



## June 1-2, 2022 Council Agenda

5663

City Hall - 1221 SW Fourth Avenue, Portland, OR 97204

In accordance with Portland City Code and state law, City Council will hold hybrid public meetings, which provides for both virtual and limited in-person attendance. Members of council will elect to attend remotely by video and teleconference, or in-person. The City has made several avenues available for the public to listen to the audio broadcast of this meeting, including the City's YouTube Channel, [eGov PDX](#), the [Open Signal website](#), and Xfinity Channel 30 and 330.

Questions may be directed to [councilclerk@portlandoregon.gov](mailto:councilclerk@portlandoregon.gov).

Disposition Agenda

Audio Recordings

### Wednesday, June 1, 2022 9:30 am

---

**Session Status:** Recessed

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Former Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Karen Moynahan, Chief Deputy City Attorney; Keelan McClymont, Council Clerk

Items 470 and 471 were pulled from the Consent Agenda and on a Y-4 (Ryan absent) roll call, the balance of the Consent Agenda was adopted.

Council recessed at 9:41 a.m. and reconvened at 9:45 a.m.

Council recessed at 10:32 a.m. and reconvened at 10:33 a.m.

Council recessed at 11:21 a.m. and reconvened at 11:31 a.m.

Council recessed at 1:13 p.m.

## Communications

460

[Request of Hayden Alexander to address Council regarding Portland elected official](#) (Communication)

**Document number:** 460-2022

**Disposition:** Placed on File

461

[Request of Nick Reidy to address Council regarding equity and inclusivity](#) (Communication)

**Document number:** 461-2022

**Disposition:** Placed on File

462

[Request of Aubrey Russell to address Council regarding Thompson Fountain Legal Protections](#) (Communication)

**Document number:** 462-2022

**Disposition:** Placed on File

463

[Request of Kamala Pati to address Council regarding Portland](#) (Communication)

**Document number:** 463-2022

**Disposition:** Placed on File

464

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

**Document number:** 464-2022

**Disposition:** Placed on File

## Time Certain

465

[\\*Amend the Comprehensive Plan, Zoning Map, and Title 33 Planning and Zoning to comply with House Bill 2001 and Senate Bill 458 \(amend Code Title 33 and the Portland Comprehensive Plan and zoning maps\)](#) (Emergency Ordinance)

**Document number:** 190851

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Planning and Sustainability

**Time certain:** 9:45 am

**Time requested:** 15 minutes

Previous agenda item 425.

**Disposition:** Passed As Amended

Motion to adopt the Ordinance as amended, Exhibit A Findings as amended, Exhibit B RIP2 Staff Report Recommended Draft as amended, Exhibit C RIP2 Code Amendments Recommended Draft as amended, Exhibit D Buildable Lands Inventory Flood and Slope Hazard Maps: Moved by Wheeler and seconded by Hardesty. (Y-4; Ryan absent)

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

466

[Accept 2022 Travel Portland Annual Report to City Council](#) (Report)

**Document number:** 466-2022

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

**Bureau:** Management and Finance

**Time certain:** 10:00 am

**Time requested:** 30 minutes

**Disposition:** Accepted

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

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

467

[Authorize Intergovernmental Agreement between Prosper Portland and Portland Bureau of Transportation to design and construct the NW Johnson, NW Kearney, and NW Park Avenue sidewalk, street, stormwater, sanitary sewer and water main improvements, and necessary off-site traffic mitigation improvements to facilitate future development of the Broadway Corridor](#) (Ordinance)

**Document number:** 190862

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Prosper Portland

**Time certain:** 10:30 am

**Time requested:** 30 minutes (1 of 3)

**Disposition:** Passed to second reading

Passed to second reading June 8, 2022 at 9:30 a.m.

468

[Authorize Intergovernmental Agreement between Prosper Portland, the Bureau of Environmental Services and the Water Bureau to design and construct off-site water, sanitary, and stormwater system improvements to facilitate the future development of the Broadway Corridor](#) (Ordinance)

**Document number:** 190863

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Prosper Portland

**Time certain:** 10:30 am

**Time requested:** 30 minutes (2 of 3)

**Disposition:** Passed to second reading

Passed to second reading June 8, 2022 at 9:30 a.m.

469

[Authorize Intergovernmental Agreement between Prosper Portland, Portland Bureau of Transportation and Portland Parks and Recreation to design and construct the Broadway Corridor Park and Green Loop Projects improvements to facilitate the future development of the Broadway Corridor](#) (Ordinance)

**Document number:** 190864

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Prosper Portland

**Time certain:** 10:30 am

**Time requested:** 30 minutes (3 of 3)

**Disposition:** Passed to second reading

Passed to second reading June 8, 2022 at 9:30 a.m.

## Consent Agenda

470

[\\*Pay attorney's fees settlement from Kessler v. City of Portland litigation in the sum of \\$20,000 involving the Portland Police Bureau](#) (Emergency Ordinance)

**Document number:** 190857

**Introduced by:** Mayor Ted Wheeler

**Bureau:** City Attorney

Item 470 was pulled from the Consent Agenda for discussion.

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

471

[\\*Authorize Chief Administrative Officer or designee to negotiate and execute one or more lease agreements for training space for the Specialized Resources Division program](#) (Emergency Ordinance)

**Document number:** 190858

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Management and Finance

Item 471 was pulled from the Consent Agenda for discussion.

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

472

[Create new represented classifications of Water Distribution Worker and Water Distribution Worker, Trainee and establish interim compensation rates for these classifications](#) (Ordinance)

**Document number:** 190846

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Human Resources; Management and Finance

Second reading agenda item 437.

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

473

[\\*Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for 50th and Woodstock located at 5010 SE Woodstock Blvd](#) (Emergency Ordinance)

**Document number:** 190847

**Introduced by:** Commissioner Dan Ryan

**Bureau:** Housing Bureau

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

474

[\\*Amend contract with Regional Transportation Options Grant Subrecipients to update the scope of work and increase subrecipient awards for the SmartTrips Connected Communities Transportation Demand Management program \(amend Contract Nos. 32002277, 32002278, and 32002279\)](#) (Emergency Ordinance)

**Document number:** 190848

**Introduced by:** Former Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

475

[\\*Amend Intergovernmental Agreement with Metro to provide more travel options, increase use of active transportation options, and decrease vehicle miles traveled through Regional Travel Options programming \(amend Contract No. 30007060\)](#) (Emergency Ordinance)

**Document number:** 190849

**Introduced by:** Former Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

476

[\\*Authorize an emergency procurement contract with Priority Dispatch Corporation in the amount of \\$182,250 for emergency support services](#) (Emergency Ordinance)

**Document number:** 190850

**Introduced by:** Commissioner Mingus Mapps

**Bureau:** Emergency Communications (9-1-1)

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

## Regular Agenda

477

[\\*Amend Police Review Board Code to change references to the Auditor's Office and make other process changes \(amend Code Section 3.20.140\)](#) (Emergency Ordinance)

**Document number:** 190852

**Introduced by:** Mayor Ted Wheeler

**Time requested:** 15 minutes

**Disposition:** Passed As Amended

Motion to amend paragraph C.2 to remove reference to allow for a Police Review Board volunteer member to be put in place when a Citizen Review Committee member is not available. Moved by Wheeler and seconded by Hardesty. Vote not called.

Motion to amend exhibit to remove references to the Auditor and change to IPR or IPR Director and remove references to citizen and change to community members and all other changes would be deleted. Moved by Wheeler and seconded by Hardesty. (Y-4; Ryan absent)

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

478

[\\*Pay settlement of Alonna Mitsch personal injury lawsuit for the sum of \\$75,000 involving the Portland Police Bureau](#) (Emergency Ordinance)

**Document number:** 190853

**Introduced by:** Mayor Ted Wheeler

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

**Time requested:** 15 minutes

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

479

[\\*Amend Intergovernmental Agreement with Portland State University to fund the study of Portland Police Bureau's efforts to reduce crime in the Parkrose and Hollywood Neighborhoods under the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Innovations in Community-Based Crime Reduction Grant Program \(amend Agreement No. 30006889\)](#) (Emergency Ordinance)

**Document number:** 190854

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Police

**Time requested:** 20 minutes

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

480

[Authorize Portland Police Bureau to offer hiring bonuses to Public Safety Support Specialists and Lateral Police Officers in amount not to exceed \\$500,000](#) (Ordinance)

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Community Safety Division; Police

Second reading agenda item 449.

**Disposition:** Referred to Commissioner of Finance and Administration

481

[Amend the FY 2021-22 Revised Budget to reduce General Fund appropriations in the Community Safety Division by \\$1,400,000 and place in General Fund contingency for appropriation in the FY 2022-23 Adopted Budget for the Summer Cease Fire Initiative](#) (Ordinance)

**Document number:** 190855

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Community Safety Division; Management and Finance

Second reading agenda item 456-1.

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

482

[Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Brooklyn Apartments located at 3260 SE Milwaukie Ave](#) (Ordinance)

**Document number:** 190865

**Introduced by:** Commissioner Dan Ryan

**Bureau:** Housing Bureau

**Time requested:** 10 minutes

**Disposition:** Passed to second reading

Passed to second reading June 8, 2022 at 9:30 a.m.

483

[\\*Declare property located at 1610-1612 SW Taylors Ferry Road as surplus real property and authorize the Portland Parks and Recreation to dispose of the property by sale on the open market](#) (Emergency Ordinance)

**Document number:** 190856

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Parks & Recreation

**Time requested:** 5 minutes

Previous agenda item 443.

**Disposition:** Passed

**Votes:** Commissioner Dan Ryan Absent

Former Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

## Wednesday, June 1, 2022 2:00 pm

**Session Status:** Recessed

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Former Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Commissioner Rubio presided.

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

Council recessed at 2:05 p.m. and reconvened at 3:02 p.m.

Council recessed at 3:04 p.m. and reconvened at 3:13 p.m.

Council recessed at 5:11 p.m.

## Time Certain

484

[Accept the Regional Arts & Culture Council 2021 Annual Report to Council](#) (Report)

**Document number:** 487-2022

**Introduced by:** Commissioner Carmen Rubio

**Time certain:** 2:00 pm

**Time requested:** 1 hour

**Disposition:** Rescheduled

Rescheduled to June 2, 2022 at 3:00 p.m. Time Certain.

485

[Amend the Comprehensive Plan Map and Zoning Map for properties at 5505-5525 SE Milwaukie Avenue and the northeast corner of SE Ellis St and SE Milwaukie at the request of Renee France, Radler White Parks & Alexander LLP \(LU 21-094203 CP ZC\)](#) (Ordinance)

**Document number:** 190982

**Introduced by:** Commissioner Dan Ryan

**Bureau:** Development Services (BDS)

**Time certain:** 3:00 pm

**Time requested:** 90 minutes

This item is available to register for public testimony.

**Disposition:** Continued

Continued to June 16, 2022 at 2:00 p.m. time certain

Oral and written record are closed

## Thursday, June 2, 2022 2:00 pm

**Session Status:** Adjourned

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Former Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided. Commissioner Rubio presided at 2:36 p.m.

Officers in attendance: Matt Farley, Senior Deputy City Attorney; Megan Lehman, Acting Council Clerk

Council recessed at 2:49 p.m. and reconvened at 3:00 p.m.

Council recessed at 4:43 p.m.

## Time Certain

486

[\\*Authorize Director of the Office for Community Technology to execute Digital Inclusion Fund grant agreements not to exceed \\$250,000 for FY 2021-22](#) (Emergency Ordinance)

**Document number:** 190859

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Office for Community Technology

**Time certain:** 2:00 pm

**Time requested:** 1 hour

**Disposition:** Passed

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

487

[Accept the Regional Arts & Culture Council 2021 Annual Report to Council](#) (Report)

**Document number:** 487-2022

**Introduced by:** Commissioner Carmen Rubio

**Time certain:** 3:00 pm

**Time requested:** 1 hour

Previous agenda item 484.

**Disposition:** Accepted

Motion to accept the report: Moved by Rubio and seconded by Mapps.

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

## Closed caption file of Portland City Council meeting

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

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

June 1, 2022

9:30 a.m.

**Wheeler:** This is the June 1, 2022 morning session of the Portland city council. Good morning. Call the roll.

**Clerk:** Good morning, mayor. Commissioner.

**Hardesty:** Here.

**Mapps:** Here.

**Rubio:** Here.

**Wheeler:** Here. And now, hear from legal counsel for rules and order of the court.

**Karen Moynahan:** Thank you, mayor. Good morning, mayor, commissioners.

Welcome to the Portland city council. Town is holding hybrid public meetings, in addition to electronic attendance, if you wish to testify before council, you must sign up in advanced, by individual visiting [www.Portland.gov/council/attendance](http://www.Portland.gov/council/attendance). You may sign up upon for communications and sign up for public testimony on resolutions reports or the first readings of ordinances. In-person testimony may occur from one of several locations, including city council upon chambers, and the room in city hall and the Portland building. Written testimony may be submitted at [cctestimony@Portlandorganize.gov](mailto:cctestimony@Portlandorganize.gov). Your testimony should address the matter being considered at the time. Please disclose if you are a lobbyists. If you are

representing an organization, please identify it. The presiding officer -- everywhere can feel welcome, respected and safe. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify, unless otherwise stated. A timer will indicate when the time is done. Disruptive conduct such as shouting, refusing to include your testimony, or interrupting others' testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given. After being ejected, a person who fails to leave a meeting is subject to arrest for trespass. Additionally, council may take a short recess and reconvene virtually. Thank you.

**Wheeler:** First up is communications. First item, 460.

**Clerk:** Hayden Alexander to address council, regarding Portland elected official. They have not arrived yet.

**Wheeler:** All right. 461, please.

**Clerk:** Request of Nick Reidy to address council regarding equity and inclusivity. They have not arrived.

**Wheeler:** Now 62, please.

**Clerk:** Request of Aubrey Russell to address Council regarding Thompson Foundation legal protection.

**Wheeler:** Good morning.

**Aubrey Russell:** How are we doing here.

**Wheeler:** We can hear you loud and clear. Good morning.

**Russell:** Aubrey Russell. I wanted to thank you for your resolution, regarding the Thompson fountain. I wanted to talk a little bit about how we got here, though. I was very interested in commissioners -- commissioner Ryan's comment on Facebook, that he had listened to the quote, public servant as city hall portfolio. As a member of the public, I was interested to learn of this effort in city hall, to re-evaluate the public portfolio. My preference would be to take an additive approach to public art. If the city is anything to take a subtractive approach to public art, then it shows more of a fighting

spirit, maybe. That's fine. But it should be a fair fight. Fair means not resorting to untruths. Let me quote this e-mail from Carmen Rubio's office, also sent from other commissioner offices. This part of the was in bold and underlined. Quote. That step is happening now and does not influence or preterm any future -- predetermine any future actions, relate to the fountain. The step here is demolition. The code section is entitled "removal of landmark designation." so city must have known demolition does in fact influence (audio distortion) future action. It does so in three ways. First, it removes the presumption of restoration. Second, it removes the historic landmark's commission from having jurisdiction and third, it removes the obligation under state law to protect historic landmarks. How does level of untruth get into official city e-mails? The answer is staffing. The e-mails also contain this untruth about demolition delay that it quote, needs to take place, independent to be, to restore the fountain, you have to remove historic landmark protections. That is an untruth. Staff at city in Carmen Rubio's office, in the city arts program, took the lead on this matter and pushed for their preferred outcome. But if you choose a subtractive approach to public art, then you should stay within the limits of a fair fight. Untruths are not within those limits. Moving forward, I suggest an additive approach (bell ringing) Carmen Rubio, the arts commissioner will play an important role, as will Jeff Hawthorne. As I have explained in the past, Rack has a history of straying from the truth in its zeal to remove public art. I'd add now that Portland Parks and Recreation, in the matter of the Thompson Fountain, has showed itself surprisingly unconcern, withstanding basic facts about its support for removing the fountain. I hope in the future, the city can focus more importantly, on an additive approach to public art. Thank you.

**Wheeler:** Thank you, Aubrey, and while I've got you on the horn here, we have a good presentation, as you know, on the Thompson Fountain Project the other day, and there were some residents who came forward and said that they were seeking funding to complete the project and I expressed an interest, and I received a card. With you when I

got home, I realized the card cannot actually have a phone number on it. If any of them can connect through me or my office.

**Russell:** I will have something sent to your staff by e-mail.

**Wheeler:** Thanks. I appreciate that. Thanks, Aubrey. Next individual, please. Item number 463.

**Clerk:** Request of Kamala Pati, to address council regarding Portland. They haven't arrived yet.

**Wheeler:** Where is everybody today? Have any of the others arrived?

**Clerk:** Yeah. One more.

**Wheeler:** Why don't we go to the last one if they are here. 464.

**Clerk:** Request of Georgia Wier to address council regarding banning the sale of foie gras.

**Georgia Wier:** I am Georgia Weir and I'm speaking to you to ban the sale of foie gras in Portland. It is considered to be a specialty food. It's a very expensive one, made at the liver of a duck or goose that has been fattened by the process, known as gavage or force fed. A tortuous process of inserting a tube down bird's esophagus and feeding it using a hydraulic pump. This causes extreme pain to the animal and this goes on for weeks until the bird dies or is killed. The sale and or production of foie gras has already been banned in on New York city, the state of California and several countries. And serves as an example to the rest of the state. I say easily because over 80 restaurants retailers and food manufacturers in Portland have written to you in support of this ban. I've had the opportunity to live in a home in Colorado, that had backyard ducks and geese. Young people have used these birds in 4h projects the primary care undertaker, the birds grew up in a ranching family. So she was not a vegetarian and this is not an issue, specifically sponsored by vegetarians. I got to watch these ducks and geese thrive, just living their lives please take action now, and pass a city ordinance, prohibiting the sale in Portland. Thank you.

