culmination of years of hard work by city staff, as well as Gary and Lori. It was a general win-win. T-zone process threatens to undo this good work if one template is blindly applied without consideration of the unique circumstances of individual properties and property owners. Earlier planning and sustainability commissioner talked about correcting decades of mistakes. Please don't also let this undermine years of good work by city staff and residents making one-size-fits-all. Thank you.

Clerk: Next up we have Zivit Atkins. You are muted.

Zivit Atkins: Hello. I'm Zivit Atkins. I don't know why my photo is not coming up. Can you hear me? Great. I'm here to support rabbi Gary and rabbi Lori and their request for an existing of the e zone map correction project on their property and the concurrent extension of time regarding the preliminary plat approval for the development of their southwest Portland property. Their retirement nest egg is in the approved development project, which will provide great value to the city through more housing, improved community safety, stormwater management, and much more. The rabbi's important contribution to the Portland community for 32 years and counting impacts the current situation that they face. I have been personally beautifully impacted by the work the rabbis do. They have helped me face to the spiritual challenges of illness and multiple deaths in my family and much, much more. I'm a

cpa, social worker, longtime resident of Portland, and member of the board of directors the organization Gary and Lori build, which makes a profound impact on the community building in Portland. I have seen their generosity of spirit, time, as well as tremendous financial generosity of which rabbi Gary and Lori have opened their home for dinners, holidays etc. To thousands of different individuals like me. They model and inspire devotion to community building and to community service. Many of us have been impacted and inspired by the rabbi's work. We now invite friends, neighbors, and others to dinners and our homes, continue to build the community that is diverse. Warm and welcoming. Sorry. The ripple effect of Gary and Lori's impact is enormous, but their financial compensation has been minimal. For many of the 32 years they work with -- were without monetary compensation. The approved development project, which will provide great value to the city through more housing, improved community safety, stormwater management, improvement of the properties --

Clerk: Next up we have Hans Stench.

Hans Steuch: Hello, mayor wheeler, councilmembers, city staff, and other participants in this meeting. My name is Hans stench. I live in southwest Portland in the Arnold creek neighborhood. Over the past years I have followed the e zone correction project and found no reason personally to quarrel with it. But recently I became aware of a consequence to this project that I had not considered before. Some property owners seeking to develop their land may be shut out of doing so, even if they have secured even after they have secured a permit from the city granting permission for development. There are likely many examples of owners being forced to give up development by the e zone corrections. The one specific example I know of is that which Lori and Gary spoke about 2 minutes ago in the past 2 speakers or so. To those, I would like to add my vote to encourage the city to seek ways to allow continue their dash permit allows even after it expires. Please find a way to extend the permit beyond its current sunset. In the many decades I have known the owners. They have always been welcoming to their neighbors. They have been careful stewards of their land and the permit reflects this. Thank you.

Clerk: Next up we have Matthew Forsyth, Jeff Batchelor, and Luci Batchelor.

Matthew Forsyth: Hi, this is Matt Forsyth, as you know. I am the neighbor immediately

adjacent to rabbi Gary and rabbi Lori. I would like to lend support to their project and 2nd that we not restrict the use of their land and allow development. There are some other factors which you should know. We have had a problem with runoff from southwest 25th. There's no way to manage these stormwater caring -- coming from that street. That runs from my property and Gary's and has flooded my property on occasion. Approximately 1992 we had 4 trees come down on one of my neighbor's house, which I think is related to that. I'm concerned about a tree immediately behind my house also. Their project would put in swales and retention containers and help prevent the flooding that is going on now and potentially prevent further tree falls on my property. That being said, I think Gary and Lori have been excellent stewards of their property. They put together very thoughtful plan working with the city and I would 3rd like people to accept work that is gone forward previously and allow them to develop their land. Thank you very much.

Clerk: Next up we have Jeff Batchelor. Jeff, you are muted

Jeff Batchelor: All right. How are we doing now?

Clerk: We hear you.

Batchelor: I'm Jeff Batchelor. My wife, Luci, is with me. We are here to support the rabbis for really all of the reasons that have been stated thus far. We are both retired. Luci was a flight attendant. I was a lawyer. We have been neighbors. Our property abuts the property we are talking about right now. We have been in the neighborhood for 25 years and for all of those 25 years we have fought the water runoff that comes from the rabbis property down to ours. I think most important for perhaps the city's purposes it continues down the hill into the street where there is not sufficient, there aren't sufficient means to take care of the runoff. So not only has the runoff damaged our property, I can't tell you how many thousand dollars we've spent remediating, but it's now ruining the street and I believe it's going to soon cause problems even further down the hill. I'm told, however, that the rabbis project will take care of this problem, that the water will be handled in a way that it's not been handled thus far. We are not engineers. We don't know the details, so you could probably cross-examine us pretty effectively. But the point I would make in addition to those that have been made so far is that the city is really facing liability. I don't mean liability in a challenging sense or anything like that. I'm just saying that there's a problem developing that the project will take care of and

the city, I believe, therefore will not be required to take care of. We are very much in support of the rabbis and the relief they request. You know, that's all of my time and I don't think Luci has anything to add at this point. You probably can't hear me.

Wheeler: Yeah, we can hear you. Call ins, we have about a dozen people left. Why don't we take a brief break here? Why don't we take a 6 or 7 minute break here? It's about 3: 40. Let's come back at 3: 45. That will give us all a few minutes to grab a drink or get up and stretch.

Hardesty: Mayor, you don't add well. How about we come back at 10 after? You said let's take a 6/7 minute break and you gave us 5.

Wheeler: According to my clock it is 3:39 almost 3:40. Let's come back at 3:50. Does that work for everybody?

Hardesty: Perfect, thank you.

Wheeler: We will take a 10 minute recess. Thank you.

Clerk:: Okay, so, next up we have Steve Lebwohl, Carol Stampfer, and Marisa Ebner. I'm sorry, Rachel Harris. Sorry.

Steve Lebwohl: Can you hear me? Good. Home -- thank you for allowing me to talk. To have a home is very important. My name is Steve Lebwohl. I've been a resident of Portland since 1974. I've been a homeowner in Portland since 1977. We have 4 kids and my new wife both widow and widower have 13 grandchildren. I have a home in Irvington, an office on Columbia boulevard. I consider myself very fortunate. Our business is building playgrounds. We have 150 play areas including rose garden park, which many of you have played on. Our house is part of the family where we had foster children, friends, parents, who all live with us for different reasons. Over 44 years the 2 houses are a major part of my wife, carol, retirement. Rabbi Lori and rabbi Gary are my friends. Their land helped many people grow personally and spiritually. They are depending on their land and developed according to the existing requirement is a major part of their retirement. I have walked that land many times. The things they are saying is true as far as being a been a fit to the city. I understand if they build and locate 16 houses on it it will have the following been affixed to the new homeowners in the city, including homes for multigenerational families, up to 76 people. That's a lot when you're trying to increase density all over the city. In the neighborhood where half my office they are building behind houses. They are building like crazy over here trying to fit houses

and every square inch. Taxes paid to the city of approximately \$150,000 per year will be raised from that property if it's 15 or 16 houses of development. The development will build a road that will provide access to parks and schools, as well as increasing emergency access and easier access for public transportation. Our house on 34th st. Has giant potholes. You have to crawl down at about 5 mph because the city can't afford to fix the street. --

Clerk: Next up we have Carol Stampfer.

Carol Stampfer: Hi. I think Steve was just going to say about the potholes on our street, we think the road that Lori and Gary are being asked to build will be wonderful. It will give stormwater runoff protection from their neighborhoods. The road will also allow public transportation if it was available, which there's no public transportation on Arnold or Lancaster right now, but public transportation could come through that neighborhood and so could people walk. They can walk from one of 3 neighborhoods in the little neighborhood associations there. That road would allow people to access the playgrounds and the parks that are actually already in existence. My great granddaddy wasn't heppner and was flooded out and he died in my family moved into the city. Well, what do you come to the city for? You come to the city because you have sewers. This is going to help sewers. You have parks, this is going to help access to parks. You have safety. If there's a road, then people can get to if there's a fire or global warming get the fire engines in there and they'll put out the fire or if there's an emergency they will get in a billets out there. Right now it's dead-end from 2 different directions. This was always intended to be developed property. The other thing that happens is people will socialize. This is a connecting place. Lori and Gary are connecting people. Many, many trees that you as the city have advised them to plants, they will be sustainable trees. There will be, this will be a pleasant neighborhood that will bring maybe my children back to Portland rather than living in Seattle or Austin because they don't want to be in Portland now. I'm going to tell you to let them do this. This will be for the good of us all. We are sustainers. We are caretakers for land that has belonged to indigenou for many generations.

Clerk: Next up we have rachel harris.

Rachel Harris: Actually, I think next in line is my husband, Bob McCoy.

Bob McCoy: That's true. Hello, my name is Bob McCoy. I recently retired from northwest

region after 30+ years working for the state. I understand the goal from the correctional project is to correctly map natural resources so the city can make informed natural zoning decisions. The basic criteria for in e zone, which is continuous with the stream that's on their property, obscures numerous conditions on their property and is seriously inconsistent. First, you've already heard about trees whose roof are waterlogged, which fell on the neighborhood properties, damaging homes and cars, and thankfully no people so far. Secondly, the roof of other trees are waterlogged and those are likely to fall as well. 3rd, flooding underneath that cavity attachment canopy covers damage. 18 100 foot postal Douglas firs that were blown down in a huge windstorm. Strange weather is no longer strange. We are living with increased global warming and we need to become more resilient. Because they lie close to the homes these trees are fire how it hazards. A continuous tree canopy cover none of these conditions creates ecological benefit. Just the opposite. Does our sitting upright itself with having a mind of its own? I ask you to keep in mind the already approved development for the rabbis property protects the stream, will have 150 trees saved implant 50 more trees or they will be protected, not flooded. I asked clear thinking and consider what is the highest benefit for our city for the rabbis property. Consistency with the nation may not be the greatest benefit. Please reconsider opposing the project as a consistent criteria across every property of our city. The currently approved of element without the e zone project will add much greater benefit. Thank you.