**Wheeler:** Have any items been pulled from the consent agenda?

**Clerk:** 470 and 471.

**Wheeler:** Please call the roll.

**Clerk:** Hardesty.

**Hardesty:** Aye.

**Clerk:** Mapps.

**Mapps:** Aye.

**Clerk:** Rubio.

**Rubio:** Aye.

**Clerk:** Wheeler.

**Wheeler:** Aye. Approved. Is Heidi here for 477? We'll take a 4 minute recess until we get to our next time. We are in recess. [recess] Please stand by for Realtime captioning.

**Wheeler:** Do you have to hit the record button? We're good. Very good. Item 465, please. Emergency ordinance.

**Clerk:** A comprehensive plan, zoning map entitle 33. Planning and zoning to comply with hospital 2001 and senate bill 458.

**Wheeler:** Commissioner Rubio. Oh. I'm sorry. Yeah, this is a second reading. No, it's not. What is this? Oh. I z. It's the residential info. So we have reached the final vote.

Residential project, part 2, in order to meet the state's required deadline, this item is being passed with an emergency ordinance so there will not be a second reading per se. Before we vote on the project in full, we need to amend some of the documents that are before council. Sustainability commission's recommended draft, staff have incorporated our amendments into the adopting ordinances, while some of the other documents w. That calling, I move to adopt the following documents: The ordinance as amended, the exhibit-a findings, as amended, exhibit-b. Rip 2 staff report recommended draft, as amended. Rip c. Recommended draft as amended, and exhibit-d. Inventory (audio

distortion). Commissioner Hardesty seconds. Any further discussion? Please call the roll on the rip 2, as amended documents.

**Clerk:** Hardesty.

**Hardesty:** Let me just start by thanking the sustainability staff for once again, during the really can I have cult work of trying to balance a variety of interest. I want to thank commissioner Rubio for her leadership and ensuring to make sure that as we continue to build housing, because we are in desperate need of more housing, that we have the flexibility necessary, as well as the policies in place to ensure that we can continue to do so in a way that fits our environmental climate and our racial justice goals. So I'm very happy to vote aye.

**Clerk:** Mapps.

**Mapps:** Aye.

**Clerk:** Rubio.

**Rubio:** I want to start by rethinking the planning sustainability commission, the commission was challenged by the tight timeline, afforded by state's compliance line, within that shortened time frame, they were able to include several important amendments to strengthen the project m before unanimously voting to recommend for approve a. I want to thank members of the public that, participate in this public, by offering personal stories and insight. It's through this dialogue that we further the goals around housing, keeping in the forefront of innovation around housing pos. I want to lift up the excellent work done by the bureau. And the changes, to ensure the project remained on track, in order to the knot just to meet our obligations under state law but deliver zoning provisions across the state and country. There is much interest in all these adopted changes and I look forward to seeing the result of these new roles. I also want to remind everywhere, this year's budget, we include a budget to monitor the outcomes and come back in the future to update and modify as needed. So for these reasons, I vote aye.

**Clerk:** Wheeler.

**Wheeler:** I want to again thank staff for, thank staff for their work on this and all the residents, who identified affordable housing providers and many other stakeholders engaged who we heard from in recent weeks. Portland was the national leader on this issue with rip 1 and now, we're doing some catch-up to make sure our rules are consistent with recent changes in state law I'm very glad to have a number for more housing options in our city, and I look forward to continuing conversations about how we can address our housing shortage and ensure Portland is a place where people from all different backgrounds have the opportunity to live. So I am very happy to vote aye. So this item passes --

**Lauren King:** Mayor, sorry. The vote on the amendments. Now you've got to do one more vote on the package as amended.

**Wheeler:** Okay. Very good want please call the roll.

**Clerk:** Hardesty.

**Hardesty:** Aye.

**Clerk:** Mapps.

**Mapps:** I want to thank all the members of the public who identified on this item. I also wanted to express my admiration for the planning and navigating for what is a very complicated problems, and finally I want to recognize and applause commissioner Rubio's leadership in bringing this item. I do want forward. For these reasons and more, I vote aye.

**Clerk:** Rubio.

**Rubio:** Aye.

**Clerk:** Wheeler.

**Wheeler:** Thanks, everybody who worked hard on this. Commissioner Rubio, thank you for you and your team's work on this. I do want to say one more thing. These are a limited number of people get very engaged because they understand the consequences

of what it is that's being done and at first blush, this can look like pretty dry land use policy but it will actually shape the direction, the physical direction of this city for decades to come and I am very confident that this was the exact right strategy for us to pursue as a community and I hope that those who follow us many, many years from now, agree. I vote aye. The ordinance is adopted as amended. This item is passed. It's an emergency ordinance. It'll any into effect on June 30 at 11: 59 p.m. Thank you all. This concludes this item. We're still too early to go to the next item. Do we have Heidi here for 477 on the regular agenda?

**Heidi Brown:** Yes, mayor, I'm on. Sorry.

**Wheeler:** Item 477, please from the regular agenda.

**Clerk:** Amend the police review board codes to change references to the auditor's office and make other process changes.

**Wheeler:** Very good, I'll turn this over to the chief deputy city attorney, Heidi Brown to introduce this. Thanks Heidi, for coming a little bit early.

**Brown:** This item council is predominantly to ensure that the police review board code language comports with the changes to moving ipr out of the auditor's office. So you will see throughout there, changes. In addition, there are some other changes that were requested, either by the police bureau or that were suggesting. The main change that we're suggesting was not from the police review, were references to status numbers and changing those to community member. Please note that reference to the citizen review committee, I did not propose changing. That is a title for that group, and I thought that would be more involved to try to change that. But I did least want to remove the word "citizen" where I could and change that to "community member." in addition to, for example, remove the reference as an advisory number to the police review board, having an assistant chief not in the reporting involved member and instead, inviting the equity member -- excuse me -- the equity manager for the Portland police bureau to attend police board review meetings. There was one change I included which was

allowing facilitation of the police review board, to occur by the review board coordinator. That's because there have been some problems finding facilitators and right now, the contract is up and they are trying to find new facilitators for the police review board and they are having trouble. So the charge would be to allot police review board to fulfill that role. Another change that is in there that I am going to ask mayor if you would make a motion to amend and remove one of the changes, and that has to do with a change that was requested, that would be allowed in instances for use of force police review board meetings, they are required not only to have a community member, which is a normal requirement in any police review board hearing, but also in use of force cases, to have a crc member attend. In the past, approximately 9 months ago to a year ago, there were difficulty at times, getting a crc member available to come to the prb hearings within a reasonable amount of time, and requested change was to allow for the community member to be cran from the list of prb community member volunteers, so to have two from the community volunteers for prb, rather than having one from that group and one from crc. However I overlooked, and apologize for this, that the settlement agreement with the department of justice, requires us to have that crc member as the second member on the prb hearings for use of force. So you will see in paragraph c2, there's a reference to, references, allowing for a prb volunteer member, to be put if place when a crc member snot available and I've asked that you just delete that change because that would be in conflict with the doj settlement agreement.

**Wheeler:** I'll move the amendment with the deletion. Or is there more?

**Brown:** No. I was going to say, that's the summary and that in particular was the amendment I wanted to request.

**Hardesty:** I'll second the amendment.

**Wheeler:** Do you have a question?

**Hardesty:** Yes. I do. Thank you, Heidi, for that. I noticed a significant change in, let's see, in I4. There's a big difference between a sustained policy and an out of policy finding. That is a significant policy change. Why are we slipping it into this document?

**Hardesty:** And I'm going to pull up really fast so can I get to where you are and I know what you're talking about. There was one change to, there are times when the police review board will have a, will have a hearing when there is a disagreement whether between whether the findings should not be sustained, exonerated or unfounded. All three of those are different than sustained. So sustained is the finding is that the action was out of policy. So out of policy in sustained. Sustained is just a word that they use rather than "out of policy." and then -- [overlapping speakers]

**Hardesty:** I think sustain has a legal definition, as compared to "out of policy" which does not. Sound guilty of something. And it's sustained. Out of policy means you did not actually use the policy as intended and I would actually see those two as significantly different policy conversations.

**Brown:** What I was just going to say, the most important thing in these amendments is to remove the auditor and reference the ipr. So I would if there are concerns with other changes, then if a councilmember wants to move to strike those, frankly, like I said, the main change is critical that we get done as an emergency ordinance is to remove the references to the auditor. So if there are other ones, we could bring them back another time for your consideration and talk about them more fully. Frankly, from my perspective, the change from "out of policy" to "sustained" if that's your concern to you, it's not a necessary change and I don't see it as something that's critical. So if you want to move to strike that amendment, commissioner, I don't see a problem with that frankly.

**Hardesty:** So I would move to strike that amendment. And I'm just concerned if the only thing we needed to do was to remove the auditor, why are we having conversations behind closed doors and changing policies with the prb, without having a fuller or a

public dialogue? Because I know there have been a lot of changes that people have wanted, but it looks like we have talked to the please bureau how they would like to see it change, where it says the exact opposite of why we had to replace the review board want so I am very concerned there, in an effort to, remove the auditor, we have actually created more loopholes in a system that we have.

**Wheeler:** This is a legal proceeding and the settlement is a legal document and I'm relying on the expertise and information provided by our attorneys.

**Hardesty:** It doesn't change the fact that we're actually changing policy of the police review board without actually having the conversation about changing the policy making. If the goal is to remove the auditor, we should remove the auditor and we should have a fuller conversation. I mean, all lawyers don't agree, mayor. You know? This is a slippery slope. When we are talking about a legally enforceable contract, that is actually covered by the contract. So I am very concern that behind closed doors, we are making changes, and it will make it much more difficult to hold police officers accountable for behavior.

**Wheeler:** My thinking on this is Heidi is our attorney, she is not an attorney, she is our attorney and she represents the city in a settlement agreement so her opinion weighs, her experienced legal opinion weighs very heavily on me as I make decisions. Heidi, can you respond commissioner Hardesty.

**Brown:** Thank you, mayor. Commissioner, sergeant, the changes that were made we're absolutely not to undermine any accountability within our system and if I thought that was the outcome behind it, I certainly wouldn't be bringing those to you or I would have ways that with you all and talked you through why I thought that would be help. But I didn't see any of these as impacting the accountability. As I said at the beginning, the biggest things that occur is removal of the references to the auditor's office and changing that to ipr. That's necessary for us in the doj settlement agreement. I also felt it was important to remove references to "citizens consistent and instead, refer to people

as "community members." those things were very critical to me. The other things, I mean, as I scroll through these changes, there's a reference to whether or not there needs to be a police review board when, there's a difference of opinion between not sustained, differences exonerated or unfounded. And I think those are the differences between sustained, not sustained and variations of not sustained. It could mean not sustained or exonerated. That to have a police review board, when those are the only things f council feels like that's impeding anything, we can remove that as well. The next one is regarding a separation from employment. I don't think that does anything to undermine the process at all. In fact what, it says is if somebody leaves city employment, and we haven't had a prb, that the, we would reconvene and pick it back up if they ever come back to city employment. I think that's a helpful change to have and I don't see any harm to the accountability. As I said, the other reference to the assistant chief, who's not in the line of command, to the involved member changing that to an equity member, that seemed to, he a positive change to bring ppb equity manager to a police review board hearing. It's not necessary. But it seemed like a positive change to bring and that person would sit as an advisory member. So the next changes --

**Hardesty:** We have at least four oir group report that is recommended changes to the police review board. We have changes at the doj as well as the cocoa has recommended changes to the police review board. We have not in fact, had a public conversation about request changes, other than removing the auditor from the police review board process. And so I am very concerned as someone you know, caring very deeply about these issues, of course here before, for the doj to come to town. I am a member of the public, I am now a member of the council, feel that these changes are substantial, as compared to minor, I would respect the fact that we take the time to actually review what the oir group recommend that we change. I mean, we're picking and choose what changes to make to the prb board, at a time that we have a lot of requests for changes. I don't know how you came to the conclusion these were the right changes and are

utterly removing the auditor from the process. I cannot support these congressional changes, without additional conversation and dialogue. So that's where I am.

**Brown:** The only other matter, commissioner, and I appreciate your perspective on this is under paragraph j. Stipulate findings and discipline, 2a and 2c. The references are to the old discipline guide where we had categories a through f, categories a through e.. So the change was to move the stipulated findings to be consistent with the new discipline guide. First-time offenses under the old discipline guide. First time offense that were allowed go to stated discipline. Categories a through d as in dog. And I recommend you change that to a through c as in Charlie because we collapsed the discipline guide categories from a to f to a to e. And first-time off duty driving under the influence, it had fallen under category e, as in echo. We changed category e significantly and I was recommending that you change that to a lower category of category d. So what that would mean would be for stipulated discipline, it would have to be a less serious offense, in order for it to be eligible for stipulated discipline. So I just was scrolling down to the bottom of this. That's the only other change they do think is important. But again, it needs to be brought back to you. Without that change or any other changes, except the auditor and again, I ask that you change the reference from status to community member. We can bring that back another time.

**Wheeler:** Look. Here's my view. Heidi, you're our attorney, and I trust your judgment on this. If I didn't trust your judgment, I'd hire a different attorney. So I'm prepared to vote for this but commissioner Hardesty seems that she has misgivings.

**Hardesty:** Thank you, mayor. I have already put on the record my concerns that there are a lot of changes that could happen and it appears that we pick and choose the changes that were appropriate for this one. I was prepared to vote today, to support removing the auditor from this process. I think Heidi's recommendation that we change to community members is always a good one. Other than that, I think there are some unintended consequences for some of these changes and the police review board likes

to change this a lot. Also, I know we pay for studies and we pay for changes that were never made from the oir group. And cocoa has recommended those changes and I don't see those changes incorporated those here. So we're either doing a pick-and-choose job or are we going to do what we have actually said we need to do, which is remove the auditor.

**Wheeler:** There's nothing here that precludes us from further changes, is there, Heidi?

**Brown:** No, there's not, mayor.

**Wheeler:** I mean, if we support these today, there's nothing that says we can't bring it back to condition rational date, after a thorough public process.

**Hardesty:** I cannot support this today.

**Wheeler:** Understood. Commissioner Mapps.

**Mapps:** I have two questions. One is for Heidi. Heidi, I know this is an emergency ordinance. Is there something time sensitive about this particular item?

**Brown:** Thank you, commissioner. Yes, removing the reference to the auditor, since ipr will no longer be under the auditor's office by the end of this month. So it's on an emergency ordinance.

**Mapps:** I think I have an observation I'd like to share with council. Seems like, I assume there's broad agreement on council that we need to make the basic changes about shifting the auditor's position an. Seems like commissioner Hardesty has occurrence about some unintended consequences m may or may not be baked into the amended language. I hear, I think some openness on the mayor's part, who is in charge of this particular policy space to have, continuing doing dialogue, which I think we roughly have two amendments on the table. One, amendments from Heidi, which would allow us to shift the auditor's office around. Hardesty has put together small amounts today, too. I hope that we can move forward on the time-sensitive piece and if commissioner already see and the mayor were open to having additional dialogue around other

amendment wees might make to decide what they want to adopt I'm ready to vote today, no matter what we do.

**Wheeler:** Did you offer an amendment?

**Hardesty:** I didn't offer an amendment, but Heidi recommended if I wanted to remove the section, that I had the big concern with, that I could amend that section.

**Wheeler:** Could you restate, Heidi, what that section is?

**Brown:** So mayor, basically what we would do is remove all changes other than, we would maintain, we would continue those, removing and change to the ipr. And we would continue the removal of the reference to citizen, changing to community members, as is done in the existing exhibit. The other changes the other changes would then be struck and would not occur -- talk you can same.

**Wheeler:** I'd like to know specifically what those change are and why they were included originally in the amendment.

**Brown:** So the b1a. That was a discussion about when do you have to have a prb hearing if currently, you have a hearing when there's any controvert at all. It can be a controvert between sustained, not sustained and exonerated. The requested change was that if the controvert is only between not sustained, exonerated or unfounded, which are also the same, you are not sustaining it. So we could, so we would not have that change happen. The next change is in paragraph f in that same section --

**Wheeler:** Now, prb item, is that related to discipline?

**Brown:** Yes.

**Wheeler:** And so --

**Brown:** Well --

**Wheeler:** Explain to me how it is related to discipline, in the timeline of disciplinary proceedings.

**Brown:** So when they. When they do a decision not to discipline somebody and in all those finds, not sustained, exonerated and unfounded, there is a decision not to

discipline somebody. It just has to do with whether there is a decision that there wasn't enough evidence to sustain, which is not sustained, exonerated is that the evidence was more likely than not, that the person did not do what was alleged and unfounded is what the person alleged happened as a complaint, it does not violate the cities, the ppd directive.

**Wheeler:** Without getting to this granular level of detail, under our current prb proceedings, the disciplinary process is not over until this is completed, is that correct?

**Brown:** That is correct. So under the settlement agreement --

**Wheeler:** The point s you get to, you are not held accountable and now, what flavor of not held accountable are you going to be held t. But again, one of the criticism that is we have had of our disciplinary process is that it itself goes on and on and on before heavier quotes, not guilty. This seems like a step in the right direction. I'm not prepared to concede this. What else?

**Brown:** You are correct about the timing. The doj requires a meeting completed and a [overlapping speakers]

**Wheeler:** Which we rarely, yeah, we're always scrambling. And in part, because we're trying to figure out what flavor.

**Brown:** The next change is the one in subparagraph f. The involved member separates from employment, prior to the date of the board, the chief would have the discretion to either direct the board to hear the case as scheduled or reconvene to hear the case in the event the involved member town industry employment.

**Wheeler:** Why is this. [overlapping speakers]

**Brown:** Want interest is to close the case out f somebody leaves city employment, rather than going through all the steps then it doesn't impact the city, what do we have the prb at that time.

**Wheeler:** Yeah, I'm ambivalent on that one. What else?

**Brown:** Next one is paragraph b4 which referenced a manual that from 2010 it's since been updated so it made sense to remove that reference.