Clerk: Next up we have Rachel Harris.

Harris: Hi. My name is Rachel Harris and I'm a retired employee from the department of community justice. Hello, mayor wheeler and others. With that department of community justice, justice is the operative word there on so many levels. I'm testifying in strong support of rabbi Gary and rabbi Lori as their property owners and you've heard over and over people saying how much they have done for them and I'm saying the rabbis has been an integral part of our personal and wider neighborhood and extended community for over 30 years. When we first visited their home and property, we were in all and felt grateful that this amazing piece of property and personal space was being saved from developers even though we knew it was going to eventually become that. Developed. So, through the tremendous amount of their own personal resources, they created an amazing community welcoming

thousands of people near and far. I have personally seen and been impacted, but I have seen the life changing and impact they've had on so many people on so many levels. Throughout the years, the rabbis have made an immense investment of their own time and money continually forgoing their own immediate need since they figured their life savings and families future would be part of this settlement when they eventually dash I'm getting nervous here. Push is absolutely needed, but it doesn't have to mean big projects. I think that homes that provide a great space in a wonderful neighborhood is perfect.

Clerk: Next up we have Marisa Ebner, Kevin Ebner, and Donald Bowerman.

Marisa Ebner: Thank you for having me. My name is Marisa Ebner, and on the homeowner in the affected area of the e zone overlay. My property would be between 80 to 90% covered of this overlay including decks, patios, and can you over they would create undue hardship to me as a property owner and make simple maintenance a huge financial burden. It also would exclude my ability to replace our uninsurable parking deck structure that was falling toward my house that my husband will speak to shortly. The required maintenance to keep our house and family safe. We have 2 large maples that canopy over our house and we appreciate especially for the summer hot sun in the summer months to create shelter. Recently due to the lack of rain from ongoing drought in the last year we lost 5 cedars. These sit 10 to 15 feet from our house interposing a fire hazard with extremely dry summers. We need to have these removed and doing so with the new ordinance we would essentially have to pay the city a cost of \$9000 and prevent fees, which doesn't include the removal cost which is already tens of thousands of dollars. This creates undue financial burden on us as homeowners a situation required fixed to keep our family safe. If something were to happen to these large maples I spoke about their over the size of the 20 inches in diameter so would not only would cost us the original 1900 current fee plus \$450 per extra inch of each of those trees, as others neighbors stated we have to preventable -- my friend and neighbor on southwest he would was surprised by the 6 times we were without power in our first year living in the trees. My neighbors tell me the cost is unreasonable and not legal for the state to impose this on us in the new map would make it impossible to add on our house to build an accessory, so this would substantially reduce our property value. Thank you for your time and I will hand over to my husband.

Kevin Ebner: Hi, I'm Kevin. I'm an architect and homeowner impacted by the proposed zoning change. As a professional who recently went through the permitting process, I'm very concerned that this new blanket overlay will cause undue hardships, especially financial. To anyone facing the zoning change is there any existing environmental dash and into the forest beyond. Our house had an old derelict car port -- carport with exterior steps in a bridge deck leading to our front door. Carport was falling down and not covered by our homeowner's insurance. It was not safe to walk on, let alone park a car. Replacement was hard and expensive. It took over 18 months and several thousands of dollars for each that we had to go through to be allowed to rebuild the garage addition in the same footprint, and that's without the new proposed t-zone. This also does not include the tens of thousands of dollars for the actual building and sewer permits. As I mentioned, it's hard and expensive to get permits in the city of Portland. With the new overlay I'm not sure we would've been able to replace our structure with anything at all. As an owner architect I tried to be as minimally invasive to the land with the design and construction. I'm not sure any of that would matter going forward with the new zoning. The only thing that would matter is really deep pockets. I would like to say 2 more things. Professionally as an architect I think the best day we can be learning is encouraging more urban growth and building houses and areas even entry canopy areas. More sensitive construction, new construction close to the city is anything far away from the city. I would like to say on behalf of our old neighborhood, we love new trees. Most of us live up here because we like the forest, but we do need to be able to maintain them in a way that is not a huge financial burden. Thank you.

Clerk: Next up we have Donald Bowerman. Donald, you are muted. It looks like you are on the phone. If you hit*6 should be able to unmute.

Donald Bowerman: Hello, this is -- this is Donald Bowerman. I'm an attorney for the William and -- property owners at 15580 -- Portland. I am an attorney of over 60 years and I represent the baton's, who lived on their property for 32 years. They lived on the property and have about and a half acre of undeveloped property adjacent to their property. That property is near a drainage ditch at the rear of the property that has been there during their entire occupancy, over 30 years. It's about 12 to 15 inches in width and it has never flooded. It's just a tiny ditch that a child could step over. That property is now subject to the new proposed

environmental zone that goes 30 feet from the top of bank and that will impact the lot, vacant lot that is buildable otherwise about 50% of it would be subject to the zone. It's never flooded. It's not a wetland and there's no good reason to have this environmental tool on this property. It should be exempted. Once the zone is intact, the rules of the environmental protection proposal is the development will be approved in the environmental protection zone only in rare and unusual circumstances. It's unlikely this property can be --

Clerk: Next up we have Ted Labbe, Lesli Owens, and Teos Abadia.

Ted Labbe: Good afternoon, mayor wheeler, counsel. My name is Ted Labbe. I'm here this afternoon to speak in favor of the t-zone map correction project and encourage you to move ahead quickly with its adoption. I want to praise the work of your staff for the last 3 years to do some really intensive work reaching out to over 600 different property owners. It's really an impressive amount of work with really high-quality data that has gone into this update. I think that the zones are a crucial part of the city's climate adaptation, climate mitigation strategy and we cannot delay further on this update. We need to adopt it today and move forward with work on the foot plane and the tree conservation programs. The more that we delay, the longer it takes for us to get to those areas where we have tiny populations that are at risk from climate change. Please move forward today with adoption so we can get those other really important conservation natural resource conservation and climate adaptation needs in our city. Your staff has done a fantastic job and in haste move forward. Thank you.

Clerk: Next up we have Lesli Owens.

Lesli Owens: Thank you. In addition to being a homeowner impacted by these changes, my husband and I own a 35-acre vineyard. The property is live, certified safe and organic. I'm required to maintain dash which includes meadows, trees, waterways, and soil. As an internationally recognized organization it's a full-time commitment by my husband and I. I tell you this as it is a representation of how we view not only our property in Newburgh, but also our property in Oregon. My father-in-law spent his entire career working for the city of Portland ultimately running the Portland bureau of parks and recreation. We are committed to the city and believe strongly in protecting the parks, waterways, and natural beauty in Oregon. We purchased our home and sort list Portland for surroundings and landscape flowerbeds. We already have an existing overlay on our property and here are our concerns

about why we disagree with increasing those overlays. Number one, we never received any notification, been notified of any neighborhood meetings, hoa meetings etc. Regarding these proposed changes. The only reference we received was from another neighbor. This is unacceptable and we believe the city does not have the right to make changes to our property that decreases the value of our property arbitrarily these changes would increase the overlay to about 50% of our property including driveways, parts of our house etc. And creates an undue unreasonable expensive cost and fees. Number 2, we already strictly abide by the existing overlay requirements and realize the importance in keeping streams, trees, etc. As natural as possible. They are protections when it comes to the existing overlay zones. Extreme weather protection is important to us. We agree there is value in keeping things natural, but there is value in cleaning out invasive species, iv, and deadwood. On summer days we fear for fires. On cold and windy days we fear for trees. --

Teos Abadia: Next up we have teos abadia.

Teos Abadia: Hi, my name is Teos Abadia, master in environmental management and I want to talk to you about a special opportunity for the city. My wife and I have submitted written testimony and an important letter to the council from the Columbia land trust. We are testifying not just for our small property, but the much larger area behind our home and up the slope of Cornell mountain. We and other neighbors are asking for the current proposed zoning of c to be increased to a p. This would join existing zones to the north and south of this area. There's several reasons and all are consistent with city policy. Number one, it's unique. This area is the highest in all of Portland with steep slopes vulnerable to wind and rain. Places like Powell and rocky butte recognize areas of steep slopes. Climate change is impacting which trees can grow in Portland, such as hemlock and grand for a. Preserving the slope will ensure the history is preserved and keeping with past city policy. Watershed and wetlands, the top is a flat area with a wetland much of the year. We are working with the land owner to conduct a study. All of the streams radiate from Cornell mountain. Number 4, this is a title 13 high-value hca. It is consistent with the city policy and directives to protect this land. It acts as a narrow core door of bobcat, deer, and much more. For all these reasons in recognizing the testimony we call on the city to protect this with ap zone designation. Staff drew up a proposed direction. We would like you to look at that and enact it. If that is not

possible at a minimum I request you look at a wide core door of p zone and preserve the unique habitat. Thank you.

Clerk: Next up we have Jordan Schnitzer and Sarah Taylor.

Chris Gedrose: This is Chris -- I'm not with Jordan Schnitzer or the other folks. Should I go ahead?

Clerk: Yes. Go ahead, Chris.

Gedrose: So, my situation is I have a single wide and the southwest hills affected by this overlay zone. And honestly, I'm really not sure where to even start. My thought is surrounded by development and I'm not sure how much of you have seen the other testimony, but as you can see my lot has developed houses on 4 sides and is joined, it's at the very edge of the overlay.

Clerk: So, Chris, it looks like you froze.

Gedrose: There's several issues with the way the overlay zone is written that's not being addressed here. I know that your staff is told that there's supposed to be mapping the overlay zone, that's it. In my case, the only criteria for the overlay zone is the tree canopy. I mean, I don't have a wetland. I don't have some kind of a special environmental zone. It's a tree canopy that connects me with the rest of the environmental zone. And in my case I met the very edge which means I have a transition area, which actually when you apply the code it is more restrictive than if I had in the middle of a protection zone. I think there's some issues here that I know your staff has looked at, but has not been addressed. At this point I have a lot that really is my retirement that I would like to develop. For any other criteria it's perfect for development. It's close to downtown, it's got all the infrastructure they are. It's something that the city should like to develop, but putting these restrictions on it is just not viable.

Clerk: Next up we have Jordan Schnitzer.

Jordan Schnitzer: Mr. Mayor, city council members, thank you. I will make my points quickly because you've heard so much. I have 3 houses in the affected area. Southwest Patton and southwest Humphrey and I commend the city staff for doing a good job. I never got any notice of city meetings. We were never approached by any city people on our properties. I met with staff, for the protected zones, winter grudges and driveways and houses, they made those corrections. A couple of quick bullet points, and that is this. I don't see a rush right now,

but there's an impending crisis this has to be solved today or tomorrow. Public wonderful servants that they take the time to meet with all the neighbors. There should've been a form that was signed off by the neighbor and staff where they met because my gut sense is a lot of the complaints today you have another 100 people testifying could be solved because the staff was responsive and therefore if there are issues that can be mutually resolved you will deal with that by exception. A lot of these issues could be resolved if the staff took the time to make sure they met with every single affected neighbors of the neighbor felt the city was listening to them and the video sequences of their properties. Next, the staff did use that word stream over and over and over. My property is continuous of the torches. That is not a stream it's not even a creek I think let's not try to inflame the situation. It would be neat if we had images because there are others that are not real creeks and streams, but so many in my opinion when looking at the maps of what they are calling streams are not. The last point that was said is they talk about the tree canopy, and I forget the neighbor that mentioned this, but the more trees you put up and create a canopy, the more protected zones you have. That is a distance and if to plant trees on your property. When I say is slow it down, extend it 6 months to a year and have the staff meet with the neighbors they haven't met with and I think we can reach mutual agreement with most of us.

Clerk: Next up we have Sarah Taylor.

Sarah Taylor: Okay, hi. I am probably one of the few people that are coming from the e zone's in the northwest along highway 30. The watersheds that impact St. John's and I would like to just tell everybody that a long time ago the city took the houses in lytton and in many parts of north Portland and zoned them heavy industrial. Just take a minute to think that all of your fossil fuels, 90% of Oregon is sitting along that river and every single one of those people lost the value of their homes so that you can have gas and oil and not have to have the ci hub or any industry in your neighborhood. It is really hard to hear that people are upset that they cannot develop their land when I see what happened to the people in the ci hub next to forest park. When you are on highway 30, water pours off the mountain and into the industrial area creating super funds. Our trees also fall. You can't even drive hardly near st. John's today because rocks fell off the hillside and blocked the street. We have huge traffic jams. We also lose electricity. It's like falls over the airport the water pours down. It collects

contaminants from industry that goes into the river. I completely, completely support the e zones. I don't see how we can have a ci hub with creeks pouring down into it making the soil even more unstable than it already is. I just want you to know that you are asking other people to take the burden for you who cannot develop their property because we have taken the burden of industry on our shoulders. --

Clerk: Next up we have Nicholas Overall, Kim Malek, and Karen Rafnel.

Nicholas Overall: Hello. My name is nick overall. I'm a landscape architect here in the city of Portland and I just wanted to reiterate something that was stated by speaker number 10. I do work with some rural properties and a lot of forests and I do agree with many of his points that the rigorous mapping is really important to have a very clear process and decision-making for the permit process and any developments or improvements that will be proposed by homeowners and that it will make for a much clearer system. Examples of the overlay zone map corrections that I had seen seemed like it was first of all it was a very nebulous sort of edge condition and it's going to cause a lot of confusion and delays and possibly increase costs and everybody just needs a more defined system to make decisions on their properties. Thank you.

Clerk: Next up we have Kim Malek.

Kim Malek: Hi. Thanks allowing me to speak today. I am Kim Malek. I reside with my partner at 4855 sw. Hewitt. We and many of our neighbors have unfortunately not experienced the outreach and involvement noted earlier in the evening. Most of this work is been going on early in the pandemic when people were focused on keeping safe, worrying about schools being open and focused on other things down e zone's. My partner, mike, is a doctor and has been working tirelessly on the front lines of the pandemic as an example. This matter has only come to light very recently to us and most of our neighbors and I think that's evidenced by the number of people coming out today to make these statements. We just want to have a chance to work with the city to make reasonable decisions that protect the environment and have accurate mapping. Mike and I have worked our entire lives to save for and purchase this property. We adopted 3 children and are working to build a life for our family here. Currently the southeast edge of our property is in a conservation zone but the new map would convert that area to protection zone and most of the rest of the property, including our driveway

entrance and sizable blackberry bush would become a conservation zone. You are welcome to come out and snack and see for yourself. The mapped area just doesn't make sense. With these new e zones instead of being able to develop more lots we might be able to get more but I'm told that the consultant fees that would be required would entirely consume the value of our lot making it nearly impossible. We can't even build a play area we have planned for our children. This is a large financial loss to our family and a loss to housing for future families. The city needs to stop talking about housing and actually make decisions that allow housing to be developed at a reasonable cost. The cost of developing in or near these zones in both time and money is cost prohibitive. We do not have the tens of thousands of dollars required for consulting in city fees just to see if another lot might be available --

Clerk: Next up we have Karen J. Rafnel.

Karen J. Rafnel: Unmuted. I am Karen Rafnel. I will be speaking about our own situation. We have lived more than 20 years in our rural neighborhood of small farm properties. This area has been zoned rs, that is residential farm, for 20 years or more. A development is restricted to one home per 2 acres. Our home has been a farm on relatively flat terrain for more than 70 years. We have a single 1940 vintage house and barn on a northern lot of 1 acre in a barn on the southern tax lot of 2 acres. The southern lot have a long flag road for street access. That road has been there more than 100 years and it's a vacated county road. There's never been an overlay of the environment on our property. A wetland t-zone has recently been proposed over our property. It's located in the busy heart of our land that covers more than 24,000 ft.², nearly 20% of our property. It covers a large section of our flag road, more than 25 feet of the southern pastor lot, it covers the drainage easement was established without type iii land use review. The t-zone also covers an emergency vehicle easement next to the flag road that must be developed the home is ever placed on a southern lot. The p zone even covers half of our barn. We strenuously oppose the imposition of the p zone on our property because it is one, unnecessary due to protections for the proposed p zone area that are already in place. For example, it overlays the private drainage easement. The proposal has inaccuracies. The proposal is premature. All Portland development service offices has been closed for 2+ years preventing resolution between existing easements and proposed p zones.

Clerk: Mayor, that completes testimony.

Wheeler: All right. Thank you to everybody who testified. I apologize we had to cut a number of people off, but with so many people to testify and so much interest in this we do have to keep it moving along. As I'm sure you understand, 2 minutes does give us a sense of the specifics and she was people are interested in having us follow up on. I want to reiterate that we are not making any decisions today. We will continue this discussion and we will keep the record open and discuss all of that earlier. Today was our opportunity to hear what the community was thinking and to ask any initial questions we have of staff. With that, colleagues, I will ask if there is anybody that has any specific issues at that time they would like to ask about? I do, too, but I'll let my colleagues go first. Commissioner Hardesty, you got your hand up first followed by commissioner Mapps.

Hardesty: Thank you, and I want to thank everybody who took their time to come and provide their testimony today. I heard a couple of things that I want to ask staff questions about. And staff presents this as we are now actually have identified what areas we should put into the protection zone. We are not changing policy when it comes. What we are doing is saying based on the policy that we passed this is the area that's been identified. Do I have an accurate assessment of what we as counsel are being asked to consider?

Engstrom: Thank you, commissioner. The way this will work is as we try to respond to questions some of them will address and Daniel has more of the details in terms of the mechanics of the program. Many of the site-specific testimony you heard will require some follow-up research, so we will get back to you on some of that. In general, the city has adopted natural resources inventory, which identifies to us what we believe resources are. And in this project is attempting to apply previous policy to that information and update our regulatory maps. And I think the nuance there is as we do that we will talk to people and find information and we are allowed to make decisions that apply what we learned to that and, Daniel, I don't know if you have anything else to add to that.

Hardesty: Let me just say, and, Daniel, maybe you were going to say this. Part of this is also our climate action goals is making sure we are using every opportunity to get our climate action goals realized. Daniel, with that?

Soebbing: I think that's a fair characterization that natural resource help to make us resilient, so protecting resources is definitely in line with Portland climate action goals. I think

eric hit the nail on the head that we adopted natural resource inventory, which is a methodology for determining where natural resources are located all verifiable through site visits and resources located specific location. We apply a systematic and consistent methodology how e zone's and the methodology we have taken pains to make consistent with policy. Protection zones are applied to streams previously. When you're applying protection zones to streams in the future. That goes for wetlands and forest canopy as well. Trying to remap these using clear and consistent rules that are consistent with existing policy.

Hardesty: Thank you for that, Daniel. And I will say that certainly the last couple of years have shown us that extreme weather conditions and wildfires are not anomalies anymore. They are just going to be part of our day-to-day life. I understand this feels a lot like the conversation we had around the residential infield project and the fear that people had about how development would happen and where it would happen and who would be impacted by it. So, I appreciate those answers to my question. And I just want to reiterate that this conversation is not about policy. It's about where the policy applies and this particular time we are doing this particular area, but we have several other areas we also need to map out. Is that also accurate?

Soebbing: Yeah, that's correct. We hope to move on to the industrial areas along the Columbia corridor. I apologize, my headphones are dying here so if I cut out I'm sorry. We do plan to do those industrial areas in conjunction with upcoming economic opportunities analysis.