**Wheeler:** And that's just cleaning up the text. That's not important. I mean, old history that's not relevant, but not critical. Cannot change policy one way or the other.

**Brown:** Correct.

**Wheeler:** What else?

**Brown:** So then scrolling down, mayor, to -- I'm sorry, "composition of the board. Paragraph c. Sub-- it references the office of accountability and professional standards and now that's called professional standards. Division and it referenced manager. Now that person's title is commander. So again, that's just clean up to comport with current titles.

**Wheeler:** This is code cleaning. These last two are just cleaning up the language to comport with current titles and training, eliminate training manuals that are no longer used by the police. I don't see if anybody would care 21 way or the other if we remove those. What else?

**Brown:** Advisory members, paragraph 8. That was the reference to the assistant chiefs that are not the supervisor of the involved member and changing that to the bureau equity manager that was a request by ppb because the assistant chiefs of the supervisor not of the involved member, generally, they often are not there and the brl felt, the brl equity manager would be a better advisory member to the board.

**Hardesty:** Having an equity visor as compared to an assistant chief, what was the bureau's reasoning why that would be a better oversight member than an assistant chief of Portland police bureau?

**Brown:** Commissioner, there is already an assistant chief president, who's already involved and the bureau felt that having an equity lens to the prbs may be helpful to them.

**Hardesty:** Did you consider, everybody's been asking to add an additional community member, all the oir group reports I as the cocoa and doj? Was that part of the conversation? And instead, we elected to add an equity manager, instead of the community member?

**Brown:** That was -- no, commissioner. That was not part that have conversation.

**Hardesty:** That's where I have my problem there. We're not having a whole conversation. We're having pieces of conversations. Let me just go to e, board facilitator. When you removed "shall" and put "may be" that sends all kinds of warning signs for me. "Maybe" means can you do maybe what you want, as opposed to a "shall" that directs. And again, this is a conversation I would love to have had before I was asked to vote on this. So.

**Wheeler:** Commissioner maps.

**Mapps:** Colleagues, I really appreciate this dialogue I'm ready to vote on this today. But before we do vote, I want to hear commissioner Rubio's perspective on this. I don't want to put out spot. If commissioner Rubio, you have any thoughts on this matter, I'd be interested to hear.

**Rubio:** Thanks, commissioner maps I'm fine with all the housekeeping items. I know my staff worked with the city attorney's office quite extensively on this so I am prepared to vote today. I do, though, you know, have some [indiscernible] about particular members' recommendations to changes so I do have a concern if we haven't had an opportunity to give real reflection on what those mean for this as well. So I would strongly support having a second piece where we do have that and bring forth other changes. I would definitely be willing to entertain those additional changes.

**Wheeler:** Thank you, commissioner Rubio. That's very helpful.

**Mapps:** I'm ready to vote in favor of the housekeeping cleaning item that is we have before us today and I sure hope that the mayor and commissioner Hardesty can continue this conversation and if they should come up with a package of reforms that

would make this item even better, I'd be eager and happy to consider them at some point in the future. Thank you.

**Wheeler:** Very good. So I want to make sure I understand you are prepared to vote for the amendment as (ed by legal counsel, is that correct?

**Mapps:** Correct.

**Wheeler:** Okay. Very good. Do we have any public testimony on this item?

**Clerk:** We have one person signed up.

**Wheeler:** Let's hear them.

**Clerk:** Dan Handelman.

**Wheeler:** Three minutes for the record. Dan, we heard you for a second then you faded out.

**Dan Handelman:** Good morning, I'm with a group, Portland cop watch. I want to thank commissioner Hardesty for giving half of my testimony. This is not the appropriate time to make any changes to the procedures of the police review board f all you're trying to do is do housekeeping. There are a lot of recommendation that is have been made Arizona commissioner Hardesty said, not only by the cocl and doj, but also by community members. I have pulled out the changes made to this ordinance, which was to add the citizen review members to the code as required by the d oj agreement, and I'm not a I but I knew this amendment was not in violation of this agreement, and I was apprise by the city attorney, Crc members of course saying for years that they have jobs and they can't come into the meetings because these are held during the day time and there needs to be some change. The compliance officer recommendations that commissioner Hardesty referenced is the board has been making vote where is they consider police officers assignment, and say, I don't want to hold this officer accountable for use of force because they are enhanced crisis intervention team and they'll lose that position. That's not an appropriate thing to d. If they violated policy as they violated pos. And the rain they were banned from use of force (audio distortion)

against them, is that doesn't make them a good person to negotiate without using violence. So these are good change that is we support the crcl and need to be made. That section that I'm hoping the o is that's struck about the hearings, and controverted cases f you read it literally, if someone challenges the same finding to try to change it to one of those other three findings, the prb will not be held because of the way it's written. So that language is not really fully thought out and I really thought [indiscernible] any of this goes into effect. The police coordinator whoa a ptb employee, the crc has said for years, that the facilitators have not listen to them. When they say they have their opinion, the police officers say, occur you're not a police officer and you don't know. That is not appropriate. And it's worse if you make it a police employee facilitating. To add to the code, there be more actual investigation. The bureau has to be that ipr. The person harmed, who's a survivor, has to be allowed to speak to the board, and they can't do that. Should be open to the public and the civilian members of the board, can hold public meetings twice a year when, the reports are published and nominating new members to the board, in September. Thank you very much.

**Wheeler:** Thank you, dan, appreciate your testimony. Any further discussion on this item. I did have one question, Heidi, based on dan's testimony, which is interesting to me. And given the work we do here on city council, which is every issue that here is controversial, if it's dealing with homelessness, public safety, live ability issues, if it's dealing with covid, economic recovery, you name it. Facilitation is key. And I have found the difference between a good outcome and a bad outcome is often dead facilitation. Tell me a little bit about what dan was describing, in terms of the requirement that facilitation be done by a ppb employee. Why could that the not be expanded to include a contractor?

**Brown:** Actually, it's the opposite. Currently, the requirement is that the facilitator is a non-city employee and in the last, as of recent, the contract is coming due and lately, the bureau has had trouble finding facilitators that are willing to serve in that role as

facilitator for ppb and so the request was na if they can't find an outside facilitator, that the ppb -- excuse me, the prb coordinator that, that person then be allowed to facilitate.

**Wheeler:** Can you explain why it's difficult for the police review board to find an outside facilitator? My experience is those jobs are very well-paid.

**Brown:** Mayor, they are all well-paid. The contract is a good-paying contract. I think in the last two years the various group provide facilitation in doing so with ppb. I have not heard any more detail than that, other than that more and more facilitators of course declines with that role with ppb, as facilitator with the police review board.

**Wheeler:** That's certainly worth putting an asterisk and following up on. Isn't it?

**Brown:** Yes.

**Wheeler:** Thank you. I'd certainly like to hear more about that and I'll certainly ask the chief about it as well. I'm sorry. You know what? I think -- I was going to put Heidi's on the table. I think I have to put a different amendment on the table. Don't I withdraw the emergency ordinance. Do you have any objection, Heidi?

**Brown:** Mayor, if what I could ask would be this. If for this one, the amendments, we could do today --

**Wheeler:** We can do -- [overlapping speakers]

**Brown:** You would amend, other than the change from auditor to ipr and the change from "citizen" to "community member" all other changes would be struck and then we'll come back for a full discussion and maybe consider additional changes. I think that's what I understood commissioner Hardesty was asking for and I understood commissioner Mapps and commissioner Rubio support that for today and that we will. And have a full discussion about changes and additions.

**Wheeler:** All right. That's fine. We have talked this thing -- [overlapping speakers]

**Mapps:** For clarification's sake, I'm ready to vote in favor of the amendments that Heidi has put on the table and I encourage the mayor and commissioner Hardesty to continue

their discussion around other issues but I think that's a separate discussion for a separate day.

**Wheeler:** So here's what we'll do. If I'm on the prevailing side. I'm not, great. We can move on. With the rest of our agenda. Here's what I am proposing. We will vote on the amendment as Heidi originally proposed it. Are you following me, Heidi? The original amendment.

**Brown:** I am. So the original amendment was removing the --

**Wheeler:** Ipr.

**Brown:** Removing the, if available or otherwise, withdrawn from the board, in other words, the crc member would continue to be required for prb cases. That's the amendment.

**Wheeler:** Correct. The amendment as you read it. Then I will be offering an amendment to remove the emergency ordinance because I think my colleague has been very clear, that she ask not to attend to vote in favor of the overall ordinance and therefore, it would be stupid for us to proceed two-ranked an emergency ordinance. So I will also amend this to withdraw the emergency clause.

**Brown:** Mayor, it's removal of ipr from the auditor's office, effective June 30. There are changes we need to have as an emergency ordinance so my ask would be to proceed to remove all the changes, other than the references to from auditor to ipr and from citizen to community member. Remove every other change at this time, pass this as an emergency ordinance so that we can have it set up as we need to, as of June 30 and then we'll come back with the changes the council office wanting to meet, and we can have changes. To get those changes at least done before by the end of the month so our code will reflect what we're doing.

**Wheeler:** Okay. Can I take a one-minute recess can I discuss this with commissioner Hardesty? Because I don't want to move forward if I don't have her vote. So we're in recess for one minute. [in recess]

**Wheeler:** So. Just so we're clear, the amendment that we are voting on is not Heidi's original amendment. What we are voting on is what I will call "amendment 2" the cleaner version and just to make sure that we're clear on that. Heidi, can you restate that amendment and I'm going to move it and commissioner Hardesty's going to second it.

**Brown:** The amendment to the existing code language in the police review board section of the code would be the auditor. Change those to ipr or ipr directed, as reflected in the proposal and to remove references to "citizen" and change those to "community members" as reflected in exhibit-a. All other changes would be deleted.

**Wheeler:** So moved --

**Brown:** And would not occur.

**Hardesty:** Second.

**Wheeler:** Call the roll.

**Clerk:** Hardesty.

**Hardesty:** Aye.

**Clerk:** Mapps.

**Mapps:** Aye.

**Clerk:** Rubio.

**Rubio:** Aye.

**Clerk:** Wheeler.

**Wheeler:** Aye. The amendment is adopted. The amendment is adopted. Please call the roll.

**Clerk:** Hardesty.

**Hardesty:** I really appreciate you, hide and he mayor Wheeler, for really hearing the conversation that we have had today, and I'm happy to vote aye.

**Clerk:** Mapps.

**Mapps:** Aye.

**Clerk:** Rubio.

**Rubio:** I thank the city attorney's office for their work and in their flexibility. Also, I want to thank, you know, the ipr, all the folks connected to the ipr transition including staff and our council staff. I vote aye.

**Clerk:** Wheeler.

**Wheeler:** Aye. Hallelujah. The ordinance is adopted, as amended. Now, can we move on. Next item, please. We'll go back to the time certain. We have people waiting. I want to get to them this is a penitentiary one. The item number 466 please.

**Clerk:** 2022 Travel Portland. Annual report to city council.

**Wheeler:** Colleagues, I'm pleased to jointly introduce this item with commissioner Mapps. As part of the city's long and productive relationship with Travel Portland -- 1% of the city's lodging tax goes to support destination, marketing and promotional programs. In addition Portland's tourism, improvement district, collects a 3% fee on overnight stays at hotels, as well as vacation rentals with oversight from the lodging community, local governments and industry partners, travel Portland invests these revenues to promote Portland as a destination to attract visitors to create jobs and boost local business. This annual report is a requirement of the city's agreement with travel Portland. I look forward to hearing directly from jeff miller and his incredible colleagues about travel Portland's efforts, and the state of travel tourism here in the city of port land. With that, I'll turn it over to commissioner Mapps, who will represent the city -- who represents the city on travel Portland's board of directors. Commissioner maps -- commissioner Mapps.

**Mapps:** Thank you, Mr. Mayor. I've had the privilege of serving that respondent. -- travel and tourism celebrate the things that we all love about Portland. And travel and tourism support about 40,000 local jobs and generate billions of dollars in spending at lovely businesses. And now the bad news. Portland's travel and tourism industry blow recovery from the pandemic kept tourists away. In addition, our city's damaged representation kept tourists away. Now, if you go back just a couple of years and ask the average

person planning a vacation or the average vacation planner, what comes to mind when they thought about Portland, they would have probably mentioned our great restaurants or beautiful, natural areas. However, in 2021 when we asked potential visitors what came to mind when they thought about Portland, too often, the answer was homicides and homelessness. The damage done by covid, and damage condition by representation, decimated our local hospitality industry. Travel and tourism spending in the region dropped from \$5.6 billion in 2019 to \$2.4 billion in 2020. That's below where tourism spending was in 2003 want here's the bottom line. Over the past two years, over 5 billion tourism and travel dollars did not get spent in our city. That's been a huge hit to our economy and that has been a huge hit to the small businesses and bipoc Portlanders who are on the front line of our city's hospitality industry. There is some good news, though. 2021 saw travel and tourism spending rebound to about 3.7 billion recovery. For example, colleagues, you might remember that one of the first things this council did in 2021, was to partner with travel Portland and the lodging industry, to increase resources going to support the hospitality industry's recovery and I'm happy to report that those new investments have paid off. Portland's hospitality industry is recovering. Still, we have a long way to go. But as we are about to learn from jeff miller, Portland's economic recovery is on track. And picking up steam and here to tell us more about the state of Portland's travel and tourism industries, we have jeff miller, president and CEO of travel Portland. Welcome, Jeff.

**Jeff Miller:** Thank you so much, commissioner Mapps, Mayor Wheeler, we are always excited to do our annual report and there is good news and we certainly like to share t. I have Angela Nelson, our vice president of equity, diversity & inclusion. You met her virtually in October when we reported to council. I'm glad to have her here in person. Travel Portland is all about in person. Next slide. I will go quickly. Can you see in 2012, we had 2.6 billion tourism spending in the three-county region. 2019 our water mark was 5.6 billion. We dropped as low as 2.1 billion and are now coming back. Recovery is

happening. You also see the metrics for earnings, jobs, and I always like to plan. We want those jobs back and we want to bring hiring back. That's what tourism is to Portland. However long it takes us to get back, we are not quite sure yet but we are going to work towards that. I'm going to ask Angela to give you our updates.

**Angela Nelson:** Thank you, Jeff and good morning to all the commissioners, mayor Wheeler, it is good to be here in person with all of you. We're going to go ahead and jump right into the questions. The first one being, what has the outreach strategy been to diverse convention interest and what has been the result that have outreach. And can we advance two slides. Thank you.

**Miller:** One more.

**Nelson:** So travel Portland deploys two sales managers in the effort of procuring diverse meetings and conventions, along with our extensive program of work. In d.c. We have Tracy Chapman, who oversees our city divide conventions. She's seen here in the photo with Lisa at occ for supporting our self-contained hotel programs. Travel Portland, through collaboration through stakeholders and diverse business holders, work to create strategic partnership that is connect Portland's diverse communities, talent and businesses to convention hosting opportunities. And of course, I continue to ensure that we are creating two-ranked community to create benefits for them, as well as our convention meeting groups. Next slide. As we say, the early bird gets the worming. But fast and taut thoughtful actions are successful to our convention strategy. In March, our d.c. Sales team host aid sales mission. This is a series of intimate, curated vane that is show cased why groups should return to Portland or come here for the first time for their future. You'll see a representation of clients from, here you'll see from the mission, the hub of missions. Where we took back in March, several key travel Portland staff members. Local hotel and convention partners and travel Portland is ready to welcome them back and to share how we're building bark as a destination and as a city. So pictured here, are clients from two different events that were held o. The left, we have

meeting planner who is attending the tapestry anti, which was an even of culture and community. We also took the opportunity to show case our my people's market or a representation of that. To those clients. And then also on the right, was a reception where planners received maps. Next slide, please during the sales mission, there was a great focus on diversity. The first image here is myself at the tapestry event, sharing travel Portland's commitment to ensuring equity and inclusion. Middle image highlights an event, we call stilettos in the c suite, which was a panel of female executives, may have been strides [laughing], a panel that we have in the hospitality industry and featured our vice president of convention sales. The discussion was very engaging and. Receive our guest, our convention there are, that you great them with a warm, Portland smile and thank them for coming back my people's market, as you all are familiar with, is one of the ways that we connect to community. And we connect them to our conference groups as well. And so this partnership is very unique in our efforts to engage our community -- I'm sorry, our conference attendees to the market, we have the market which actually takings place the third throughout fifth. Attendees will receive a \$10 Kudo credit to spend at our my people's market and really support the vendors and food and offerings there. Next slide. I earlier spoke to the fact that one of our tentative bookings was for the omega phi paternity and pictured here, a couple of photos during the visit. The pdx location downtown and then we also have a photo of the group with members of our community, as well as members of Janel who joined us and she really knows how to sell Portland. We are eager to have her back in the future for group that is visit with us. I wanted to share that if this group does select our destination at the economic impact would be great. We're talking over 1700 room nights of self-contained options in the occ package, but also over \$1 million in economic impact. So these bookings really do support our local economy. So questions two and three. You asked, how are be businesses of color being supported. I'm sorry. One more slide. So we combine these two questions and responses. You asked, how are

businesses of color being supported in helping tourism to the city, and what businesses are being supported and heightened through marketing with additional resources? So we sergeant remain committed to supporting and promoting businesses of color through our pr and our marketing efforts, which we'll demonstrate to you shortly. As well as our strategic investments and partnerships throughout the community. Over the last few months, you'll see some photos or demonstration of media coverage, which we are incredibly proud of. Coverage like this does not happen on its own. It is a result of our proactive work and their commitments. So fortunate first three quarters of the fiscal year, the team has delivered over 600 media pictures, including one minority-owned business, within each of those pictures. Next slide. We are also intentional about heightening and amplifying bipoc-owned business and their own channels. Our content strategy team is enhancing our firms, producing neighborhood guides, personality profiles and other video assets. To evaluate and improve our content production, ensuring that we are applying a diversity lens and giving people of color, decision making power at every step of the editorial process. Here, these images reflect our partnerships with black ball films and marketing, which are owned by bipoc. Next slide. Our most recent campaign was conceived in industry, an also minority owned firm, and the campaign targeted the west coast travelers, highlighting a number of minority-owned businesses that offer up cozy winter experiences. Next slide. And here are some additional minority owned businesses that we promoted, via our winter campaign partnerships welcomer the digital publisher and creating and distributing fresh content about the diverse experience that is awaits our visitors to our city. When it comes to strategic partnership and engagements, our community team continues to work hard to ensure that businesses of color are supported. We hosted our first in person networking event back in March. In addition, we gave strategic investment dollars to the old town China business association to produce a series of videos, that celebrate the business districts and its events, including the lunar new year, as well as

happenings that are coming up in May or June. Lastly, we continue. I'm sorry. Go back. One more. I poled. We continue to support Portland food cart seen. Sponsorship of our food cart, food cart week, which brought -- I'm sorry. And sponsorship of food cart week and ongoing outreach for tourism economy. Thank you. I'll turn it back over to jeff.

**Miller:** Thanks, Angela. One of the things I wanted to talk about -- next slide, please. Is our visitor facing strategy, there's been a lot of conversation about when we will open a brick and mortar visitor center again. We hope to have that done by early spring, late spring, early summer next year. However, we do have several strategies that we are employing. A short and long-term. Next slide. We have ambassadors. Two-ranked our financial contribution, we would be able to have them over at the convention center. When conventions are in town, providing the information that they need, they usually stay in the aed area, but investments helps with that. We are distributing a map with qr code that, will direct any visitor tote information they need and a near me now on our app so that people can find out what is close to them. Under the heading of things that you don't think you need to worry about but you do, we are investing our weekend staffing to keep the bathrooms open. List no easy place in the downtown Portland to take their guests so we are investing in bathrooms. Thru go. There's a visitor information brochure. The exhibit of the museum of world athletics, a pioneer place, which is for Oregon 22. We are hiring dedicated visitor support representative that will answer those questions, via online and phone and partner welcome the pacific north west experience for hospitality. Question 4. Who is benefit from this new 1%. Is it central city hotels? Or others? Next slide. From the revenue bureau, and you can see that the majority of the lodging tax, comes out of the central city. And at that 56% is the largest percentage b you that percentage will increase even more as the central city comes back. The rest of the city has done pretty well. The other number I will point out to you is the short-term rental number is as big as the airport tax collections. So with that, we have added a second representative from the short-term rail industry to our board to, make sure that

this very important segment is represented and that we are as well next slide. Allowing staff to be rehired and what is the demographic break down. I presented in slide before and you'll see in October 21, sort of where we are prior to covid and the top boxes are on gender. Can you see we're similar to where we were there. And the bottom boxes, diverse employees' statistics have changed from 19%, multi cult aural. Prior to covid, to 29% now. We have been very intentional about our hiring. I'll now stalk about destination data, which is where you really do see the statistics around recovery. Next slide. You can see that this is 1% lodging tax change over many, many years. After 9/11, we had a relatively slow recovery. But we had recovered. After the 2008 recession, we had a rocket ship recovery, two-ranked a couple of years, with more than 20% growth and I hate to use the word unprecedented but we had unprecedented, I don't wanted to hear the word "pivot" again, so please don't say it. And that 110% change is welcome. Next slide. But we have to temp everywhere that with the actual dollar amounts. While that percentage increase is large, the dollar amounts are smaller. You can see we have as low as \$1.7 million in that 1%. And we expect to be bang to full amount in 2024/2025.

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you, mayor. I apologize, jeff. I want you to finish your presentation, but you got me with the, though the taxes is covering more, the income coming in is less. Is that accurate?

**Miller:** This year, the tax increase is going up. However, for the year prior. It's a historical look and this is an immediate look. So we expect the d running numbers and the employment to be much, much better next year.

**Hardesty:** Thank you. I'll have something to say when you're done, but I didn't want to miss that piece. Thank you.

**Miller:** Yup. And as I said, we hope to be back to the 2019 levels of tax collections by 2024. Potentially, 2025. We're hedging our bets a little bit there. We've been stung before. Next slide. This is a graphic representation of how bad it was. The purple line at

the top, that was at the peak of 2019. The yellow line at the bottom of the pandemic, can you see last year, the red line was better and we are seeing more recovery in this current year, this current calendar year. Next slide. What's really nice to see here, is the same color of slides but you can see this year, the average daily rate charged by hotels is almost approached what it was before and that's a very positive sign that the hotels are not dropping rate, even though the optionees aren't there but the consumers are also willing to pay the rate. The revenue you can see again, the same chart. Revenue is coming back. We are still significantly below where we were in revenue in 2019 because of the lack of rooms sold and the lower adr before, but recovery is indeed happening and we're excited about that. Next slide. This shows you the central city hotel revenue which was at peak of 451 million dollars in 2019 and dropped to 107 million dollars and back to 187. Long way to go before the central city is back. They rely on travel and conventions and slower to recovery than leisure has that's why the statistics are less. Next slide. During the pandemic, many hotels closed for extended period of times. You can see, you can see in June of 2020, low of 61 rooms open in the city. That's stunning room. We have come back, and few hotels opened during the pandemic and over ten thousand rooms available in the central city of Portland. That's good for the recovery. We will make a big difference t. Next slide. Short-term rentals. Like everything else, did drop off. Travelers decided they wanted to be in a place where they wanted short-term rental versus hotel. A lot of the changes, a couple of things happened. Because of the housing market was hot, the Airbnb's sold and we know hosts pulled their properties off the rental list. That's coming back off as well. One thing before the next set of data, we are happy to have the direct flights come back. We have bridge airway to London supposed to start at the pandemic and starting this week. There's reception tonight. Hoping to work with the bidden administration. Few countries that you have covid testing before you come back. The Europeans travelers are worried about the covid test not proven to stopping the spread. We're excited about international travel coming

back. Next slide. Consumer sentiment. Something that I spoke last time. These numbers -- this gives you the mindset of travelers think about Portland and something in which we are interested. It is a national sample of over 1200 Americans that mirrors the national demographics of the United States. It includes travelers and non-travelers people imported and those that haven't. We didn't conduct the survey due to air budget constraint. The tone of the media coverage has improved. We are excited about that. You can see the positive line is up above the negative line and the neutral line has remained there. Significant change there. Next slide. This slide really says, the media coverage what you seen and have heard?

More or less likely to visit Portland. The green line move up above the red line significantly and the neutral line staying high. We are almost to recovery there and what the media coverage does. Next slide. And this is some of the media coverage. I don't know if you know the show "somebody feed phil" on Netflix. Popular food show. He was producer on everybody loves Raymond and it is quite hysterical. Amazing job of securing phil to come to Portland which is airing. We worked with the regional partners. It is about street food. His comment, Portland competes with street food city in the world. Thailand around the world. It is really, you have to watch it, it is terrific. We know from our research that culinary drives visitation to Portland. Having this scene and food cart seen will make a difference how travelers come. I want to relate to the past two slides; the positive media average is what people say about us and not what we say about ourselves. Next slide. How appealing is Portland as tourist destination?

We are back up 44%. We are feeling positive about that. Next slide. One of the things that consumers want to know, welcoming and safe destination?

We took our hits. Portland had issues with our reputation. That is coming back as well. We have a way to go. All and you continue to work on that changing that. Next slide.

This is the one that I like to hang my hat on. Visitors who have been to Portland, are you likely to visit again?

Real statistic that we need to keep looking at. It is trending in the right direction as well and I'm excited to see that. We have tried to be data driven in everything we do to promote Portland as destination. This kind of information is not only good for us, the city, and partners to see what people are thinking of Portland. Next slide. Lastly, I always hear from people, what more can we do?

This is a copy of the good news, newsletter. I sent this to your offices personally. It comes out quarterly -- monthly from our team in the industry newsletter. You know, people lost pride in the city. This letter is intended to share all of the visitors -- all of the locals to get the pride back what great news stories have been told about Portland. It is a listing of those, and you can go and read the stories. Not only the things that our team worked on, but other stories written about Portland. Good to see the recognition for small businesses throughout the city and there's good news out there. I encourage you to share with everyone on your teams and with your networks. Good news is happening in Portland, and we are incredibly excited to tell the story. With that, thank you very much. Last slide.

**Wheeler:** Thank you, great report. Colleagues, any questions? Commissioner Hardesty.

**Hardesty:** Jeff, I want to tell you how impressed I am with intention to detail. I am proud to know that because of the conversation and maybe not just because of that conversation but because of many conversations before and after, that the intentionality that you have shown with travel Portland is impressive. I wish I could borrow it and give it to bunch of corporations who can't figure out how to do it in a way that is intentional and transparent. And should I say the word, equitable. You have done exactly what you have told me you're going to do. I'm sorry, I went brain dead. Tell me your name again

**Miller:** Angela.

**Hardesty:** Angela, you have been a strong addition to the team. I cracked up when you went to the list. I see the nwac team national. Bless your heart that you are taking the task, once again. In all seriousness, this city thrives when we actually engage and

embrace the diversity and equitable built in who we are. We know the city has a lot of talent and people never get the opportunity to see. I'm grateful for the work that you do to intentionally make sure that there's opportunities for small business owners led by black and indigenous and communities of color. It is focused on what you have actually taken to your heart. I want both of you to know that it is noticed. It is appreciated. And again, we can do better, right. I did have questions about having the hotel stays. Is there a concern about staffing? Both in restaurants and hotel cleaning staff than other people who work in hotels, right. How is that going? What's the other side of that?

It is great that people get to travel? What's the other side that live here and work in those environments?

**Miller:** In every industry right now, talent is hard to find. The hotel industry is hard what I heard from the hotel the restaurant workers are harder to find. Not from lacking to paying higher wages than ever paid. One of the things that Angela worked on the previous job and part of the portfolio is workforce development. She's meeting with Portland means progress and talking about how we can connect the tourism and hospitality partners for the people working and training jobs, working with restaurant, and lodging association. She's taking that on, and she's had success in the last post, and I hope she brings the same.

**Nelson:** Absolutely.

**Hardesty:** I'm curious how we can help with that. I know the biggest costs childcare and transportation, what makes people make a decision. I can't afford the work and pay childcare, can't afford the work, and live in an apartment in city of Portland. I hope we figure that out. Not just a travel Portland or not just city of Portland, there needs to be community effort how to make sure we move barriers, so people get to living wage family wage jobs. I digressed. Let me say again great work. I am appreciative of the work that you do and then hesitate to reach out to the office if anyway we can be helpful. Commissioner Rubio, had the chance to tape message for the conference and it was

wonderful to know there I was doing welcome a couple of years ago and I was thrilled that they decided to come back to Portland because of how we made them feel how they were here the first time.

**Miller:** Thank you, it means a lot to the attendees.

**Wheeler:** Thank you, commissioner Hardesty. Commissioner Rubio and then commissioner Mapps.

**Rubio:** Thank you for the data. It is evidence how much work you put into this. Very well done. I have deep appreciation to give to both of you. It is evident in who you recruited in the city right now. I also, my colleague mentioned it, I want to reiterate, what can we do to support you in this? The list was impressive of the national organizations that are on cue or in the cue for you to recruit. How can we be helpful in that? I saw Naleo in there. If it is meaningful to the city and the communities that these conferences represent here locally to see them affirmed in the organizations as well. Again, I want to say congratulations. How can we help? What can we do? Thanks for your work

**Miller:** We will tap you, trust me.

**Wheeler:** Commissioner maps.

**Mapps:** Thank you, Jeff, and Angela for that clear and compelling presentation. It is wonderful to have a check-in on travel and tourism and see good news. I do want to -- I will ask you a question. To be transparent, you have dealt with clearly in your report, but it is worth underscoring, jeff or Angela, can you remind us, this council, when you expect the travel or tourism industry to be back to where we were pre-pandemic?

How many more years we got before we are back above water?

**Miller:** I believe, it will be 2024 and calendar year our fiscal year is 23-24. By 24, we should be back fully borrowing any unforeseen

**Mapps:** Okay. I'm glad that you emphasize that. I really want to thank jeff and travel Portland and Angela for everything that they have done to help the community come

back. I suspect everyone else on council to partner with you on the future to keep this recovery on track. Thank you.

**Wheeler:** Thank you, commissioner maps. Keelan, any public testimony?

**Clerk:** No one signed up.

**Wheeler:** Call roll.

**Clerk:** Make a motion.

**Wheeler:** Motion to an accept the travel route report. Call the roll

**Hardesty:** Second.

**Clerk:** Hardesty.

**Hardesty:** Thank you for the report back. Let me know if you want my help at the national level. It is always fun to try to bring people to Portland to appreciate the beauty and the opportunities here. I'm very happy to vote aye

**Clerk:** Mapps?

**Mapps:** I want to thank Jeff and Angela for that report. I also want to take a moment before we close on the topic today, to praise travel Portland for a job well done. For example, I really appreciate the thoughtful and equitable way travel Portland has delayed tourism district funds. I also want to acknowledge travel Portlander's clear and direct responses about equity concerns would shape tourism improve district spending. It is clear to me and clear to everyone else, travel Portland has been a full partner to advance, diversity, equity, and inclusion in the hospitality industry. Recovery from the covid recession. I can sum it up, by saying travel Portland, Jeff and Angela, well done. Welcome to Angela who is new Portlander. Happy to have you here. For these reasons and more, I am happy to accept the report. Thank you

**Clerk:** Rubio?

**Rubio:** Again, thanks Jeff and Angela. Incredible report. We knew Portland was coming back. Great validation it is happening and friends and supporters and everyone around

the world can see that. Congratulations on everything. We want to be helpful. I am happy to vote aye

**Clerk:** Wheeler?

**Wheeler:** I appreciate these reports, Jeff, and Angela. Thank you for being here and sticking with it through the darkest of times. It is obvious that we are through the worst part of this economic and associate upheave that we have been through the years in the city. Is it clear that people want to come here and travel here, they want to be part of what is going on. I will just put a few cautionary points forward. First of all, as commissioner Hardesty, correctly created there are structural changes to the economy that we will not be able to fix at the local level. And one of the changes is convention business. I'm very eager to see what happens with convention business. The large ones will still happen. My question, will the medium and small ones still happen and at the same rate? That's the center of target for the type of business that we attract in the city of business. The second that stands out from the report. When people come to Portland, they like it. They have heard the negativity and I am proud of the council for not buying into it. We understood we had problems and we continue to have problems and we continue to do address them with the local resources that we have. We never bought into the theory that Portland was finished or Portland or was done or dying and now we have objective proof to the contrary. Our optimism has been validated and so has yours. I want to appreciate. Angela, I am getting to know you and I appreciate the focus that you are bringing to travel Portland. Jeff, I have known you for a longtime and you never gave up, I hope. You never gave up and that's probably the defining characteristic of a great leader during the times that we have been through of late. Thank you for continuing that. The second area that concerns me is air travel. It appears that the airline industry is in disarray. I hope I am exaggerating. It looks pretty rough right now. Not because there's not good people in the industry but because everybody wants to travel at once after being bottled after a couple of years and they're having the same issues

that they're having for every industry. And demand is picking up in other parts of the world that historical didn't have as much travel and tourism and they enjoy the growth that we enjoyed years and years ago. There's going to be competition for the assets both at the local level and national level and I would argue globally. Interesting to go forward, next year's report, to see if we were able to meet the demand that there was to come to, not only to part Portland, but to other cities around the world. Any, thanks for the great work. The report is accepted. We will see you soon. Thank you very much

**Miller:** Thank you.

**Wheeler:** Next item. We will take after short break. Close captioner have done a fantastic job. Typing today. Ten-minute break. Recess until 11: 30-ish. We are in recess (recess taken).

**Wheeler:** Keelan, can you read items 467, 468 and 469.

**Clerk:** Item 467. Authorize intergovernmental agreement between prosper Portland and Bureau of Transportation to design and construct the NW Johnson, NW Kearney, and NW Park Ave sidewalk, street, stormwater, sanitary sewer and water improvements, and necessary off site traffic mitigation improvements to facilitate future development of the Broadway Corridor. Item 468. Authorize intergovernmental agreement between prosper Portland, the Bureau of Environmental Services and the Water bureau to design and construct off-site water, sanitary, and stormwater system improvements to facilitate the future development of the Broadway Corridor. Item 469. Authorize intergovernmental agreement between prosper Portland, Portland Bureau of Transportation and Portland Parks and Rec to design and construct the Broadway Corridor Park and Green Loop Projects improvements to facilitate the future development of the Broadway Corridor.