Hardesty: Again, I just want to thank you. I know that a lot of work went into this. I look forward to reviewing the written testimony that was committed online . As well as listening to staff recommendations coming out of today's public hearing, so thank you.

Wheeler: Commissioner Mapps.

Mapps: Thanks to everyone who testified today. I think we learned a lot. I also want to congratulate staff on their work on a clearly complicated project. Mostly, I'm interested in hearing more from staff about next steps. You know, can the public still submit testimony? What are some key dates coming up? How does this play out?

Wheeler: Commissioner, why don't I go ahead and get into that so people know we and I may reiterate this later, so oral testimony is going to be closed at the end of this session.

Written records open until 5:00 p.m. On Friday, February 18. Additional written testimony may be submitted through the e zone map. Until that time the public can access the map@Portlandmaps.com and we are intending to continue the hearing on April 13 at 2: 00 p.m. That will be April 13 at 2:00 p.m. At that hearing the council will reconvene to introduce any eminance or to take testimony on proposed amendments proposed amendments within be posted on the e zone project website on april 6. Again, that address is Portland .gov/eps/e zone. If you go to Portland.gov you can find it. The written record will reopen for the submission of written testimony on april 6 when proposed amendments are posted on the project website and testimony will be submitted through the e zone app by emailing the council at cctestimony@Portland.gov. I do not expect people to remember that or take notes. All of this will be available on the city council page and I will reiterate all of that at the end of this year. Does that answer your question more fully than you wanted?

Mapps: Great job, Mr. Mayor. Thank you.

Soebbing: Can I add on one thing that we are continuing to offer site visits. If anybody has site specific concerns, and we heard a number raised in the testimony today. If any of those people would like to request a site visit, some of that testimony was in regards to sites visited previously. People have continuing questions, but we are happy to continue doing site visits. We plan on wrapping that up on March 16 assuming we don't have a delusion of requests, but if we do see there's a lot more desire for additional site visits we will keep city council informed and let you know if that deadline we are proposing for the end of site visits is going to be feasible for us.

Engstrom: I will add one more thing on top of that. Amendments for the April discussion I think will come out of 2 channels. You will read things in the testimony and you are welcome to propose limits of course, and we love to hear the list of amendments so we can compile them and post them on the website. You also make a list of suggested staff amendments from us face on additional site visits we are doing and us going through the testimony.

Wheeler: And Daniel, I just want to note that a number of people who testified today indicated they own significant properties in the area that they haven't heard from the city. Somewhere on notifications got lost if you could potentially reach out to some of those individuals city council clerk I think that would be a good move on your part. Commissioner

maps?

Mapps: Daniel, for folks who would like to set up a site visit, can you tell us how you do that? Is there an email address or phone number?

Soebbing: The project email address is ezone@Portlandoregon.gov. And we have a hotline. Actually, I'm going to share my screen really quick so we can put the stuff on the screen. Just a moment. Yeah, so, ezone@Portlandoregon.gov and her voice hotline is 503- 823-4225. Either way is a great way to contact project staff with any requests we receive through those avenues. We will follow-up with and schedule a site visit and work with property owners to make sure we can find a time if they would like to be present for that site visit we can meet them and talk with him personally.

Wheeler: Thank you. Good. Any questions for right now?

King: Mayor, I'm going to chime in really quick. I'm hearing from the council clerk that that April 13 at 2:00 p.m. Date is booked. The council clerk has some budgeting items, so if we can take one minute because we do want to announce the next day and let us know a date after April 13 when there would be time to return for our land-use hearing.

Clerk: Thank you, Lauren. We actually have the next day, the 14th Thursday at 2:00 p.m. available.

King: Think that would work. For the record, counsel will return April 14 at 2:00 p.m. And the written record remains open until Friday, February 18 at 5: 00 p.m. When counsel reconvenes there will be an opportunity for additional testimony. Daniel, are you planning on opening the project site written record before that hearing on the 14th? Can you announce when that will be reopened after close is on the 14th?

Soebbing: We hope to post all of the proposed amendments on our website on April 6. That is also the date we intend to reopen the written record. April 6 will be the date the written record reopens.

King: And all of this detailed information about records opening and closing will also be posted on the project website? For those not tracking, we will have it in writing on the website, okay.

Wheeler: Okay, good. I had a couple of brief questions. First of all, there was a number of people who testified today they felt that the maps that are available on the city website are

inaccurate. What do we do about that? That wasn't a rhetorical question.

Soebbing: The underlying data and the e zone map is very accurate. We have received some feedback from several people that the way it's presented is not user-friendly. We responded early on in the project to the feedback, but posting some instructions that walk people through using the map in a step-by-step way. We could potentially work with our gis team and bureau to see if there's a way we can make that data more user friendly than it currently is. I'm not sure specifically what aspects those people were speaking to. One of the questions we received was about lot lines . The person thought their lot lines were not represent it accurately or they could not see where the lot lines were to the features they knew were in the neighborhood. That's one thing I remember hearing and that's something, actually, it would be fairly easy to fix that. Could potentially add lot lines to the map. I don't know if there were other specific issues. I can review the testimony and see if there were other things.

Wheeler: I appreciate that. In a couple of people testified on something that was interesting to me. They said that stormwater runoff will be directed to their properties. What is your reaction to that?

Soebbing: My understanding, and this is strictly what I've been told by rabbi Gary and rabbi Lori is that there is an existing substrate that was built in that neighborhood in the 1990s and the intention was that substrate was going to become a through street running through the neighborhood. For whatever reason that time the city did not maintain the assumption was when the stream was connected through the neighborhood stormwater would be managed by the connecting street. That neighborhood has not been subdivided or the development has not been built. It's been 30 years since that has been built and the adjoining develop it has not gone through. I think the assumption of the neighbors and rabbi Gary and Lori is when they do this develop they will be required to build adequate stormwater to manage the runoff. They feel it's necessary that they complete this development in order to contain the existing stormwater, which the people of the neighborhood are saying because erosion issues.

Wheeler: If there are erosion issues on their properties, that would certainly be a concern to me as I'm sure it is great concern to them. What other mitigation efforts or how do we

counter that?

Soebbing: My understanding is that would be taken care of through improvements that would be required of the developers who built outside. I believe as part of the conditions of approval the land use review those are required elements that would have to be built as the neighborhood is developed. I think the intention is the developers would build those facilities to manage the stormwater.

Engstrom: In the short term, of course, if there's an issue of runoff coming off a public facility I think the property owners can contact the city through either the Portland transportation to get someone to look at that.

Wheeler: Very good. Any further questions, colleagues, for right now. Understand this is far from over. All right, let me read through this again and pleads, Lauren, listen aggressively to make sure I've got this right. Listen aggressively to make sure I've got this right. So, the written record will remain open. Right now, the oral record is closed. The written record will remain open until 5:00 p.m. Until Friday, February 18. Additional written testimony may be submitted through the e zone app. Until that time, you can access the map app@Portlandmaps.com. The hearing will be continued on a full 14th, 2022 at 2:00 p.m. At the April 14 hearing, the city council will reconvene to introduce amendments to the testimony on proposed amendments. The proposed amendments, if there are any, will be posted on the e zone project website on April 6. The website for that is Portland.gov/ BES/e zones. The written record will then reopen for the submission of additional written testimony on April 6. When proposed amendments are posted on the project website. Testimony can be submitted through the ease zone map app or by emailing the council clerk at cc testimony at Portland, oregon.gov. Does that all sound right? I'm seeing thumbs up, and that is good news.
Commissioner Hardesty?

Hardesty: Mayor, I apologize. You did a fabulous job, but one other question came to mind for me and I wanted to know how we were going to respond. Several people testified that changing the zoning would affect 80% of their property. People talked about driveways and garages and things of that sort. Is there a short explanation to help me understand why making this change would have such a significant impact on some individual property owners? If there's not, I'll wait until you hear the written explanation, but if there's a creed

note response I will be grateful for it.

Soebbing: I don't know if I'm familiar with the specific sides, so I don't think I can speak to the details. But I do think I can speak to a driveway being in the e zone. During my presentation there are exemptions for all existing development. Utilities, any outbuildings, anything that is permanently legal when it goes and is fully exempt from the e zone. If somebody has a driveway that wasn't previously and ease zone, there's no restrictions on their ability to continue to use and maintain that driveway. As is currently built. That means if they need to repave it, whatever, expansions or alterations to development that go beyond the existing footprint will not necessarily have the same level of exemptions, but that exception does apply to all existing development. And then in terms of a site having 80% coverage by an e zone, it kind of depends on the flavor of the e zone. There's 2 different types, there's the conservation zone, which is less restrictive. It's not unusual for a site to have extensive coverage if it's a largely forested site. If, in fact, the forest vegetation is mapped and it turns out 80% of the site is covered by conservation zone, it will not be appropriate to cover a site with conservation zone because new development is allowed within certain limits. There's a clear objective standard for developing and conservations. Alternative discretionary process for additional development that can meet those standards.

Engstrom: As Daniel mentioned, the e zone's are often used to protect forests and buffers around streams. It's common for them to be existing development.

Hardesty: I was going to say that's normally the pushback with major development because just a slant of the hills and the unstable ability of some of the land itself when it comes to development. Not an easy conversation. I really appreciate the work and the answer to my questions. Thank you.

Ryan: My quick question is about -- yeah, thanks. Septic tanks. A couple of people mentioned that and I just did not really understand the testimony seemed compelling, but I didn't really understand the nuance and the details of it. It could be my staff and I will dig into this with you or is there a simple explanation you can offer?

Engstrom: Quick explanation is there is a portion of the city along skyline that is outside the urban boundary on septic and that is just the history of Portland in existence before the agb. In that area, the ability to put in new septic is important for their ability to do future

development and I think the request you heard is the exemptions we have in the code right now are for replacement of in existing and did not address the new possibility, which is an issue that affects a fairly small part of the city in northwest Portland.

Ryan: A small part of the city. There was a reason they wanted to show up and have their voices heard, okay. I want to make sure I keep following up on that then. Thank you so much.

Wheeler: All right, good. I think that concludes everything. Thank you, everyone. We are adjourned. Thank you.

At 4:50 p.m., Council recessed.

Closed caption file of Portland city council meeting

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Key: ***** means unidentified speaker.

February 17, 2022 2:00 p.m.

Wheeler: Good afternoon, everybody, this is the afternoon session of the Portland city council. Good afternoon, Megan, please call roll.

Clerk: Rubio?

Rubio: Here.

Clerk: Ryan?

Ryan: Here.

Clerk: Hardesty?

Hardesty: Here.

Clerk: Mapps? Had.

Mapps: Here.

Clerk: Wheeler?

Wheeler: Here, under Portland city code and state law, city council is holding this meeting and all members are attending remotely. The meeting is available on city you tube channel and public will provide written testimony by e-mailing clerk at cc testimony@PortlandOregon.gov. Council taking these steps to promote physical distancing and it requires us to meet remotely thanks to everyone, for your patience, your flexibility and understanding as we manage through these challenging situations. With that, we'll hear from legal council on rules of decorum.

Lory Kraut: It's Lory.

Wheeler: Good afternoon.

Kraut: To participate, you may sign up with the council clerk for communications to briefly speak about any subject. You may sign up for public testimony on resolutions, reports or first readings of ordinances. The published council agenda at www.Portland.gov, agenda contains information about how and when you may sign up while the city council is holding electronic meetings. Your testimony should address the matter being considered at the time. When testifying, please state your name for the record, your address not necessary. And if you're representing an organization, please identify it. The presiding officer terms the length of testimony. Individuals have three minutes to testify individuals have three minutes to testify unless stated. When time is up, presiding officer will ask to you conclude. Shouting, refusing to conclude your testimony when time up, and further disruption may result in the person being placed on hold or ejected interested the remainder of the meeting. Be aware all council meetings are recorded. Here we are one item on our agenda this afternoon.

Clerk: Ratify a bargaining agreement between the city on behalf of the Portland police union relating to terms and conditions of employment represented employees in the Portland police association bargaining unit for 2021-2025.

Wheeler: Today we're going to hear with the ratifying agreement with our police union. I said it before and will say it again. We need to make sure our police have the resources and personnel to be able to do their jobs effectively and success depends upon accountability to the public that we serve. We've heard public loudly and clearly. Now, I want to discuss with my colleagues in negotiating a must bargaining agreement this, was a team effort. Which makes it somewhat unusual compared to past practice. I want to talk to each council office assigned a staff member to bargaining team and I want to thank Bobby Lee, Carly Edwards, Rico, and Shannon for their hard work and time on the bargaining team. I want to give a shout to the team for the commitment to the process and I want to thank Cathy Bless, Heidi Brown, and Marquis Fudge for hr and legal expertise on the team all the time and work they've put into this negotiations. Finally, I want to thank the police association for their commitment to change, and finding new ways to move forward together. We've got a lot accomplished in this contract. The many changes we've obtained in this contract laid a foundation for work in the future as we continue to develop the best and most forward thinking police bureau to meet

the needs of our community. This, of course has been a long process. It began back in November, 2019 when commissioner Hardesty and I held two public listening sessions. Members of the public shared their priorities for change. They included community oversight, equity and diversity. Transparency, discipline, and mental health. We achieve community oversight through included transition language for the new board and contract. We achieved greater transparency including new language in embarrassment clause that gives council more flexibility commenting on a matter recognizing requirement and the importance of due process. Changes provide further transparency requiring submission to Oregon department of public safety and standards and training known as dpsst of all final discipline actions for officers who receive a suspension or greater for public posting. We bargain a new discipline pact that incorporates many issues addressed by the public, stronger discipline for certain types of misconduct including racist, biased behaviors, use of force and officers to fail to attempt to deescalate. Some issues raised during listening session such as equity and diversity are topics we, as management will continue to work on improving and they're important. Incorporating equity and diversity focuses into our hiring. The bureau does. And diverse boards exist. There is a strong focus on providing mental health support to officers at the bureau. We agreed on the response that brings together managers and employees from public safety bureaus, including Portland members to determine how to integrate this grit cal service into our public safety response model. And we've increased fee increases that start in 2024. We're competing with both local and national law enforcement agencies some are offering 25,000 recruitment bonuses and local offices aware of the offering up to \$7500 bonuses. The pay increase focused on crisis intervention training, education, and dpsst certifications. With the changes in the law combined with the contract we've taken a step towards better policing in Portland. Colleagues there is one additional item of business before I hand this off. I proposed an amendment to the ordinance posted as part of the item. Original language had the ordinance, including the cost of living adjustments in calculations in paragraph d. Those moneys were part of ppb's budget and attracted the office to appropriate the terms as required under the terms of the bargaining agreement instead of setting a specific amount. Therefore, amounts appropriated will be less than is stated in the original ordinance. I'd like to move to amend the ordinance as reflected on the council's website. Can I please get a second?

Hardesty: Second.

Wheeler: Second from commissioner Hardesty. We'll leave this amendment open until conclusion of public testimony today. And then, we'll take a vote on the amendment. And now I'll hand it over to Cathy Bless and chief deputy attorney Heidi Brown. Welcome, Cathy and Heidi.

Cathy Bless: Thank you. I'm going to start here and thank you, mayor and commissioners for the record I am Cathy Bless, chief human resource officer for the city. I want to echo bureau gratitude in this process and for expert lead provided by Steven and Heidi. And deputy chief Mike Brown. It is also important to acknowledge counsel offices and acknowledge and thank the community of the city of Portland who have collectively demanded more, demanded better and demanded a voice within process and its outcome. The bureau of human resources has had a professional and collaborative relationship with both police bureau and the Portland Police Association. Human resources supports all employees, even under the most-difficult circumstances of which the last two years have been extraordinarily difficult. Negotiating a collective bargaining contract with the Portland Police Association whose members have been uniquely challenged to change has been complex. And I want to thank the Portland Police Association, specifically Amel Carina for commitment to continue conversations related to body worn cameras and to come to agreement on all other issues in lieu of arbitration to the mutual interests of accountability, integrated Portland street response, retention, and recruitment. We know there is continued work to be done and DHR committed to work with both bureau and union, moving forward and my comments are brief. I'm going to turn it over to Heidi Brown so she can review process and Steven to walk through the contract change. Heidi?

Heidi Brown: Thank you. Good afternoon, mayor, commissioners. My name Heidi Brown. My pronouns are she, her, I'm chief deputy city attorney for labor and employment group. Thank you for having us this afternoon on this momentous objection. I just wanted to walk through to remind us to remember the process that we used and it highlights transparency that occurred during this bargaining session. Very different. Then I think we have had before and so that was a real success. We started this, as the mayor mentioned we have had two listening sessions in November, 2019. Two and a half years ago, almost, now. From that council, with information received from all of the public, along with issues they felt were important those stay as part of the priorities, one thing we heard is the interest in transparency and so we've

bargained and started out right away, bargaining for open bargaining sessions. And so had we first in January, 2020, then, we started with when we started alternating with the union, they were hosted with the public, we agreed we'd provide joint press releases and point tentative agreements that is something we've lived up to. In March, as everybody knows pandemic ensued and we've closed down and that created challenges for us in bargaining. And there were other challenges financially and health and crisis going on within our city, requiring attention so we've agreed within that to start bargaining again and that is what we did. We've extended bargaining and started with an open session and alternated back and forth. On the city behalf we continued to have open bargaining sessions and we got through and union moved to declare impasse and requested by go to mediation, which they're allowed to do, under the law. So at this point we move out of public arena but, we did continue as we were able to gain tentative agreements we continued to post those on the rethink Portland website. And then, once we have had a full agreement we've posted that and Steven and Cathy and I hosted a question and answer period for the public and there were 80 people in attendance and in addition remaining questions at the end of a full hour and a half session and those have been responded to as well. Or will be, soon. So I just wanted to walk that through and that is a very different methodology and approach to bargaining and I think it was very effective and best we could under the law as it stands today, and I appreciated all of the input from everybody. And then, finally before turning it over to Steven I do want to tell you how much of a joy it was to get input from the public to work with Steven was a joy. I'm going to miss him. To work with Cathy who I always enjoy working with and her team, Ron and Marquis and the deputy chief came in and it was a pleasure to work with him. I want to thank you, and council for dedication to this process. Really appreciated it. Now, Steven is going to walk through and give a brief overview of the changes that we're able to gain in this contract.