**Wheeler:** Thanks, Keelan. I'm pleased to introduce the next three items together. They're non-emergency ordinances. Public infrastructure necessary for the development of the Broadway corridor. These iga outline the funding rolls and responsibilities for the design and construction of new streets, water, sanitary and storm water system

improvements. A new park an extension of the green loop, collectively these investments help to unlock 4 million square feet of mix used and mix income development including affordable housing development in the first phase led by the Portland housing bureau. Has long been stated a priority for the city of Portland. As iga presented, including p-bot, parks, pbs, and water and prosper Portland. The development of the property represents Portland's significant prospects to further equitable economy by advancing well creation opportunities through construction, development and [indiscernible] creating mixed income neighborhood in the center of the city and supporting living wage jobs. Today, we have Kimberly and Sarah from prosper Portland to share about these three items. Before we jump into that, I want to acknowledge the leadership of Kimberly in particular on this project over a period of many, many years. Just as I complemented jeff earlier on his leadership around travel and tourism through very, very difficult times. Kimberly, has led the economic agency through probably the toughest and sharpest economic downturn in our city's history and never lost site in the corridor. I want to acknowledge the great leadership that you brought to the division and that you have prescribed and the one that I hold heartily embrace asthma I don't remember of the city. I want to thank you for being here to walk us through this today and your great leadership

**Kimberly Branam:** Thank you so much, commissioner. I am joined by the senior project manager and just extraordinary leader that holds everything together for Broadway corridor, Sarah. Today's presentation and actions follow city council's approval in September of 2020 for the funding and finance plan which directed the inter-governmental agreements the three before you. We are happy to be with you today, the agreements of the Broadway corridor. Next slide, please. This morning Sarah and I will provide overview of the Broadway corridor projects and review the agreement and speak to the next steps in the overall project. While the two of us are doing the presenting this morning, there's a mighty team of colleagues with us today. Behind the

agreements in front of you, they're available to answer questions and they have been instrumental and refining the agreements that you are considering today. In particular, we want to recognize the contributions and the legacy at parks on the east and [indiscernible] and [name indiscernible] at the water bureau and last but not least thank you to the attorneys for drafting and finalizing the agreements. There are a lot [name indiscernible]. We really appreciate it. Picture on the map is a slide of a map of Broadway corridor in context highlighting some of the key amenities. Next slide, please. When we are talking about Broadway corridor, we are talking about 34-acre district in green. That includes the 34 acre jointly owned by the housing bureau and prosper Portland as well as Portland opportunities at the Broadway rich site where the harbor of oak is located. It includes union station, which is owned by prosper Portland, the ground hog that you see next to pnca. There's development potential and in the heart of the city. We will do the best to differentiate between Broadway corridor and the site when referencing the agreements that relevance to the different geographies. Next slide, please. The post office provides us with an opportunity to re-imagine a central portion of the Broadway corridor into 21st century of welcome of commerce. Connecting the pearl and old town China town, development of the property can house between 18-24 -- if this growth needed to be observed into other locations in the region, it can take 4 hundred acres of land and hundreds of millions of dollars of infrastructures to serve the number of jobs and families with greater climate and transportation impacts for the region. Picture here is a visualization of northwest Johnson looking east with a view of union station and vibrant commercial main street. Next slide, please. So, mayor Wheeler mentioned, redeveloping the post office is goal going back to the 1988 central city plan. The site was identified as perhaps the most significant opportunity within Portland central city. In October of 2015, city council approved the Broadway corridor plan authorized a line of credit to acquire the site and establish high-level expectations for the site including the 30% of the residential units would be affordable. In partnership

with the Portland housing bureau, then acquired the site in 2016 for 88 million dollars which was used by the post office for relocation for the industrial park where they're today. With the aim of applying whether he's ones learned from the past, large-scale and ensuring equity and inclusion were at the core of the planning process, we convene the steering committee. Community and private and non-organizations, the steering committee advised on the goals for the project including the selection of the partner, the physical concept of the site and equitable engagement and community benefits. Alongside the steering committee, we saw diversity of members through a meaningful way. More than one thousand people provided input with the disproportional high participation of people of color. Through the engagement we heard recommendations with the steering committee and the consultants helped digest and informed the plans in the agreements included the master plan in 2020. The funding and finance plan and the community benefit termed sheet. Next slide, please. With the vision so large, to one entity to bring to. Important to bring the vision to life in the next 20 years. City council approved funding and finance plan in September 2020 included investment strategy articulated invests, created of improvement district and restructuring of the line of credit and included the community credit and healthy community coalitions, which includes application of the cbc policy and expectations attached to affordable housing and the infrastructure. Prosper Portland in the city are honor the spirit of the community benefit agreement negotiations by aggregating the investments across the projects and applying the city cba to the work by the proposed infrastructure projects contemplated by the iga's. With the departure of continuing partners, prosper is how to invest forward to seek with development partners and reengaging the negotiations for the development agreements and finalizing the agreement for the vertical development. Next slide, please. As a true private partnership, will need resources to deliver on the site preparation for the extraordinary investments that make this site unique and are beyond of the capacity of any one project to carry. The city's investment of approximately 33.5

million dollars outline in the governmental agreements today, will leverage approximately 1.6 million dollars in outside capital to deliver on this project over the next 15-20 years and return one hundred million dollars in direct revenue to the city. Next slide, please. The critical steps that must be taken on the phase I corridor which includes affordable housing and commercial development includes demolition the main u.spc facility and remediation of the contamination of the site and the subsequent construction of northwest Johnson, northwest occur any and the offsite utilities which are necessary to service the districts and development. We are hopeful and we believe the timing and the first phase starting in 2025 is well timed with the rebound of the office market and we anticipate securing new development partners in the coming year to refine the development plans. Next slide, please. One of the questions that we have heard as we briefed your offices as part of this conversation. Why should the infrastructure projects be moving forward now without identifying partner? Before I move to Sarah, I want to talk about the four key reasons why the agreements and the related actions are timely and relevant. The first is that the adopted master plan defines the required infrastructure for any development to occur. This means that development at this site whether it is affordable, nonprofit, or private commercial development will require the improvements regardless of what is being built. The investments are evergreen in nature. If we delay in infrastructure, we delay the community benefits. Timing infrastructure is risk and would be issued with future partners. Having certainty on infrastructure reduces the risk on both sides. Third, economic conditions are challenging leading, we are hoping to be timed once infrastructure is complete. If we were to delay into the market rebounded, we can be at a disadvantage in terms of being able to capture that interest. And finally, any delay would further increase costs and risk to prosper city and Portland to repay the line of credit and holding costs which are significant and risking further inflation on streets and open space. With that, I will turnover to Sarah

**Sarah Harpole:** Thank you, my name is Sarah. I first want to start by echoing the appreciation that Kimberly open with. It is a cross bureau effort to carry out the city's vision and directives. We all the planners working together. We have benefit in that here. I want to appreciate the core team with us for several years for showing up for tough conversations, technical conversations all with humor respect and expertise so thank you. As Kimberly mentioned, the master plan initiated in June of 2018. This effort included extensive engagement with public partners. It was the first city master plan approved in the code. Received from the designed commission in august of 2020. The master plan sets forth the design to support the 4 million square feet of mixed income and development anticipated for the site. I am excited because the I ab before you move forward with the planning agreement to outlining the rules and responsibilities for the infrastructure that we have prescribed from the master plan. The site preparation work in the initial phase of infrastructure are the critical plan and development. I will walk you through the highlights. We have relocated the operations either onsite or elsewhere and in the process of demolition [indiscernible] that work is contemplated in the street before you as well as the offsite utility work by the water bureau contemplating in the u ai. This work completed by 2025 which then unlocked 70% of the site potential. This includes initial affordable housing project shown here which we anticipate accommodate 250 units in Portland. With the development, we can complete the final relocation of the post office retail to the northeast portion of the site. This allows for the demolition of the parking structure and allows for the extension of park avenue and the construction of the central park area and completion of the green loop contemplated in the I ag before you. The three iga's. High-level summary of each. The first, I should note, Kimberly said, we are aggregating the public investment across all of the iga. The first iga, agreement between the bureau of transportation and prosper Portland. It includes two phases of work. The first extension of northwest Johnson and occur any. This work is funded by p-bot and improvement district approved by city

council in October of 2020. However, prosper Portland bureau of transportation and the housing bureau, have submitted application if successful will reduce those contributions. We will be coming back to you when we hear the outcome of the application. We applied for 50 million dollars and awards announced in august. With the that information in hand, we can revisit the funding strategy potentially grant funds and changing in interest fees and as well as the current construction investments that we have at the time. The iga responsibilities for cost over runs whether it is a proportional split due to cost increases or cost increases to environment all or financing costs and those can be borne by the l.a. Parties or prosper Portland. The second iga -- I should mention that the work adds about 60% designed. We have been coordinating with the bureau of transportation and demolition work to follow the heels we have coordinated with the assumptions to continue on the work

**Wheeler:** Commissioner Hardesty has a question on this.

**Hardesty:** I'm curious why we have the iga in front of us if we don't know we have the grant. The work is underway. The bureau of transportation is at 60% design. They have been working in good faith to implement significant portion of the body of work. We have heard, Kimberly mentioned, the importance of the work moving forward is interest by particular partners. The iga set before you is consistent in the finance plan, we know we have the resources to move forward. If successful with the raised grand, we can modify those

**Harpole:** As I think about the major transportation opportunities coming down the pike in the next few years, where does it fit in the priority?

**Hardesty:** What you are saying the work is 60% done, that can't be done. We haven't moved dirt yet. We're not 60% of the way there. How it prioritized of the transportation priorities in limited resources that the Portland bureau of transportation has?

**Harpole:** We are at 60% of the designed phase. Not moved yet but prepared on the heels. We have transportation who can speak to the priorities within the body of work,

and we have -- I have heard the importance of the project as a whole, but they can speak of the prioritization within their portfolio

**Hardesty:** Thank you. As I think about the project and think about 82nd project, there's transportation infrastructure improvement that we are responsible for. And, again, you are asking me to support iga that commits my bureau to prioritizing this. I am asking where does it fit -- I know where it fits on my priority list. If I approve my iga, I am committing the bureau to commit on 82nd avenue?

**Branam:** I want to make, is Steve there?

**Steve Szigethy:** For what it is worth, now is the right time. Steve here, capital delivery at p-bot. Thank you for the questions, commissioner. What I will add is that our bureaus contribution even without the federal grant is currently, for this iga, 4 .6 million and the ldi is 23. We are leveraged with the local improvement district that would be paid by the private development. We are -- I think comfortable with the agreement and gets better if we get the federal grants. Thanks to our resources and staffing we are able to move forward with the important priorities as you mentioned in other parts of the city

**Hardesty:** Thank you for that, Steve. That helps. Can you tell me what happens if we don't sell this property to a private developer?

Does it mean that the city is on the hook to pay back the ldi's?

**Harpole:** There's a risk that prosper Portland would be responsible for paying the fees because of the two phases of work, the payments don't come due until park avenue completed scheduled for 2032. In the funding model, we have distress and the potential ldi's that we may need to observe. We have accounted for that in modelling

**Hardesty:** Prosper Portland doesn't have a budget outside of the general round?

I'm confused by that.

**Harpole:** Within the cash flow model, we have assumed a pace of selling parcels at different paces whether it is one or two every year or decreased. Those revenues will

accrue and invest back in the property and make the payments and have the responsibility for the infrastructure investments

**Hardesty:** My last question before I let you go; I get more nervous the more we talk about this. What is the worst-case scenario, let's say there's no major developer that wants to buy the piece and do what we want them to do with huge parcel of land?

What's the huge case scenario if we make all of these improvements?

If we build and they don't come, what happens?

**Harpole:** We have the opportunity to sell the parcel without the infrastructure in place or the portion that has been completed to date. The master sits within the property and private important could potentially buy the property without the infrastructure vested. They are obligated to implement or amend the master plan agreement. We are in position to resell the proper but in application to hold the property. I'll proceed to the second iga. The agreement of bureau and -- the funding sources from the work is from the program and they have funding allocating, and we will be requesting the remainder in next year's budget. This iga speaks to responsibilities whether carried by the water bureau for cost over runs or the parties will discuss split of cost if those increases are result of delays of other parties responsibilities. In the instance, to connect the infrastructure causes the delays and the parties would agree to share the cost. I should say, this design work has progress and in the process of bringing contractor for the construction of this work. The third iga is open space iga. Agreement between the bureau of transportation, Portland parks and recreation and prosper Portland. Two phases of the work. The first is design of the group and the green work standards and operation model. They will be designing which will continue on to construction. As we went through the phasing animation, you may remember the construction of the park and the completion of the green loop we estimate to be in 2032. The funding scores division of system development from the bureau of transportation and the parks bureau with the contribution from prosper Portland. Outside of this iga, we have an obligation

for the remainder of agreement north of the central park which is estimated at 21 million dollars. Conversations with the park's bureau, we have identified opportunity during our demolition work, we can leave the site with the footprint of the park, it is an opportunity for us to have cost savings. The iga contemplates for us to complete the work by the parks bureau which is not an addition of the expense but carried with the funding structure here. The parks bureau will issue governmental agreement with the design and expect the design phase will take two years and the timing of the that will had been critical how private partners embrace the development as well. The master plan code requirements require that 20% of the space is dedicated to open space. That has informed the density and the importance of the relationship with the Portland parks to deliver on the open space requirement

**Wheeler:** Commissioner Hardesty and then I have a question.

**Hardesty:** Is this a typo. Is it really 2032?

**Harpole:** Correct. We need the time to relocate the post office function into final relocation. That requires to identify the new site and identified the site in the northeast corridor. It sits on the plaza here. We have the retail space on the plaza to have the best use because of the crease and we need the development to recur to relocate the post office. At the time, we take the parking garage as well as the second phase of affordable housing. We need the time to complete the relocation demolition

**Hardesty:** Okay.

**Wheeler:** I had a question about -- well, let me follow up on question on what commissioner Hardesty asked and I have asked over a couple of different ways. Anyway to speed up those public investments around green space parks and green loop?

**Harpole:** We have gone through a pretty exhaustive inventory to relocate within the geography and specifications they provided. Relocation in the site is the most feasible and efficient use of the space. So, it does require seek and development partner or

constructing as standalone parcel without the ability to incorporate with the adjacent of the block. We can do as stand alone. That takes time to reconstruct the space

**Wheeler:** Is that series of investments in the park -- the green spaces, the green loop, is this being delays due to funding or something else related specify specific to the post office demo? What is causing -- I will not call it delay, I'm with commissioner Hardesty on this, 2032 seems a long way for now.

**Branam:** I will build off of on what Sarah said. We don't know how development is going to occur. When continuum was our partner, they anticipated they would develop along Johnson first and due blocks 9a and c second. And so that -- that's the portion above slug joy. Since the post office retail function needs to be moved to 9c, really, the critical path for phase ii is development of 9c. We can expedite if we have development partner who would develop 9c in the first phase

**Wheeler:** That makes sense. I appreciate that. That would still be an operator for me. I feel as we are doing master plan development. The public infrastructure, assuming we can afford and maintain, that would create a lot of buy in from the public. To see the public amenities and have them be useable. I understand that with continuum not being the master plan development partner, their original plan was pre-covid. I believe it hinged upon then the fairly significant demand for office space. What do you think the prospects are given current projections around office space?

**Branam:** Mayor, you know their first phase development which anticipated was at block 6 which is at right at Johnson. Sarah is indicating there. They anticipated it is going to be residential and commercial in the second phase. Our best guest, it might still be the case that you start with residential. One of the things that is about master plan, it doesn't dictate uses. We know sort of the glass box that development can occur in and the infrastructure that needs to be built out. The master plan is used. As has been in the phase of re-evaluation and talking to other developers, I think, we are anticipating residential would be -- would still be the first use. Although, we heard different things

and, you know, there are some that think commercial would be ready to develop by 2025 when the site is prepared.

**Wheeler:** That's good news and thank you for the information. I do appreciate that. Commissioner Hardesty, did you have another question?

**Hardesty:** Kimberly, for that. That helps me think about what is prosper Portland vision about development now. We had a plan and I agree with the mayor. You did masterful for bringing it together and having a plan and then covid and everything else happened and that plan went away, right. I'm unclear of what the plan is today other than the public paying for investments and then we hope that we sell things. Is your plan to get another master developer? To get community base developments? What's the master plan that I don't know about?

**Branam:** Commissioner, we haven't figured it out in its entirety yet. We are doing its due diligence. We contracted with northwest and [name indiscernible] who advised us. We are going to have conversation with the board to share with that and follow up with you as well in June and July to discuss what the findings are. I think we know that there are resources that available for affordable housing. That's in the first phase. Hopeful, there's interest in development within the first phase by partners for residential use. One of the things that we have seen through the pandemic that those neighborhoods that have a mix of uses -- healthy mix of uses have maintain vibrancy and increased throughout the pandemic. We are anticipating and hoping that that's the kind that we will be building here. When it looks at residential and commercial with vibrant retail strip along Johnson, continues to have mixed of incomes and accessible to the public through the parks. I know that the real estate market has changed but the master plan as a whole remains the 20-year vision that design commission approved and has the flexibility to adapt to what the market is interested in while we collectively refine who the partners might be.

**Hardesty:** Thank you for that. That's helpful. I guess, for me, I get a little nervous when we are investing public dollars hoping private investors thinks that we have done is great and buy something. Sorry do something. We have no problem of that. How often does the city council weigh in? We have iga that commits to ten years to significant city resources as the fall back? If all of the things that you are hoping for don't materialize, the fall back, is the city general fund. I'm curious timeline would be to keep us informed as you are thinking as a board, this is a significant question that must be answered. I'm worried that we are asking to support something when you don't even know when you are going to do something with the something yet. I'm concern about that. Number two, we make a commitment to the post office to do something different once relocated? You keep referring to the relocation of the post office, did I miss something? We did not complete the deal with the post office. Do we have to do something else with them?

**Branam:** Good question. When prosper Portland acquire the 14-acre site, we agree to relocate the retail facility within a quarter of a mile of the post office facility. So the major distribution that went to the airport. The retail portion of it is required through our purchase and sale agreement to be relocated. And so, we have done the work and identified that the best way to do that for permanent relocation is at 9c on the post office facility. They're currently on interim basis located at ground floor of the parking lot which Sarah located there on 9 and Hoyt. That was interim location that allows us to take down the rest of the post office facility. In terms of unlock the full development, that's going to require us to move them to 9c.

**Hardesty:** Last question before you letting you finish the presentation. Has the suit resolved on the demolition of the post office?

**Branam:** That's still ongoing.

**Hardesty:** Still ongoing, thank you.

**Branam:** Yeah. Commissioner, we have a slide that details next steps.

**Wheeler:** Kimberly, I think Steve had a comment as well.

**Branam:** Steve, go ahead.

**Szigethy:** Mayor and commissioner, if I may. Commissioner's question when we come back. Probably in the upcoming slides. We have a provision in the p-bot. (audio distortion). Will return to city council to seek authorization to amend the financing plan to reflect current construction estimates and any new funding so that gives the opportunity to come back after we know about the federal raised grant.