Steven Schuback: Thank you, good afternoon, Mayor and Commissioners. We're here to present a due pass ratification that has come to my attention the police association has ratified the contract on their end so this ratification that being said, the Mayor articulated this contract really a change for PPA. Never have I seen change just in the dynamics of a labor market, and legislative changes and dynamics of public input. This is really an interesting and very noteworthy procedure where we have merged public input and legislative changes related to

discipline and accountability and this will be a mark for the next 30, 40 years on the progress that Portland and Oregon has made. In regards to the contract itself, we're all aware that we have now negotiated a corrective action guide, the guide is to determine how to address appropriate sanctions and appropriate actions in allegations of misconduct or policy for violation. What is important about the guide is that it's not just a three-page document with fancy colors. There is a comprehensive narrative that describes intent of the parties. When I say parties, PPA as much as city are a joint venture and narrative provides purpose, direction and steps in order to determine and categorize actions that are subject to sanction as well as identify a prescriptive method to reach that sanction and document incorporates contract and guide incorporate the new changes in standards. That being said, as well, this document as well as binds arbitrators in proceedings where the action is challenged. The guide is not just about sanctions, but it's also about rehabilitation and remedial training. I appreciate all input. And we'll make best efforts to keep that employee engaged and give them opportunities to grow and become better employees and that is one of the most paramount advantages to this guide that we have. Is that we recognize there is a process the guide is married as well, to the articles of the contract under article 20. Grievance process and 61, due process. Those work in unison and they're all tied together to recognize the upcoming oversight board as well as upcoming legal requirements of the guide. In regards to embarrassment clause has been modified by language by bargaining note which is a mod of the parties acknowledging in this circumstance, city council has an opportunity to comment on those. With the understanding that there is a process in play. We feel this is a good resolution and compromise to meet the needs of the union as well as public immediate in addressing a disciplinary process and provide information to the public. The grievance process has been better identified to anticipate the future of the oversight board such that grievances may be handled by that oversight board and also, arbitrators will be bound by the new disciplinary just cause standard that is statewide. Collectively, looking at the guide and narrative and these articles as well as legislation before us, I think we have met the needs of the public as well as legislate tours to fully meet issues of accountability and transparency as much as possible. I know there is some discussion that bargaining can be open by law. We're bound by the collective bargaining. And

another area is the Portland street response program initiated before we've started bargaining as a pilot program and we've now reached a memorandum of understanding we continue with that program and that program needs best and appropriate protocols to respond to various events that occur. That is a blend of Portland police, fire and response team and it is appropriate those parties that do those duties are engaged in deciding best protocols and that is the resolution we've reached. Once they determine best protocols, the people doing the work will be best prepared to do the work mutually. I find that PPA was exceptionally helpful and helped getting to us reach that agreement. There are administrative clean up matters in the contract. Contracts require constant maintenance. There are things we've proposed we're not able to make progress on. And we to make progress on outside employment and better identified in discussion. What our objectives are for outside employment or secondary employment. It is an opportunity to have discussion and better understand roles and I feel for secondary employment we've reached that objective. And parties have now had changes without the need for contract change that. Is a slight win for us, there. The rest of the contract again is mostly administrative catch up or legalese to adjust changes with legislation and operations. And so forth. Lastly are economics and I'll leave economics to Heidi and myself through q&a and questions from you, directly as spelled out this the ordinance.

Wheeler: No questions, thank you.

Schuback: If I can just conclude, I'm thankful for the opportunity to work with you all you've provided an example with the rest of the state is revolutionary and helpful. So that there is unison as an entity as large as yours is. That we make progress through this long bargaining process helped and I think it's shown PPA that you're committed to working with them as an entity as well in providing a strong labor relationship that leads to better employees and moral and continued employment. On a personal note, again, thank you bargaining team members for putting up with me. Through two years. And thankful for the opportunity.

Wheeler: Thank you. As we waive idea of having outside legal council that fraught with potential pit falls you worked well with our legal council. Thank you for this and thank you for great resolution.

Schuback: Thank you.

Wheeler: Does that complete the big show? If there are questions now we'll move to public testimony. Very good. Megan, how many folks do we have signed up today?

Clerk: All individuals signed up and we have ten on the call.

Wheeler: Very good. Three minutes each and name for the record.

Clerk: We have Michelle Stevenson, Dan Handelman, and sandy.

Michelle Stevenson: Hello, my name is Michelle Stevenson and I speak for myself. My son is home, he has coronavirus. Please, be compassionate about that if he breaks in to my door. I wanted to be on record as the un-democratic process of this negotiation between the police association and city of Portland. This closed door process belongs to a authoritarian state not a democratic society. The question of how the community is released. And there are also serious issues of worry. I will dress two issues that popped out in reading the agreement. The Portland Street Response expansion, and the embarrassment clause. I love it's being extended to the city I worry about the integration of PSR in training and on the job directive. I don't feel safe calling police and very good reasons for that. I've been unsafe because of my reluctance to call the police. Having an option to call someone I trust for help makes my family safer, PSR is the hope for equal access for people. And not just my family. And this integration is necessary to allow community members a choice of two responds to a call for help. The part of the agreement that hurts me most is the embarrassment clause. When lease do bad things city government and officials can't talk about an event in a way that might embarrass the officers. In cases that sometimes last years, the agreement becomes the way our government officials talk about an event in public, period. After decided bargaining notes extend this clause and provides disciplinary privacy to its ppb member. Police wrong doing is our problem the actual wrong doing and criminality that is the pathology. It only by talking about the wrong doing that our city can start to heal. And inability of elected officials and police to own going to compound trauma for vulnerable victims and provide Portland, including police bureau from healing and becoming better from these terrible experiences. History is written by the winner and that understanding is a main foundation is and the full history whereof we've been is our city officials need ability to speak about the problems facing Portland. Very read mediation notes. Thank you that, is all.

Wheeler: Thank you.

Clerk: Next up, Dan Handelman.

Dan Handelman: Good afternoon.

Wheeler: I do apologize. Megan, can you make sure you're also monitoring the clock? When you get to three minutes? We believe to move on to the next individual.

Clerk: Yes. Just could confirm you'd like us to mute them?

Wheeler: Yes. Everybody is familiar with it. And had case you're not the mic will be muted and we'll move on to the next person. Thank you.

Handelman: I was going to ask if we can get an extra minute since we have had lee hours to set aside for this, I was wondering if I am allowed to have a fourth minute.

Wheeler: Dan, I'm sure you're good and get it done in three minutes if colleagues have follow up questions I'm sure they'll be happy to ask that. As you know, questions do not count towards three minutes.

Handelman: Okay. Thank you. So there was minimal progress made there are a lot of problems. My testimony falls under headings money, policy and process. Money. Ordinances being amended to take the total amount set aside from \$56 million to \$28 million if calculations are correct. You're spending community money it would be good to include a bottom line. Year over year increases aren't impacted in impact statements. However, proposed increase of 134 officers with no discussion you can see this marked into the ordinance, and getting 954 officers and proposed \$2.1 million bonus by \$2,000 which is 1088 cops. Policies, I sated this as q&a session we're clear the work predates my ability to apply for police accountability commission. My comments here for Portland cop watch. Already feigns made with language perceived to allow someone other than a police officer to compel testimony. And bargaining notes as agreement about what has to be bargained with passage of sb621. The city is missing a huge opportunity to turbo charge IPR once auditor passes control back to you in July. When asked if changes the community told the I can't do this, or that because they need to negotiate. The city signed off on changes including a time line to set up a board and negotiated this contract with resolutions should are been given a private briefing and I can say such a session was not held. Another reasonable suspicion to the clause allowing drug testing. The community believes this means officer have you never shot minute before. And PPA believes he said an officer can only be terminated if there are aggravated services. Can anyone say that

officer louis shortly after making jokes about black people be fired under this guide? And benefits to officers not offered to community members. And city, again, kicked the can down the road after rushing into a agreement to buy the equipment last week. So.

Wheeler: Commissioner Mapps?.

Mapps: Can you take a minute and complete your comments on process issues?

Handelman: Thank you, glad to. So this 110 page equipment with just two days to come up with questions for the team. And inadequate answers were released with less than 24 hours before this hearing p the community allow to be art of the process first five months but shut out for seven months and lakes like the city push down on a balloon, the air just moved somewhere else. The air is the unchanging political power of the PPA. And we hope PPA will come forward to explain what they think they gave up, gained and how it helps Portland and they seem to want it both ways. And requiring the I can't respond to positions. By that contract was presented pest changed by extending it and this locks in the contract when it's possible, the city council will be made up of different people. Thank you.

Wheeler: Thank you.

Megan: Next we have sandy.

Sandy: Good afternoon, I'm Sandy, our members fight with members statewide. In the most, their most reports the oir group made the oling observations, that many points and types of data including internal police bureau data show the police disproportionately harm black individuals through stops, arrests and violence and that mistakes continue, year after year and that the police department has been reactionary, severe and aggressive. And with these conversations, following rests concerns has about the proposed collective bargaining agreement. First, allowable skills are still part of the administration. Second, restrictions on ability of the community oversight board it very likely that they have ability. And third, to recruit police officers, however, bringing new employees had into dysfunctional work culture will result in more employees and harmful work culture. Research shows when a work culture has permissiveness with unethical conduct that results in other employees that may not have act that had way in other cultures. And the limits displaying information that can be shared and finally, under cba, officers under investigation are still able to get the names of complainant and wit-

nesses this will prevent some people from stepping forward. It's important in every contractual and budget position the city council makes decisions that will create accountability for police officer misconduct and violence. And especially with long four year terms does not do this. The minimal concessions made by the police association not worth over \$56 million as the impact analysis projects this will cost Portland taxpayers. Thank you.

Hardesty: Mayor I have a question. Thank you, mayor. Thank you, sandy so much for being here today. And testifying. On behalf of ACLU. I have heard frustration with the four-year contract. And I will say, um, as you know the DOJ is requiring to us hire a civilian training team. Right? We have a and the right person to be that training team. You know, this is something on my heart and I've been working on this 37 years and only three for pay. I guess my question for you is what I believe is that several things they're mandating we do. There are several things we've put into place and there are several things that voters have put into place. And those things are moving like ary, very slow pace and they're moving towards what I think is we have 3, or 4 crisis and it took longer. What I am asking you is knowing what you know about how difficult sit to change contracts, move them forward and make them transparent, maybe I'm putting you on the spot. I'm hoping to say you can see a path forward that appears we're headed into the right direction right? And I want to you see pieces in place moving in the right direction. That is my question. Are you seeing at least a path forward? So we come back here, three short years from now, and start this process over, are we headed down the right path?

Sandy: Thank you for your question and appreciate your leadership and trying to bring part of the difficulty trusting is that this is not the first time community members have brought forth concerns and city and Portland police bureau that we haven't seen the necessary change and there is a frustration that nothing will come out of this. The community oversight board through leadership, voters of the city passed by a ballot measure. What is important is that there is as much.