**Wheeler:** It looks like ross -- ross can you introduce yourself for the record?

**Ross Swanson:** Yeah, I'm the capital program manager for the growth development. I want to address the lack of green space development over the next ten years. As part of the development we are about to engage on, the design we are about to engage on, we are designing in concert the block to the south of the development commonly as the pca parking lot. That should get built in the next five years. As Kimberly and Sarah discussed, the inclusion of the green loop, hinder the ability to move the Broadway piece forward in timely manner. We are working on it. There will be development in the area adjacent to it in the next five years around the parks department

**Wheeler:** Thank you.

**Branam:** To the commissioner's question, before we concluded, note that we will be coming back to you. Prosper Portland board is considering the site prep-contracts, moving forward with the demolition starting in June. The post office abatement will begin in near weeks. We are keeping fingers, toes and everything cross that the raised grant is successful and good news to share in august and coming back in September coming back with updated agreements with the local improvement district, financing and agreements with prosper and the housing bureau and finance on the line of credit and then we will continue to look at opportunities for identifying development partners in closed collaboration with the housing bureau and time to be prepared to come out of the ground as soon as infrastructure is complete. With the certainty, that hopefully, we

get through the inter-governmental agreements today that enables future partners to have greater sense of certainty of that coming forward. Next slide, please. We just want to end by appreciating and acknowledging that this vision bringing this vision to life does require significant public investment. And just expressing that we believe this investment does deliver significant returns to the community over the next decades through the creation of welcoming open space, multimodal infrastructure and increased quality of jobs and affordable and sustained manners. With that, we will be happy to take any questions that you might have

**Wheeler:** Colleagues, any questions at this point? Commissioner Mapps.

**Mapps:** Thanks, staff for the presentation. A couple of questions. I want to look at two slides. The first one is going to be the system development chart slides that comes in the middle of the presentation you showed the system development charges for, I think, three or four different bureaus. Yeah, that's one. Could you walk me through the interpretation of what is going on here?

**Harpole:** So collectively across the three iga, the total contribution by bureau. Some bureaus are participants in more than one iga. This transportation the investment either from system development charge revenues or in the case of water bureau and environmental services in the improvement program. You see this column to the right, the third column, the revenues return to the city as a result of the development that is enabled by the public infrastructure investment. For the initial investment, these revenues would not be approved on the city by the site. The bottom additional property taxes as a result of the development. Showing the balance the cost benefit in addition to the revenue return

**Mapps:** Okay. Thank you. Very much that's helpful. And the next slide, I would like to go to is the why now slide. Great. Thank you. You don't have a slide that gets exactly at a space in which I am interested. This slides raised the issue. I'd prosper help me to think about the risk associated with this project. For example, on bullet 4, you talk about

delays could increase the cost and risk to prosper Portland in the future. That's interesting space that I would love to unpack now. What I would like to hear from staff today is deeper explanation of the risk that prosper phase dollars now. This project looks different than what I have seen before. Give me the exposures and risks that prosper is taking with the project? The second half of the question. What, if anything, if council can do to manage the risk?

**Harpole:** I can start. In terms of risk phasing prosper Portland, we have significant holding cost currently associated with holding the property. Continue delay and the lack of development will only increase those overtime. Those are around security and maintenance of the existing facilities. As well as 14 acres that doesn't have activity on it, that creates a property management challenge overtime. We have an obligation to repay line of credit we have with the city of Portland. Our ability to pay on that is dependent on the land sells. The timeline is ticking, and we need revenue from the land sales to enable those sales to be made. We spoke earlier about once development has started in the initial investment infrastructure underway within the local improvement district, those payments come due with the completion of the second phase. At that point, 2032, then comes additional obligation to repay that infrastructure. We are hopeful and we have stressed with financing modelling we can sell a number of parcels so no obligation of the local improvement district. It does remain risk to the city and prosper Portland. We also have opportunity costs risk with the housing bureau. They have the ability to secure bond funds to deliver on affordable housing to resource elsewhere if not able to take advantage of the opportunity right now

**Mapps:** Okay.

**Branam:** One way to think about development agreement is -- and this was true for the Hoyt development agreement and others, this layered association, the city does x and development partner does y and we do z, and they do a. When we were engaging negotiations with continuum, it was anticipated that the city needed to deliver the

infrastructure before they would acquire anything. One of the big pieces, one of the big challenges, their concern if we would be able to deliver on time. We spent hundreds of hours with attorneys trying to quantify that. It is almost impossible for somebody to under write with the uncertainty about infrastructure. You can't have a building that can't connect to sewer line. You know, this question of just how we sequence things and the risk, frankly, it is not different today than we had continuum as a partner. It is important for the city in prosper as the owners of the site in order to sell it to move forward on the key infrastructure proportions

**Mapps:** It sounds like passing the iga's is important to do today in the short-term to manage. We don't have to get into it today and we are running kind of late. I would be interested in having a conversation with prosper staff about other policy changes or what not that council can do to prosper manage whatever risk associated witness stand with this. Thank you, mayor

**Wheeler:** Any public testimony on non-emergency ordinances.

**Clerk:** No one signed up.

**Wheeler:** Very good. Does it complete the presentation or is there more?

**Branam:** We are done.

**Wheeler:** It is complete. Great, presentation, colleagues. Any further questions or comments before I move to second reading? Good discussion. Great presentation as well. Thank you very much for this item 467 is non-emergency ordinance. 468 is non-emergency and moves to second reading. 469 is first reading and moves to second reading. Thanks for terrific presentation, colleagues. Good questions. We are now moving back to the regular agenda. Item number 478 please that is emergency ordinance.

**Clerk:** Pay settlement of Alanna Mitsch personal injury lawsuit.

**Wheeler:** This ordinance filed suit. Good afternoon.

**Karen Bond:** Good afternoon, mayor Wheeler. I'm Karen Bond. I'm senior claim analyst with risk manager. With me today, deputy city attorney who will do the presentation.

Thank you

**Beth Woodard:** Good afternoon, commissioners, and mayor. For the record, my name is Beth. I'm deputy city attorney. Alana Mitch brought claims in federal district court against the city and three individually named centers arising from her participation and subsequent arrests during a protest on August 17, 2018. Mrs. Mitch was arrested after blocking police vehicle. (audio distorted)

**Wheeler:** We are losing you. It sounds like you are back

**Woodard:** What was the last part you heard?

**Wheeler:** Just start with the last sentence you were reading. Sorry

**Woodard:** Okay. Mrs. Mitch was arrested after politicking police vehicle while participating against the proud boys. Jury acquitted of the juries in February 2020. Her complaint included claims for violations of the 14th and first amendment rights and state law claims for false arrests and battery. After preliminary discovery, the parties agreed to the matter for 75 thousand dollars inclusive of attorney fees. The office and risk management recommend approval of the cement. I'm happy to answer questions that you may have

**wheeler:** Very good. Colleagues, any questions? Keelan, any public testimony on the item?

**Clerk:** Two people. First, we have Dan Handelman.

**Dan Handelman:** Good afternoon, can you hear me now councilmembers?

**Wheeler:** We hear, Dan.

**Handelman:** This is Dan, this case very troubling on a lot of levels. As usual we don't have concern about the payment that you are making today. We have concerns that there's no discussion about the underlying policies that led that unwarranted arrests. The citizen of the committee heard this case on appeal. There were a bunch of findings

that were not found out of policy. The only way they changed today find out of policy was that one of the officers supported that Mrs. Mitsch was the only in the street. Photographic evidence shows it is not true. Inaccurate report and, of course, we don't know what happened. As a result, the outcomes are not made public. The officer found the arrest was in policy which is troubling because they had to defer to the bureau. They voted to add the briefing to the officers. They talked about the performance that day. Again, we don't know if that happened because that's not reported back to the public. The videos that they used for evidence could not prove that force was used. Instead of calling excessive force unfounded which was usual finding. Change the findings to insufficient evidence did not sustain these days. -- (no audio).

**Clerk:** Marc Poris

**Marc Poris:** Since the 70 thousand settlement is over the 50 thousand threshold. The last ppd settlement, hard to know. How did someone get arrested for twerking? How is that a thing. I am hoping that you can see the screen. Iconic of the photo of Mrs. Mitsch looking back over the shoulder and flipping off the truck officers approaching from behind. You will notice other people in the street. You will notice that aside from the officers dressed like storm troopers, everyone is in normal attire. Not full-face helmet. You'll notice the only people carrying hand holds of huge zip ties are Portland police officers. She's on the ground. I don't have video of the take down. Here's the aftermath. Hard to tell from the photo. Two cops began to zip tying Mrs. Mitch. Later today, you have a second reading on \$25,000 hiring bonus issue. I was signed up to testify on Rubio's amendment. Lateral hires should stay with the bureau to keep signing bonus. Thank you for your time.

**Wheeler:** Colleagues, any further discussion, or questions on this item? Seeing none. This emergency ordinance call the roll.

**Clerk:** Hardesty?

**Hardesty:** I want to apologize that a community member had this experience while exercising their first amendment right. Especially in a city known for its racially discrimination as just part of the dna in the state and the city. Clearly, this was an act and I'm glad settlement was reached and not glad that people harmed by sworn people who protected to serve.

**Clerk:** Mapps.

**Mapps:** Aye.

**Clerk:** Rubio.

**Rubio:** Aye.

**Clerk:** Wheeler.

**Wheeler:** Aye. The ordinance adopted. 479 emergency ordinance

**Clerk:** Amend intergovernmental agreement with Portland State University to fund the study of Portland Police Bureau's efforts to reduce crime in the Parkrose and Hollywood Neighborhoods under the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Innovations in Community-based Crime Reduction Grant Program.

**Wheeler:** Colleagues, this ordinance will authorize amendment to the inter-governmental agreement between the city of Portland and Portland state university related to the Portland police bureau's innovations and community base crime instruction program. Here to speak about the program is Nathan. Nathan, good afternoon.

**Nathan Leamy:** Today, is a largely technical chain to inter-governmental agreement related to the grant with police bureau. For some background, on December 12, 2018, council adopted grant order from the department of justice for the innovations and community-based crime reduction program. Original goals of this grant included decreasing the crime and social disorder and increasing dissatisfaction with city services. Portland state university support of the project as research partner. The original grant ordinance authorizes the chief of police to enter into agreement but did not expressively

by the bureau to amend the iga's. To come to council for this amendment. Ordinance will allow the bureau to amend the iga already standing with Portland state university to increase by 30% from 258 to 288 thousand dollars. This increase paid by existing grant funds and no impact on general fund resources. There is coming to you as emergency ordinance due to delays, this delay and the upcoming end of the city required to be completed as soon as possible. Due to the last nature of the ordinance, we were not able to have programs today. I am able to provide information on the grant if I can

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you for the clarification. The 30 thousand dollars is to finish the reporting? Is that why you are asking for money to finish the report written?

**Leamy:** Correct. This has been due to the fact, there's been

**Hardesty:** I understand, yep. I'm interested in the report because it started when regular city in July of 2019 and then went through a lot the time the report covered. I'm interested in receiving this report when completed. Thank you very much. When I read this, I thought, this is to finish writing the paperwork. All right. Thank you mayor

**Wheeler:** Any further questions? Any public testimony on this site?

**Clerk:** Two people signed up.

**Wheeler:** All right.

**Clerk:** First we have, Dan Handelman.

**Dan Handelman:** Good afternoon, again, city council. This is dan. I didn't know about this grant. Usually, we don't pay that much attention when it comes to the city council agenda. I started to read the newspaper when sitting on a business a few days ago. It seems like they're talking about these police officers going around cleaning up trash. Having the discussions about how short staffed the police bureau is and not able to go from crime to crime and having them doing things that the public safety are envisions to do. I see, today's agenda says, that the public support specialists are taking part of this. The article that I read, futures fully on police officer. As commissioner

Hardesty, noted this grant went in 2019, before the city started to city what policing should look like. It is not clear how much more the turn of the police officers walking around the community part of the grant is going on. This has to do with the reporting on it. I am hoping that the federal government will not [indiscernible] to do the neighborhood walks. That's all I have today. Thank you

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

**Marc Poris:** Hi, mayor and commissions. I'm mark. I'm testifying as both resident and as a member of Portland grant watch. Until seeing the item in the May issue of the Hollywood star, I never heard of the program. The star article says that the grant includes overtime pay for officer to walk for a couple of hours on Wednesday and Saturday mornings to talk to people on the Hollywood neighborhood and economic for stolen and abandon cars. Approximately, 35 thousand dollars of the grant, gone to pay armed officers. Speaking for myself and my family -- the impact statement says that the program seeks to build confident and stated before many times ps3 should be the norm than the exception when it needs to have contact with community members. The impact statement also says talks about the final evaluation presented to the bureau of justice assistance cbr management as requirement for final deliverable and I'm interested in seeing this. I hope when the time comes, council gives the presentation. That five hundred thousand amount that is shared of the grant, the same to allocate the hiring bonuses without length of service for the payout. You have the opportunity in 480 to require lateral hires to keep the lavish bonuses

**Wheeler:** Any further discussion on this item? This is emergency ordinance. Keelan, call the roll.

**Clerk:** Hardesty?

**Hardesty:** Aye.

**Clerk:** Mapps?

**Mapps:** I'm excited to see the program before us today and up and going. I helped to create the program way back in the day when I worked in park rose. I remember sitting in the office, coffee table with officer district jones on the other side sharing lunch and talking about ways we could communicate in east Portland. We wrote a grant to figure out how to get foot patrols and get cops out of the cars and walk in the neighborhood. We were able to get pilot program of this up and going. Hopefully, this six months ago I was in community meeting for the Hollywood business district and when I was there, there was a representative. Basically, the thing that you put on the wheels of the cars to keep them from become stolen. I remember that from that grant being drafted or at least years ago, I thought it was innovative program. I can tell you I saw the difference in east Portland and Hollywood. I have been disconnect dollars for years and years now. I am glad to see it alive and it is appropriate that we have external evaluation of the program. It is important part of reinvesting policing along the lines of making more humane. Glad to see forward and glad to vote aye

**Clerk:** Rubio?

**Rubio:** Aye.

**Clerk:** Wheeler?

**Wheeler:** I'd like to thank everybody on their hard work on this. The work wraps in September of 2022. This does get it over the finish line. I am eager to read and the results of the report. I vote aye. The ordinance is adopted. Thank you for being here today, Nathan. The next two items are second readings. Item 480.

Clerk: authorize Portland Police bureau to offer hiring bonuses to Public Safety Support Specialists.

**Wheeler:** Colleagues, any further discussion on this item? Commissioner Hardesty.

**Hardesty:** I think it is reasonable to have a requirement for years of service before we give somebody a \$25,000 bonus how do you anticipate the \$25,000 working for lateral police officers to move to the city of Portland?

**Captain Anthony Passadore:** It is a great question, commissioner. I assume we are going to structure similar to that manner in which it is constructed now. In which, when you receive the bonus you receive in hiring bonus for regular police officer, you receive in a manner of one thousand dollars you are sworn in and one thousand dollars at the time you complete the probation and three thousand dollars you are off of probation

**Hardesty:** It is a two-year process? How long does it take you off probation once you are on your own?

**Passadore:** A year and a half.

**Hardesty:** How do you see it working with lateral police officers?

**Passadore:** I don't know what the ultra-outcome would be. I assume it is something similar in which implemented the process with the regular hiring bonus for regular police officer positions.

**Hardesty:** Anyway we can ensure, I heard from the public, we don't want to give someone a \$25,000 and here for a year and decide they don't like it and leave. How does the council assure there's a process that we can support? If we vote yes today you go off and hire people, right? How we hold the people accountable for? What's the plan to assure us either you use the system in place now or provide the council with how you are going to make sure that it happens?

**Passadore:** The best answer I can give commissioner, we have to repost the positions according to our hr department. We have to repost for a lateral officer hiring bonus position. In doing that, we have to structure what the pay process would look like. I agree that paying \$25,000 up front is concerning. We don't have in place right now with regular hiring bonus. I believe we would structure the same on similar manner

**Hardesty:** Thank you for that. I appreciate that. Mayor, I'm concern about just not having clarity about how the bonus would be implemented. We are talking about \$25,000. I would like to recommend, if needed, that it be five thousand dollars a year for

five years as compared to just leaving it open-ended in that way. Does that proceed as a friendly amendment, I'm not sure..

**Wheeler:** I'm not sure. If you don't make the decision, who makes the decision?

**Passadore:** That's a real good question, Mr. Mayor. I'm pulling this back to my office

**Hardesty:** Thank you, mayor.

**Wheeler:** Next item. 481 is a second reading.

**Clerk:** Amend the FY 21-22 revised budget to reduce general fund appropriations in the community safety division by \$1.4 million and place in general fund contingency for appropriation in the Fy 22-23 adopted budget for the summer cease fire initiative.

**Wheeler:** Colleagues, this is a second reading. We have heard testimony on this. We received presentation. Any further discussion? Seeing none. Please call the roll

**Clerk:** Hardesty?

**Hardesty:** Aye.

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Rubio?

**Rubio:** Aye.

**Clerk:** Wheeler?

**Wheeler:** Colleagues, we set aside the funding for summer violence prevention. In the intervening weeks, the community safety division has worked very hard to -- did you have something to say to anybody? I'll take that as a no. In the intervening weeks, the community has driven approach to investing these funds. Csd has met with stakeholders including community members, researchers, and community base organizations and city bureaus and county offices and council offices. In my view, the substantial efforts, this funding not necessary delay. Will ensure that the implementation of summer gun violence efforts move ahead for impact with the recent gun violence, we have experienced in the city and each of the colleagues are deeply concerned about this. We

cannot afford to derail these efforts. We have to press forward and make this funding available for the entirety of the summer. I appreciate the fact that my colleagues agree hold heartily on that. I vote aye. The ordinance is adopted. Next we move to 482. This is a non-emergency ordinance

**Clerk:** Approve application under the multi-unit limited tax exemption program under the inclusionary housing program for Brooklyn apartments located at 3260 SE Milwaukie Ave.

**Wheeler:** I'll turnover to the bureau.

**Matthew Tschabold:** Good afternoon, mayor, and members of the council. For the record is matthew with the housing bureau. I'm here seeking approval for property tax exemption for Brooklyn apartments. It is on the regular agenda, and it will provide 7, two-bedroom units and the bureau is recommending approval. I'm happy to take any questions that the council has

**Wheeler:** Colleagues, any questions on this item? Did you have a question, commissioner? No questions. Any public testimony on this item?

**Clerk:** No one signed up.

**Wheeler:** Very good. First reading of non-emergency ordinance. Next item 483. This is emergency ordinance.

**Clerk:** Declare property located at 1610-1612 SW Taylors Ferry Rd as surplus real property and authorize the Portland Parks and Recreation to dispose of the property by sale on the open market.

**Wheeler:** Commissioner Rubio.

**Rubio:** Thank you, the item before us is property acquired partnership to provide trail access. In order to preserve the one-bedroom home on the property, a portion of the property has been carved out to be sold. I would like to introduce Dylan Paul Portland park and recreations property and business development manager to provide overview and answer any questions

**Dylan Paul:** Thank you, commissioners, members of city council. I'm here to talk about brief category one disposition. In 2017, ordinance 188504 passed by city council original funding of the property expectation for category one disposition to retain the house. This item brought to the city's disposition process for category one. Property acquired by the city as larger acquisition, important to say that the original acquisition of the property was to form enhanced pedestrian access from tailor road to marshal park. The trail is the primary reasons for the larger acquisition. It is being retained with the sale of the property. As commissioner Rubio, stated small portion of the property carved out to preserve the existing home. We will repaid the funding sources, and it is important to work with p-bot to enhance additional frontage for pedestrian safety on this home. That's all I have.

**Wheeler:** All right. Very good. Colleagues, any questions? Thanks, Dylan. Appreciate it. Public testimony on this item

**Clerk:** No one signed up.

**Wheeler:** Call the roll.

**Clerk:** Hardesty?

**Hardesty:** Thank you, commissioner Rubio. I know you did due diligent to determine the land was appropriate for us to use it for additional opportunity and you found it was not. I absolutely support it. I vote aye

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Rubio?

**Rubio:** I want to thank Dylan for his work on this and I also appreciate the thoughtful intentional process led by parks to consult with other bureaus prior to bringing it forward to council. I vote aye

**Clerk:** Wheeler?

**Wheeler:** Aye. The ordinance is adopted. Back to the consent agenda, item 471.

**Clerk:** Pay city attorney fees due to Portland Police Bureau.

**Wheeler:** This ordinance results lawsuit filed against the city in march of 2021. Chief deputy city attorney. Good afternoon. Look at you, in-person.

**Karen Moynahan:** Good afternoon. Very briefly, Mr. Kessler filed for disciplinary record with the police bureau. Declined to provide the document. Mr. Kessler appealed to the district attorney who order the city to provide the document. The city redacted the number. Then filed a lawsuit said that the redacted copy was not in accordance what the district attorney required. The fee of 30 dollars of each public records requests. Pursuant police bureau on own initiative, given 7 days' notice to the officer whose recorded provided. They're going to turn the number. 7 days later the city provided the document redacted. The lawsuit ensued. The court always mandates alternative dispute resolution process. The parties did go to adr remediation and resolved the matter for 20 thousand dollars for his fees because the city did provide the document late. After the city had chosen not to give the personnel number to Mrs. Kessler, there was a ruling which put the writing on the wall for the city, we could lose the case in the future. We decided to settle for 20 thousand dollars. Because police bureau has gratefully streamline the process for public records, the police bureau has agreed to reduce its prepayment by five dollars so prepayment fee would be 25 dollars starting on July first. That's it.

**Wheeler:** Any questions? Public testimony?

**Clerk:** Yes. Two people signed up. I believe, the first person has dropped off. Let me double check.

**Wheeler:** [Undiscernible.]

**Clerk:** Leanna -- I believe they dropped off. Next up, we have Dan Handelman.

**Dan Handelman:** Good afternoon, again, mayor Wheeler and councilmembers. One more time. I'm glad there was a present eight before I was speaking to item before I pulled on consent agenda. This item like many lawsuits that come before you they're as

transparent as mud. It was not clear on the underlying record what he was trying to maintain. There was a public lawsuit he worked on that was in the press about the officers were wearing numbers on the uniforms instead of the names. The piece of information in the document referred to you is referred to pnr. I checked the entire city website. The ordinance is the only reference with the acronym turned up in the web search. The term is pnr. Searching the website, it doesn't explain what it means. This item should not have been included in the consent agenda. It involves more than mr. Kessler and the -- it also allows them to go lower than that. It was 10 dollars for many years and then jumped to 30 dollars and it is huge hurdle for some people. It is important for council to discuss the implications to go and identify members of the police bureau. The names are required to be worn about identification. Thank you for your time

**Clerk:** Colleagues, any further discussion on this item? Seeing none. Please call the roll

**Clerk:** Hardesty?

**Hardesty:** Thank you very much for the explanation. I vote aye

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Rubio?

**Rubio:** Aye.

**Clerk:** Wheeler?

**Wheeler:** The ordinance adopted. Next item, 471 emergency ordinance

**Clerk:** Authorize Chief Administrative Officer or designee to negotiate and execute one or more lease agreements for training space for specialized resources division program.

**Wheeler:** Colleagues, the specialized resource division srd is made of multiple specialized units. The special emergency reaction team sometimes referred to as cert. The explosive disposal unit, the edu, the k-9 unit, the crisis team and the behavioral

team and the travelling unit. Each of the units use skill sets to prepare members to respond to specific incidents. These training needs to be conducted in a location that can be consistently available each unique accommodate indoor and outdoor training to run scenarios and provide parking for 50 vehicles and straining equipment. Up to may of this year, the office of management able to provide city own space at the [name indiscernible] we call it armory to support the srd. That space is no longer available for use. This ordinance authorized omf and ppd to identify agreements to replace the training space been lost. Maddie and [name indiscernible] from the management of finance are here to introduce the item. Thanks for being here.

**Maty Sauter:** Thank you. Hello, council. I run the division of management it includes the ppd's and assets. I never had the pleasure of sitting on a meeting for four hours. It is pretty amazing. I admire your perseverance and diligence. I run the facilities. As part of that, we have property management function. We are required by ordinance to come to council when we need to rent facilities. Even they're low or no cost outside of the properties owned by the city for critical uses. So, as noted, the building was where police were doing mandatory trainings for many years when the city moved into the [name indiscernible] site, they lost access to the facility. We searched for city owned properties and commutable properties and found a facility, it is not city owned facility. We are looking for broad commission, not for just the rental purpose for all ppd training purposes to find facility. We have located a facility and it is only available for two years. We want to make sure we have the ability to rent that facility and then, if it when the permission, the lease ends that we have an ability to go and support the police with training needs

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you, mayor. Thank you, Maty for the presentation. How many acres do we own right now and not thinking about building whatever else we need on ground we own?

**Sauter:** Not sure of the acreage. We don't partner with public safety organizations, or we don't utilize the space that we have.

**Hardesty:** Can you answer just like how we utilize the land that we own to add the value to the training that we need?

**Sauter:** Sure. I will do. Let's see us in the fall have a conversation largely about facilities capital spending. There's no dedicated accounts within the city to support the assets. No funding to do anything. It is just land. We have deep concerns about ppd's assets, the physical assets, we would like to see partnerships internal between police and fire to envision around public safety. There's no capital funding.

**Hardesty:** The bottom line is that public safety bureau has infrastructure needs and, again, we love to do the things. Again, what I want to do to make decisions that benefit the entire city and not just one particular bureau. They may need space. I know that they own something that people don't know which is land which can be built on. Anyway, I just wanted to put it out.

**Sauter:** I completely concur. We need a planning department. That's true for public safety. The other area that we are concerned about is operations and maintenance like the garage. I'm excited to keep it up. We will be coming in the fall to, I think, to speak more completely what the infrastructure needs are. I would include the bta fiber planning and ev infrastructure and there's a lot need there, and they're not dedicated funds for that something that we would like to have proper transparent. You are spot on. When we have things, we need to use them, and we need the money for construction

**Wheeler:** Commissioner.

**Mapps:** I appreciate commissioner Hardesty, observation. It is not consistent with my experience with the police training. I was there a couple of weeks ago. They have a space for outdoor driving drills. I believe they don't have space to do all of the driving spaces that they need to do. If you saw the type of training, it is sort of tight. On circles,

they need to thrive to particular skills. They do in the space they have. You know, this is illustrated by the fact that we have to breakup training between two spaces. I have no idea how you can pack more into the space that we have left

**Hardesty:** Commissioner Hardesty.

**Hardesty:** I appreciate that, commissioner maps. Let me just say, find out how to do things with community partners on regular basis. You either partner because you share resources, or you don't.

**Sauter:** I can speak to that. We routinely with community agencies. In fact, Washington county, the swat team, those are current partners. Each one of them, for special operations, pack the gills. They're seeking out free and easy to use free space. We support the notion of practicing with bureaus those are great collaborations to have. I am looking at north star or community vision if that's what community safety looks like. From that, we can have a facilities vision that says how that would be supported? Those are some perfect the things pulling together right now to address council in the fall so you can see the order of operations of how we would like to build coherent programs around this, and public works needs and so forth

**Wheeler:** Maty, before we go to commissioner Mapps. This is the reasons we created the community safety divisions. I agree with you. It has been a long-term weakness of the city of Portland. That's why we end up with massive capital construction projections after the facility has fallen apart. Not just physical facilities but assets. I was pleased you mentioned the hard assets around technology and infrastructure that we need to be concerned about and capital investments and equipment that's critical important. One bureau, I won't mentioned them, I happen to like the bureau. They had lifesaving equipment. Five years ago, they came to council and by the way you need to give 3 million dollars because critical path lifesaving equipment that we use is [name indiscernible], where was the plan for this? Did anybody think about this over more than a few months when the equipment started falling apart?

It is equipment required for the health wellbeing and safety of the public employees. So that to me was heads up we are not doing long-term of capital planning. I appreciate the work that you are going to be doing in bringing forward better ideas about how we can take what's historical being a fragment system and bring together with a smart rational strategy that does not include asset to make sure the assets that we have stay in one piece which is refreshing and fabulous. Commissioner Mapps?

**Mapps:** Oh, let us move on.

**Wheeler:** Let's do that. Any public testimony on this item

**Clerk:** No one signed up.

**Wheeler:** Everyone gave up on us. They're exhausted. Yet, Maty was here to the bitter end. Colleagues, this is emergency ordinance. Please call the roll.

**Clerk:** Hardesty?

**Hardesty:** I look forward to a broader conversation today I vote aye.

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Rubio?

**Rubio:** Thank you Maty for the explanation. I look forward. When you present and talk I get excited in anticipation of the conversation. I vote aye

**Clerk:** Wheeler?

**Wheeler:** This is important emergency need for the Portland police bureau. They did step up and gave us access to a facility using for training so that we can address the housing crisis. I want to stress that I appreciate that. They did not throw obstacles and rode blocks. Part of that quid pro quo, council would work with them to find a temporary space that they could lease, and this is making good on that commitment. Maddie, thank you for the hard work. Real challenge for you and the team. Just great work all around. Thank you. I vote aye. The ordinance is adopted. And I believe that completes our business for this morning. We're adjourned until 2pm.

**At 1:13 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.

June 1, 2022

2:00 p.m.

**Rubio:** Welcome to the June 1, 2022 morning session of the Portland City Council meeting. Keelan, will you please call the roll.

**Clerk:** Ryan?

**Clerk:** Hardesty?

**Hardesty:** Here.

**Clerk:** Mapps?

**Mapps:** Here.

**Clerk:** Rubio?

**Rubio:** Here.

**Clerk:** Mayor Wheeler?

**Wheeler:** Here.

**Rubio:** Now we will hear from our city attorney.

**Lauren King:** Welcome to Portland City Council, we are holding hybrid meetings. If you wish to testify you may sign up in advance on the Council agenda on [www.portland.gov/council/agenda](http://www.portland.gov/council/agenda). You may sign up for public testimony. In-person testimony may occur from one of the several locations including city council chambers. Written testimony must be submitted to [cctestimony@Portland.gov](mailto:cctestimony@Portland.gov). 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. A timer will indicate when your time is done. Interrupting other's testimonies or council deliberations will not be allowed. If a warning is given, a person may be ejected. Council may take a short recess to reconvene virtually.

**Rubio:** Thank you for that. Keelan, will you please read item 484?

**Clerk:** Accept the regional arts and culture council 2021 annual report to council.

**Rubio** Colleagues, since taking office in 2021 it's been my honor to serve as Portland's arts and culture commissioner. I've gained appreciation as Portland's identity, both in terms of culture and economy. As part of this work, my staff and I have taken a keen interest in understanding and strengthening the relationship between the regional arts and culture council and Portland. The city contracts with racc, as does the county to ensure that vibrancy remains. There's no organization set up quite like racc, so the city needs it to function for professionals, Portlanders and visitors alike. It's required to present an annual report to council describing how funds are used and describing challenges. This is racc's first report to council since before the pandemic. So today, we are really grateful and excited to hear from racc staff and board who will report on their 2021 outcomes to the city. We look forward to this informative and highly anticipated report from racc board staff, grantees and partners. I would like to introduce Nathan Ricks, racc's board chair.

**Wheeler:** Council president Rubio, before you continue -- oh, that fixed it. There was some major interference for those of us remote. It sounds like a jet airliner, does somebody have an open mic?

**Mapps:** Could it be the air conditioner in here?

**Wheeler:** No, honestly it sounds like electrical interference. We can still hear you, but it's quite loud. I'm not sure what it is. If bts folks could troubleshoot it, we would all appreciate it.

**Hardesty:** Madam president, maybe we want to take a 2 or 5-minute break and have them check it out so our folks on the phone will be able to hear.

**Rubio:** That's a good idea.

**Wheeler:** Can someone on the line confirm, it's not just me. Other people who are remote?

**Hardesty:** It's not just you.

**Rubio:** Let's take a 5-minute recess and we will be back at 2: 10.

**Hardesty:** Thank you, mayor. [recess] [Portland city council will return in a moment]

**Item 484, Accept the Regional Arts & Culture Council 2021 Annual Report to Council was rescheduled to June 2, 2022 at 3 p.m. Time Certain.**

**Rubio:** We are back in session. Keelan, please read item 485.

**Rubio:** Amend the comprehensive plan map and zone map for properties at 5505 through 5525 southeast Milwaukie avenue, and the northeast corner of southeast Ellis street and southeast Milwaukie at the request of Renee France cradler white parks and alexander llp, lu21-094203cpzc.

**Rubio:** This afternoon, we have a quasi-judicial hearing in front of council to consider recommendation of the hearing officer whether to consider comprehensive plan and zoning for 5505 through 5525 southeast Milwaukie avenue and the northeast corner of southeast Ellis street --

**Wheeler:** I don't know if somebody is speaking or not, but you absolutely cannot be heard.

**Rubio:** We will take a 10-minute recess to figure out what our next steps are. We sincerely apologize, everyone. We have been having technical difficulties all afternoon. [recess]

**Rubio:** We are now back in session. Keelan, will you please read item 485.

**Clerk:** Amend the comprehensive plan map and zoning map for properties at 5505-5525 southeast Milwaukie avenue and the northeast corner of southeast Ellis street and

southeast Milwaukie at the request of Renee France Radler white parks and alexander llp, lu21-094203cpzc.

**Rubio:** Before we get started, commissioner Mapps has a question.

**Mapps:** I would like to confirm that the equipment is working for people online?

**Wheeler:** Yeah, we can hear loud and clear.

**Rubio:** Great, thank you. This afternoon we have a quasi-judicial hearing to consider recommendation on the hearings officer whether to amend the comprehensive plan and zoning map for properties 5505-5525 Milwaukie avenue. First the city attorney will make additional announcements about today's hearing.

**King:** Good afternoon, this is an evidentiary hearing you may submit new evidence to council in support of your arguments. We will begin with staff report for approximately ten minutes. Following the staff report council will hear from interested persons in the following order, the applicant will go first and will have ten minutes to address the council, then the council will hear from individuals, organizations who support the applicant's proposal, each person will have three minutes to testify. The principle opponent will have ten minutes to address the council and rebut the applicant's application. If there's opposition, the applicant will have five minutes to rebut the testimony. The council may then close the hearing and deliberate. As this is a non-emergency ordinance it will pass the second reading. Council will direct staff to return with amendments or make recommendations. Submitting evidence in the record, any letters or document you wish to become part of the record should be given to council clerk after you testify, in person or by email. Similarly, the original or copy of slides, photographs, drawings, videos or other items you show to council during your testimony including PowerPoint presentation should be given to council clerk to make sure they are part of the record. Any testimony arguments and evidence you present must be directed toward the applicable criteria for the review or zoning code you believe apply to the decision. The staff will apply as part of their staff report to council.

Issues must be raised with specificity, you must raise an issue clear enough to give the parties an opportunity to reply to the issues. Applicant must identify constitutional challenges to conditions of approval. If the applicant fails to raise issues related with enough specificity to allow the council to respond the applicant will be precluded from bringing the I'll in for damages in circuit court.

**Rubio:** Before we get started, do any members of council wish to declare a conflict of interest? Do any have ex parte contacts to declare or anything outside this hearing to disclose? No? Okay. Let's see. Have any members of the council made any visits to the sites involved in the matter that they have not already declared? . Do the councilmembers have any other matters that need to be discussed before we begin the hearing? No? Okay. Then we can now get the staff report.