Hardesty: When starting this process last time, there had never been a more what I do know and believe is that we've made changes you'll be able to hold us accountable to this year, next year and next year, we're starting those negotiations again. Right? It would be different and we had to start from where we are were and I don't think our side of the table did a good job

of bargaining on our behalf before the mayor and I created this dream team. That actually lead the negotiations this time. Right? It's not perfect. It will never be perfect and I take criticism very to heart. That we still have more work to do. But, I just want you to know that all quarters of the work are starting. But we're going to need you, especially you, ACLU and values that you bring to this, to help us actually put this new oversight board together in a way that actually transparent, fair, and it doesn't matter. We have a system only one side trusts. We don't want to put another system together that only one side trusts because that won't serve our purpose. Thank you for being here, I appreciate your deep engagement and I went on longer than anticipated but I didn't want to just leave that. I want people to know we've done what we believe is the best we can get had this moment. And no matter how many positions under the contract we can only hire people we can hire and we're not going to be hiring people soon. And until we have to ache is training that we currently provide. So, regardless of where the documents say, we can't like dream up staff people. They'll have to go through the regular process that has been set up. So, thank you.

Wheeler: Thank you. Heidi?

Brown: Thank you, mayor. I just wanted to something you and Dan Handelman raised the board and discipline guide. And there was a law passed last year that requires state to adopt uniform standards and those would apply to city and with this guide it will apply to oversight board because if it didn't, uniform standards would and it gave us three years to use at approach we hope will meet the needs of the city.

Wheeler: Thank you. Go ahead.

Clerk: Next three individuals are Johanna Brenner, and James Ofsink and Ashanti Hall.

Johanna Brenner: Can you hear me okay?

Wheeler: Clear and I can see you.

Brenner: Okay. I'm here on behalf of the Portland metro peoples coalition we want to thank commissioner Hardesty and city council for progress made and appreciate council's decision to hire an expert negotiator and do as much as possible to keep the community informed. The process was an important step towards changing culture the secrecy and community suspicion that is hung over previous bargaining between the city and PPA. Our first concern remains necessity for community oversight of and investigation into the excessive use of deadly

force and we want to see this incorporated in the community oversight rules for the new board. We're sorry it as in the included in the contract this time around in this regard to the rules governing IPR. Another concern was the question of biased based policing and we do appreciate the way the guide honed in on this. And offered possibilities for greater discipline in cases as tan mentioned. We're very concerned about the protocols to which Portland street response is going to be deployed. We're glad and understand that we strongly believe the community needs to have a say in protocols and want to suggest community engaged policing might be tasked with bringing community input in the way they did, the mayor asked them to do with regard to rethinking safety. We think that we want to make sure that the consumerism expands and want to decrease encounters to which people through mental health or distress are exposed to risks of maiming and death that come along with police responders. We're concerned about the fact secondary employment continues, especially when Portland police bureau is spending unconcerted amounts on over time. We believe state law requires publication and discipline had a lower level.

Hardesty: Excuse me, mayor, interest seems to be confusion about Portland police response. I just want to say it is one of the responders when you call 911, and so protocol with police making sure we're not duplicating or triplicating efforts. Many times we send police, and amr. Now, we may send them. And that is a waste of resources so we don't want to do that. But Portland street response is not a co-responder with police. I want to make sure they're not confusing with project response with them.

Clerk: We have James Ofsink.

James Ofsink: Good afternoon, members I'm the current president of Portland forward a grass roots organization and we ask ourselves what needs to happen now to achieve the equitable sustainable and just Portland of 2050? That is why we've spent several years investigating police accountability. There cannot be a fair Portland now, or in a lot future as long as we have disproportionate policing and inequitable outcomes. We have mixed feelings about the current version of the contract. We want to recognize the process included community to a degree rarely, if ever, seen before and want to respect the community's countless hours and efforts that went into organizing towards a fair contract. We commend many parts of the pro-

cession including bringing in national accountability experts to present to counsel, and community listening sessions, the mayor and commissioner Hardesty hosted, and which helped inform the priorities, hiring an outside negotiator, pushing for sessions to be open to the public and media, and the council taking the process very personally. In many of the sessions that I attended every commissioner had a staff member in attendance which was really great to see. It's clear Portlanders have made big wins including codifying Portland street response as a much needed alternative and this is significant and should be celebrated and was part of a broad coalition and gains made towards adoption of a oversight system should not be understated. Commissioner Hardesty deserves a huge amount of credit on bringing these solutions to the city. There are some we feel this it could result in more accountability and do see it's dependent on how sit used and are hopeful it will be used in the benefit of, unsatisfied of expense of, community safety and trust. Already parts of the contract we feel fell short of expectations and had the community been able to continue to be engaged with the process, when the most contentious and important issues were being dealt with, we feel it would have improved session and met a important need. We're disappointed to see the embarrassment that is the embarrassment clause in this contract, and wish the contract was shorter to approach this issue again, sooner and the community wanted to see mandatory drug testing after uses of force and end to secondary employment program. We do feel the process was a huge improvement over past negotiations and led to better outcomes an we call for these outcomes to persist in future negotiation.

Wheeler: Thank you, james.

Clerk: Ashanti Hall. You're on mute.

Ashanti Hall: Ashanti hall, co-founder of hip-hop stands up, existing to voice people of color. I mention that is because, excuse me. Is because I tried to apply for the q&a on collective bargaining agreement and with my own personal e-mail addresses and someone worked and I was only allowed to apply using work e-mail address, concerning to me because it seems like we are less access to that and I'm not sure how important it to things we're seeing now, but it's something to look into. It's important. I do have concerns about us hiring more officers when we can't keep officers we have and it's frustrating when we can be expand things like the community. And I am definitely concerned about keeping embarrassment clause, to me

just seems counter productive to making sure we're doing one thing asking from this city to help us do, hold officers accountable for crimes. And that more than anything else, I mean, you know, I yield time because we want to you hold officers accountable for crimes.

Clerk: Thank you. Next three individuals are Beverly Barnum, Diane Meisenhelter.

Beverly Barnum: Mayor Wheeler I would like to address you personally. You said this was about accountability to public research. I would like to you meditate on that because none of it is going to give accountability to those of us that choose to rise against social, racial, economic, injustice. You know? We're still going to face the batons and tear gas. And we're still going to be followed home. And I say this as a person that experienced this, I am disappointed you're not using your power to help those you that serve. Now, you may think that policing as we know it today, is healthy. You may actually believe that. You may believe that poor people need to be policed. People like me, choose to protest need to be policed. You may think that. But, I think for myself, especially, when I go to Portland, now, when I see a police cruiser or a friend, I have friends from the police force, former friends in the police force. I don't respect them any more in any shape, way or form. I'm afraid of them, doing this thing, I've never done this because I'm afraid. And I hope that you think about that. About people like me. That have chose to finally one day stand up and say no more this, is wrong. And then to, face what I have faced. I don't even live in Portland. I try not to go to Portland. I'm afraid. Of the people you're trying protect. I'm afraid of the PPA. And maybe you should, too. They hold a lot of power over all of you. Thank you for your time.

Wheeler: Thank you.

Clerk: Diane Meisenhelter.

Diane Meisenhelter: Sorry, lost my document.

Wheeler: Diane, do you want to go to the next person?

Meisenhelter: I got it. Thank you very much, commissioner Hardesty office in particular, and counsel for pushing for accountability and equity. I particularly want to thank Andre miller for providing the educational and opportunity in the form of the city's chief negotiator and legal counsel to share information after the closed session just in these last few days. I must say it seems like a number of members of the community have come away feeling a little dispirited by the proposed contract as things currently stand. When we had hopes -- higher hopes from

a community driven process. If you think about it in terms of a scale, imagine the scales of justice. On one side you have the very concrete and enormous benefits to the PPA. For your contract, terminus increases in pay and numbers of officers, bonuses for mandatory trainees, no changes in residency requires, no substantial contractual changes on overtime or secondary employment. The fire rebel offense only for intentional misuse of police authority when the community has called for broader considerations. Concern about mitigating factors allowed when there is intentional reckless civil violations or departures from established police practice, and I could go on, but I'm trying to do this in a really fast way. On the other hand of the scale, there were some positive changes. The new corrective action guidelines. But we haven't even had a chance to totally unpack and understand those. And some of the issues of import to the community are as yet result of these, as we heard today. While that's great that progress has been made on the Portland street response, and its integration, we still do not have specifics on the proposed expansion, such as in the case of suicide or indoor situations. The yet to be developed rules and whether dispatchers will send them out. Whether there will be community oversight on excessive use of lethal force. And the new community oversight board details. All of these are still to come. The body worn camera guidelines are still in dispute. If you think about balance in terms of these 2 scales, it feels that at the very least there needs to be more time for the community to see the actual outcomes of some of these unresolved issues before ratifying the contract or that the contract time needs to be reduced so that we know we do not have to wait for another 4 years for these real concerns to be undressed. There hasn't been enough time to even fully process the details of the new disciplinary guidelines, which we just were able to see this week, and to see how the whole process fits together --

Clerk: Next, we have Marc Poris.

Marc Poris: Hi. For the record, my name is Marc Poris. I use he/him pronouns and live in northeast Portland. I want to thank Andre Miller for hosting last week's queue and a 10 ask questions and I really appreciate Heidi Brown and Stevie Schuette to be there answering questions. 90 minutes is clearly not enough time to get all our questions answered, as we are finding out today. Especially since PPA took the bargaining process behind closed doors in June. And we have seen some ta's, but we have no insight into how they came about. Here's a

couple of questions I have. Why are we giving police officers a \$5000 retention bonus and only giving public safety specialists 3000? In my mind, the public support safety specialist, they are the future of ppp because I believe most community members would rather have a less or non-militarized police force. And the required interpersonal skills specialist need to have in my mind is the only hope for ppp to gain any trust with the community. Remember in 20 5054 comps made over \$200,000. Do they really need a \$5000 retention bonus? If you really feel like ppp needs that money, give that bonus money to the public support specialist. In the public street response letter of agreement, why does PPA get 4 of the 16 seats on the committee that creates a negative public safety protocols? There will be nonmanagement employees on the committee. However, PPA, as you've heard from everybody else, they've already got enough power. To conclude, both Heidi and Steven reminded us more than once of the need for the city to bargain in good faith PPA. Personally having a hard time believing that PPA feels that same urgency to bargain in good faith of the city. And I continue to believe that the community needs a seat at the table during negotiations and that all negotiations should be open to the public. The 3 sides don't come to the table with the same amount of leverage. We shouldn't expect PPA to -- every time the community or the city does. I will close with this . Police unions are not the same. They represent employees who have our permission to use deadly force on community members. The public needs complete transparency and true representation at the bargaining table when it comes to law enforcement negotiations that's all I have today. Thank you.

Wheeler: Thank you.

Clerk: Our final testifier today is John H.

John H.: Can you hear me okay?

Wheeler: Yes, loud and clear.

H.: Okay, cool. Thanks for the time. I don't want to say the same thing everybody else said, but I'm going to talk more generally about the contract and the changes and feeling like there is no substantive change in anything that will help create any kind of accountability or transparency. The only significant changes I feel like were around the Portland street response and oversight board. I'm disappointed in the narrative that's coming from the city and the city attorney's office making it sound like as if the PPA and the city are responsible for those changes

and that somehow the PPA was so gracious to allow those things to happen when we know that the reason why PSR is being expanded and the oversight board is being implemented is because of community pressure. In fact, not only is it not because the PPA wanted to give us something, they've actually in a roadblock and are still opposing certain things in relation to PSR and the oversight board. I guess I'm opposed to there's no changes in the embarrassment clause. The having these increase in wages related to living costs is ridiculous considering only 18% of Portland police live in Portland. We know that more rural areas are not seeing a spike in living costs and they already got almost 3% increase when we put it on hold and now they get another increase and another increase. \$54 million over the next 4 years. We need to stop giving more money to the police. I'm just super disappointed in that. And then to hear that police union and the city talk about the reason why they are short on police is because of funding. We know that a majority of them have left because they are really just throwing fits. They don't like that there's a tiny bit of accountability that's like if they don't get to do whatever the fog they want, excuse my language, they don't get to do whatever they want and they are going to throw a fit and leave. I think we need to stop enabling that behavior. I know my time I feel like there's one other thing I wanted to touch on. The ua, of course there needs to be you a every time there needs to be force. Yeah, I think I'll stop there. Thanks.

Wheeler: Thank you, John. Megan, does that complete the public testimony then? Did I understand that correctly?

Clerk: Yes.

Wheeler: Colleagues, before I miss out for discussion or questions, I want to confer that legal counsel that your advice to us will take the vote on the amendment today. That's frankly largely technical in nature. And then it's my understanding that we are not going to take a final vote today, but the recommendation is we continue this to Wednesday, February 23 at 10:20 am. Can I get a confirmation that's what we are doing logistically?

Brown: Mayor, I understood it was February 24 at 2:00 p.m. I may have misunderstood that.

Wheeler: Megan, do you have clarity on when we are continuing this?

Clerk: Yes. Thanks, mayor. It all depends on how much time you need for the continued item. If it's 45 minutes or longer we have a hold for February 24th at 2:00 p.m. If it's less than 45 minutes we do have time at 10:20 on February 23rd Wednesday session.

Wheeler: Why don't we go --

Hardesty: I'm assuming that public record is still open and it will close either that morning or the day before.

Wheeler: That's what I was hoping to get some clarity on this. I assume the oral record is closed now and we will keep the written record open until presumably, what, the morning of whichever day we choose?

Heidi: That's our recommendation.

Wheeler: Why don't we go ahead and do it for the 23rd, the morning session, and if we go over, we'd go over. We do this all the time. It's just lunch, who cares? We need to talk. Why don't we go ahead and take the February 23 slot. That was 10:20, correct?

Clerk: Yes, that's correct.

Wheeler: We are going to at the end of this continue this until February 23 at 10:20 a.m. We will keep the record open until, what, 9:30 a.m. On that day? Heidi, what is your recommendation?

Brown: Yes, mayor, that's correct. Just so you know I don't know if you're aware. We had put on the rethink site and had told people the actual vote would happen on February 24. You can certainly--

Wheeler: This is all good information, it's just information I need before have this conversation. Let's go back to the 24th. It is time 2:00 p.m., correct?

Brown: Yes.

Wheeler: The record will close what time that day?

Brown: Noon is fine, mayor.

Wheeler: Noon is fine. Let me practice this one more time to make sure we have it correct. Not the end of today, I will reiterate this, but we will be planning right now to continue this conversation to Thursday, February 24 2:00 time certain the oral record is now closed. The written record will remain open until noon on February 24. And with that, colleagues, I will entertain questions, comments. Don't let me leave today without us voting on the amendment. Commissioner Hardesty.

Hardesty: Thank you, mayor. Because I don't know who will be here when we finally take the final vote I just wanted to take a few minutes of appreciation and first to you, mayor. When I

showed up in January 2019 and I said to you the next workplace contract and you welcomed it and you said this is great. I will have help. And then we invited all the rest of counsel to be a part of that process. I would've never thought that as a counsel we could have been working together with a shared message, with a shared vision, with shared priorities, and come up with a contract that I think is safe to say that nobody is jumping up and down about it, but we know we are on the path that was unimaginable in January, 2019. I want to take a moment to appreciate you, mayor Wheeler. I want to appreciate you, Steven. You are a gem and I'm so grateful that Heidi knew you were a gem and encouraged us to bring you on board. Heidi, you've always been a superstar, but in this particular process you certainly have the longevity and the history that actually helped us hit some of the transformation that we needed. And so, I cannot stop this without saying Carly Edwards from my office has put so much sweat and tears and heart and soul into making sure that this contract got to the finish line and I know it took a personal toll on her because as people came and went she was the constant holding down this face for other commissioner staff, so I want to appreciate Carly for the incredible amount of time and energy and work she put into this process. What else did I want to say? And I'd want to just circle back for circle. When Amir and I started this in January, 2019 we said we are going to engage the community. We are going to have a transfer of process. We are going to be as open as we possibly can be. Some of the community members testified it was not as transparent as they would like. I think we can all agree that is 100 times better than the last contract tossed, which actually were in 2016 that led to a police riot that community members out on the street, which was actually the reason I decided to vote that day in October, 2016 was my motivation to run for this seat. I do not want to leave today without appreciating the mayor and appreciating how far we came as a counsel having one voice when it came to discussing the police contract and where we were moving in the future. So, thank you.

Wheeler: Commissioner Hardesty, I will get to commissioner revealed in a moment. I can't let this go without thanking you. I agree with you. I think we have raised the bar. We have moved in the right direction down the path. We established a process that didn't quite unfold exactly the way we wanted. We did not anticipate a global pandemic and the complete closure of our economy and all of our public buildings. We created a template that I think will be used by

city council for many years in the future. That's not to say there won't be refinements for improvements, but we have now sent a high bar that future councils I believe will follow, and the results speak for themselves and I want to thank you. Commissioner Rubio?

Rubio: Thank you. I'm going to do more of a positive pile on here and express my thanks as well to Heidi and Steven and Cathy. Thank you so much as a first year commissioner taking the time that we needed to really understand the issue and work with myself and my team and also my new colleagues. And also, mayor Wheeler again. I want to echo commissioner Hardesty about being so open to being collaborative with us and recognizing this is something that impacts all of us as a city and all of us as a council bear responsibility, and also, you know, it is incumbent upon us to be part of this work alongside you and are honored to do that and just very appreciative of that. Commissioner Hardesty, thank you for your mentorship and years of service and the background that you provided all of us that were new to this. It is very critical in helping us form our analysis as we move forward. Lastly, I just want to really appreciate also PPD and sergeant snails for all the work together, but most importantly thank you to our staff, who put in countless hours. I want to also call out my staff, -- who has been very involved and jumped in with both feet on day one and has been doing more than is humanly possible for one staff right now. That borders on unhealthy for him, but we are so appreciative of his work and I just want to highlight how collaborative all our teams have worked together and what a wonderful model moving forward. This contract is not the panacea for all things and all community, but I am so proud since moving us forward in a direction that we need to go. These are important steps in that direction and I know it keeps us laser focused on what we needed, and that's what we did in this process and will continue to do moving forward. I will save the rest of my comments for next week, but just wanted to make sure I shared those on the record today.

Wheeler: Thank you, commissioner Rubio. Colleagues, if there's nothing else -- commissioner Hardesty.

Hardesty: I'm sorry, mayor. Another thank you to deputy chief stepped in at the last hour and really made an enormous difference. I just want to really appreciate how wonderful it's been both to get to know the deputy chief and his can-do attitude. I've never met anyone like him.

It's like you asking the question and 10 minutes later you have an answer. I just want to appreciate him. He was involved at the very beginning, but man, when he came on board he didn't miss a step at all. Chief, if you're listening, thank you, thank you, thank you.

Wheeler: He is, and you are right we are lucky to have his counsel. Thank you, commissioner Hardesty. I moved and commissioner Hardesty seconded. Seeing none, Megan, please call the role.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: Aye.

Clerk: Ryan?

Ryan: Aye.

Wheeler: The motion carries. With that, colleagues, we will continue this item to February 24th at 2:00 p.m. Time certain. The oral record is now closed. The written record will remain open until noon on Thursday, February 24th. That means if somebody wants, they can send this email or communications for information. They can chime in. The easiest way is through the council clerk @cc testimony at Portland Oregon.gov. Heidi, is there anything we forgot?

Clerk: You got it all, mayor. Thank you.

Wheeler: Thanks, everybody. With that then, we are adjourned. Thank you.

At 3:21 p.m., Council adjourned.