**Amanda Rhoads:** Great. I'm going to share my screen. Is that all working for everybody? Can you not hear me and see me? Okay, great. Wonderful. My name is Amanda Rhodes, good afternoon, everyone. I'm the staff planner for this case. And I am needing to make this smaller so I can read my notes. Great. This hearing is for a comprehensive plan map amendment with a concurring zone map amendment. A few things to point out about this review, different from other type iii reviews. Usually you are seeing case that's come forward as an appeal this. Is not an appeal hearing. Land use reviews that include a comprehensive plan map amendment first have a hearing with the hearings officer and then council makes the final decision. I'm here representing the hearing officer's recommendation. This case type is not subject to the same type of time limits. We don't need to issue our decision within 120 days. This is only about map changes. No development is proposed at this time. So in my presentation I will go through the site context and looking at the proposal, summarizing approval criteria and then relaying the hearing officer's recommendation. So here is the site represented by the red dot, south of central city, south of raf island. This slide is good for demonstrating that the western portion of the slide is on the slope, private

property going toward the refuge. At this scale you can get a sense of development, you have upper 99e with Brooklyn yard and among there are larger scale commercial and multi-dwelling developments and single residential between the two. There are a couple photos of the site. The site is considered in two properties. The west property west of Milwaukie and east property which is east. Current development on the west. The east it's been developed since at least the 1960s. Here is a view of the west property in the middle. The back of the office building on the right and this is the transition down the slope where it changes from commercial designation to a single dwelling. So the proposal is to change two maps, the comprehensive zone map and plan map. It represents what we expect to see in the 20-year time horizon while the zoning map reflects what could be developed today. Here we see both portions of the site outlined in red. Together the site is just under 1.4 acres. The west side there are four parks, the yellow area, the slope down to oaks bottom that has the designation of residential 5,000 for zoning and comp plan. The pink area is mixed, commercial mixed use one, which is lower density commercial zoning. The proposal is to give all six tax lots the urban center comp plan designation intended to allow high density structures at an urban scale. The zoning map designation is rm4, an urban high-density zoning. This proposal would make this west property the same comp plan and zoning designations as the dark blue properties to the north in the c-shape. Including those properties on the slope on the west side. The proposal includes a couple changes to zoning overlays and other ones will remain. The western portion of the pink area and all of the pretty much all the r5 have some river overlays. Represented with the g star and e letters. Those would remain in place. Nothing is proposed to be changed in those. The river environmental overlay is protective of the environmental resource functions and values in the area and has additional requirements for development. The z constrained sites overlay currently on the r5 lots would be removed. That's an overlay that's only applied to certain dwelling zones, actually the residential in-fill part 2 is proposing to remove the z overlay from

those parcels already, and they would get the d or design overlay, rm4 is always applied with the design overlay. And then on the east property, it's currently designated residential, 2500. It's part of the a two-block area. The only area zoned single dwelling on the Milwaukie corridor. It would change to comp plan designation, rm to residential multi-dwelling to zoning map designation, these are kind of mid-range density, multi-dwelling designations and also, like the other rm2 properties in the area this would have the design overlay as well. And then zooming out a little bit, you could see the same arrow pointing to the parking lot and you see the two-block or 2.5 area that the larger rm2 areas to the north and south of that. I will summarize the three sets of approval criteria. For the amendment, the focus is looking at the proposal against the relevant goals and policies of the comprehensive plan. And determining whether on balance the proposal is equally or more supportive of the comp plan than the old designation. We don't weigh all equally and we don't consider every goal and policy. The goal is not that all aspects of the plan are necessarily supported but on balance the proposal is equally supportive of the comprehensive plan as a whole. The zoning map amendment criteria are more on whether public services are adequate to accommodate the requested changes. They provided a traffic impact study, storm water drain and technical report reviewed by the bureau of transportation and environmental services and their responses contributed to the findings of the staff report that was eventually included in the hearing officer's recommendation. And we do have representatives here today if there are questions that come up about those topics. And finally, this set of approval criteria applies to other zone map changes, looking at the changes to the overlays, removal of the z and application of the d or design overlay. The criteria show the changes are shown to be justified and remain consistent for the purpose of the regulations and comp plan and any adopted area plans. Findings conclude they are met or could be met with conditions of approval. Based on several points summarized very briefly here. The proposal increases the housing supply within the city and increases

development potential of a site, within the urban growth boundary. On a designated corridor, north of a designated neighborhood center and located close to frequent transit and half mile away from a light rail station. It simplifies the zoning map southwest of Milwaukie because it's contiguous with an area that already has that designation. The corridor designation is consistent with rm2 zoning on the east side of Milwaukie, more appropriate on this corridor than the current single dwelling designation. Both bay zones proposed are both rm2 would have designations for design and landscaping for compatibility with neighboring developments. The four topics that surface most in the comments received before the hearings officer were concerned about the landslide risks on the slope, concern there would be impacts on oaks bottom. Believes Milwaukie was not right place given the neighborhood's characteristics and concerns about the traffic and impacts of new development. I'm sure as you have seen, council has received similar testimony prior to this hearing. For each set of concerns the hearings officer reviewed the evidence and either determined it wasn't supported by the evidence in the report, such as land risk or parking impacts or they would be equally protective of the area, the river overlay protecting resources and zoning requirements to consider neighborhood compatibility and design. Excuse me. The hearings officer recommended several conditions of approval to meet the approval criteria, including storm water conditions by bureau of environmental services. Requirement that the initial design go through a discretionary land use review process which would allow neighbors to have another opportunity to weigh in on the design once the development is actually proposed. Given these findings the hearing officer recommendation is approval of both the plan map amendments with those recommended conditions I just reviewed. And the alternatives facing council are to approve with no changes, accept with modified findings or conditions or reject the hearings officer recommendation and deny the proposal. And you can take a tentative vote today. Thank you.

**Rubio:** Thank you, Amanda. Now we will hear from the applicant for up to 10 minutes.

**Renee France:** I will start again. Good afternoon, commissioners, my name is Renee France, with Radler white parks and alexander. I'm here to provide testimony on behalf of the applicant. With me is Brett Shipton who will provide expert testimony on the site stability concerns raised by the neighborhood. This request has a number of core purposes. First, facilitates the development of a coherently designed residential project on the site west of Milwaukie Avenue under a single zone where staff noted three distinct zones with three different characteristics and three sets of development standards. Second the zones are consistent with the city goals for increased housing density in an area where increased housing is needed across all income levels. Through the process the city determined this northern segment of Milwaukie Avenue is an appropriate area for higher density multifamily development. This requested amendment will allow development that delivers the plan density and increases the city's affordable housing opportunities. Finally, the rezone allows development to be consolidated on the up land portions of the site. West of Milwaukie to avoid and protect the greenway and environmental services on the steeper slopes to the west and avoid areas susceptible to landslide hazards on the slopes. Creates a substantial buffer between the development area and oaks bottom wildlife refuge. These properties are located in a designated inner neighborhood near the city center to the north and center to the south and located along an active neighborhood corridor intended for higher density residential activity. As pointed out by staff, the proposed zones are consistent with the established zoning pattern on both sides of the street. In making your decision it's important to be very clear about what the approval criterion is for the comprehensive plan amendment. The requested designation must be evaluated against relevant policies and on balance be found to be equally or more supportive of the comprehensive plan as a whole than the old designation. And if the proposed designation is equally or more it will be applied. In other words it's not necessary to meet or satisfy individual comprehensive plan policies. Instead the comprehensive plan,

which is extensive and addresses multiple, often competing policies must be looked at holistically, and balanced. When looked at as a whole, the scale tips overwhelmingly in favor of approval. I would like to raise issues raised in testimony submitted to council. First suggesting determining whether this location is appropriate for the proposed zone is appropriate for the proposed zoning, is an important question. And we absolutely agree with that. It is an important question. However, we are not arbitrarily requesting the rm4 zone, instead as noted in staff's map the city determined the rm4 designation is appropriate in this area on the west side and the east side north of the property. This request is consistent with that established zoning pattern. Additional testimony points to the statement in the rm4 zone. First it's important to keep in mind the characteristic statement is not an approval criterion in and of itself that must be met. It broadly describes the characteristics of the zone. It is appropriate to apply the rm4 designation, nonetheless, in areas close to the central city and transit station and in areas well served by alternative transportation opportunities. And these properties satisfy each of those criteria. The characteristic statement does not identify minimum distances or include objective standards necessary for the zone. Finally, many of the comments note the proximity to the western edge of the oaks bottom wildlife refuge and raise concerns. However, there seems to be a misconception, most of the testimony the development would occur in areas of the site directly adjacent to the refuge. And as noted by staff, there is a river overlay zone that effectively creates a buffer between the development area on the up land portion and the eastern edge of the refuge. You have documents in your packet that identify and map that and that creates a buffer that is roughly 101 feet to 118 feet in width, depending on where it is on the site. The river overlay is also centrally aligned with the landslide hazard mapping which you also have a map of. That provides further assurances that buffer, again, at least 100 feet in width will be maintained in future development. For these rezones and those established in the record we request you accept the hearing officers recommendation and approve the

requested amendments. With that, unless there are questions for me, I will turn things over to Brett Shipton with mb5.

**Brett Shipton:** Hi, good afternoon, my name is Brett Shipton, I work for a company called mb5 and I'm the geotechnical engineer hired for this development. I've been practicing in the pacific northwest since about 1997. I received a master's degree in 1997 from Oregon state university and got my professional engineering license about 2000. Speak about the effect of the potential development of the buffer by oaks bottom. I know concerns have been raised by the public. Namely, housing safety and the potential risk of land sliding. It's been noted the landslides by Oregon department of geology are present along the bluff to the west of the property. And one of those landslides is near the terminus of northeast Harold street and adjacent to the development and certainly it was compared to another development, Neal creek, landslide occurred after the construction of an apartment complex and the residents were relocated. I responded to these in a letter dated may 25, 2022, which I believe everyone has a copy of. So the first concern, housing safety and potential risk of land sliding. Yes, there are those map landslides. Those landslides have two things in common. They are relatively shallow. And they are all caused by precipitation, from heavy rainfall effects. For example, the landslide map adjacent to the property is reported about three feet deep, not a huge landslide. So any improvement to on site storm water management or drainage that comes along the new development can only improve the overall stability of the bluff and mitigate the potential for future land sliding. Any design would go through a rigorous analysis, bds would require and so would i, my license would require. I would like to address the comparison of landslide mill creek. The company I work for, mb5 help stabilized one of those landslides, forest edge apartments. The landslides in this area are deep and about 60-80 feet deep. Prehistoric landslide and caused by active stream erosion. They appear to be dormant prior to the construction but they were reactivated. We stabilized the area at the forest

edge apartments by lowering the ground water table through a series of de-watering wells. It appears to have stopped. This all happened in 2017. There's an apartment complex up slope called the Barry hill apartment complex. There was a landslide stabilized by a different engineering firm. They used a large anchor retaining wall and I'm told there was a successful endeavor also. So commissions are different at this development. The net landslides adjacent to our property, they are not deep seated like those at mill creek. We will manage storm water properly. And there's no plan to place any a top the slope like there was at mill creek. I want to conclude by saying yes, it's possible to engineer a safe alternative a top the slope. It will include storm water management like I stated many times before. And may require special foundations for the pavement or reinforcing the ground. Thanks for your time and listening and that's all I have now.

**Rubio:** Thank you, now we will hear from supporters of the applicant.

**Clerk:** I don't believe we had anyone signed up. Is there anyone here?

**Rubio:** Okay, let's hear from the principle opponent of the application for up to 15 minutes.

**Mark Wilson:** Excuse me, just a point of order. The attorney said 10 minutes, the land use notice and the commissioner said 15 minutes. So we do have 15 minutes?

**King:** I misspoke, you have 15.

**Wilson:** Thank you.

**Wilson:** My name is Marc Wilson. In the year 2000 I was the first professional ecologist and landscape architects hired by Portland parks and recreation, I managed oaks bottom and Willamette River parks until I retired in 2014. I represent the oaks bottom.

**David Schoellhammer:** I -- I chair the land use committee better known as smile. Next slide. Next slide, please. Smile is opposed because landslide risk decreases the safety of housing. Degradation of oaks bottom, and previous planning by the city and community is ignored. 606 people have signed a petition in opposition that we have

submitted to the clerk. This is the first comprehensive plan map change contested at city council since the comprehensive plan was implemented in 2018. Today you must make the subjective decision whether the proposal "on balance has been found to be equally or more supportive of the comprehensive plan as a whole". While the proposal is more supportive of housing quantity policies, it is less supportive of policies regarding design and development, housing safety and location, and environmental and watershed health. The next slide shows the number of units added by the proposal is minor compared to solid Moreland development. The available zone capacity of mixed use corridor is about 8600 units. As part of the comprehensive plan, the city determined there was enough zone capacity to meet housing demands. This would increase the capacity by 90 units or only 1%. This is also small compared to the 1414 units added since 2013 and 357 units in the development pipeline. Developers in the neighborhood are creating much more housing that follows the rules and supports the comprehensive plan than this proposal offers. More important and needed is inclusionary housing. The next slide shows the mdu designation would increase housing by about nine units. This is small compared to the 112 inclusionary units added since 2017 and about to submit permit applications for. Developers in neighborhood are creating much more inclusionary housing that follows the rules and supports the comprehensive plan than this proposal offers. As you consider a way, the comprehensive policies one of the most important and basic questions is whether the location is appropriate for the proposed designation. The next slide gives the definitions of the proposed mdu designation. This particular site is not in the central city. It's not the gateway regional center, not a town center, not a transit station area, it doesn't have high capacity, it doesn't have frequent bus service or the streetcar. With regards to the rm4 zone, this site is not near the central city, not a town center, not a stationary, not a civic corridor, it doesn't have frequent transit and not close to commercial services. The existing rm4 zoning is a relic from the hair old street max station never built. Next slide, please. We encourage the

applicant to consider our proposed outcome to rezone all the properties west of Milwaukie Avenue rm2 which supports the comprehensive plan, fulfills the potential of the entire property and improves feasibility of a development that is safer and in compliance with the zoning code. The next slide shows that the proposed rm2 zone on the east side of Milwaukie Avenue would create a checker board of zoning that is not compatible with the land use pattern established by the comprehensive plan map. During public testimony my colleagues will further explain why the proposed designation is not applicable to this site. Next slide, please. The hearings officer and bureau of development services staff support for this proposal demonstrates the siloed dysfunction of this city's bureaus and governance. Site characteristics were bds and bureau of planning sustainability have completely opposed findings are listed in the next slide, along with factual errors in the hearings officer recommendation. So the hearings officer believes the mdu and rm4 designations are appropriate, bds during the comprehensive plan tried to remove these designations where ever possible in the neighborhood. The hearings officer believes commercial services are sufficient, whereas bps did not, during the comprehensive plan and tried to add commercial zoning to the area at the request of the neighborhood. The hearings officer allows 7 stories along the bluff. Bps used, for instance, the cm designation to limit to three stories because of landslide and oaks bottom concerns. The hearings officer did not restrict zone density to manage the landslide risk along the bluff. Whereas bps developed the constraint site overlay zone with a two unit maximum in the single dwelling zone specifically because of the landslide risk. The hearings officer allows the maximum base zone density along the bluff with a geotechnical report and approval. Whereas the residential in-fill project does not for the single dwelling zones, limiting again to two units instead of four. This proposal would exacerbate the disparity and landslide risk homeowners and tenants are exposed to. Turning to factual problems, the applicant, the staff report and hearings officer all say that landslides do not -- increased landslides could not result from

climate change, in disagreement with the fifth Oregon climate assessment. The hearings officer states it has frequent transit service that's based on obsolete pre-pandemic data. That is not correct today. And finally, the hearings officer believes the site is close to Portland city center, when in fact it's closer to Milwaukie city hall, than Portland city hall. City council has the responsibility to make it factually based and we encourage you to do so. Mark?

**Wilson:** As you can see the oaks bottom is adjacent to the westbound of the applicant's property. It's identified in green. Oaks bottom is named appropriately. Next slide, please. Oaks grow on the steep bluffs along the eastern edge of the refuge and adjacent neighborhood. The woodlands and wildlife are rare and declining and more than 95% of the historic habitat has already disappeared. Regionally significant groves of Oregon white oak trees are growing on the bluffs at oaks bottom. Next slide, please. The word bottom is a colloquial term describing riparian floodplains. They are vital components of a fully functional floodplain. Oaks bottom is the last functioning in the watershed. It became a refuge in 1988 Portland's first natural city park and auto bon society designated migratory bird park. Supported by parks and recreation. Oaks bottom as you can see from these pictures is a special urban green space, home of otter, mink, eagle and beaver. The refuge supports several status species in decline, regionally and state wide. Next slide, please. The friends of oaks bottom is a volunteer organization with parks and recreation. We completely support smile in its opposition to this proposal. The friends would like to address specific impacts that redevelopment on the applicant's property would have on the refuge. Next slide, please. We think there would be a severe impact to amphibians. Many including the Oregon salamander and threatened red legged frog use the slopes of oaks bottom during the dry season. Next slide, please. We also think there would be an equally serious impact on birds. Imagine all the neotropical migratory birds finding sanctuary only to run into windows of a 75 foot building. Bird strikes will likely increase. Next slide, please. Historically landslides,

excuse me. Our biggest concern is the instability of the slopes. Trees and other vegetation help stabilize slopes as you can see from the pictures taken on site of the northwest corner of the building, 5515 northeast Milwaukie. Many mature trees would have to be cut if the site is redeveloped and the deep roots of the mature trees would no longer stabilize the tops of slopes. These landslides would impact the wooded slopes of oaks bottom below the applicant's property. At a time when the city is concerned about losing more tree cover we shouldn't lose more oaks or other native trees particularly in this location. The steep slope of oaks bottom are prone to landslide because they are prone to unstable gravel and sediments. Many fresh water steeps and discharges fall on the slopes further contributing to its instability. Park staff and geotechnical engineers observe many small collapses most years. With larger landslides happening every 2-3 years. Next slide, please. Historically landslides have had serious impacts. A result of the 1996 floods over 50 landslides occurred in oaks bottom. One was on an applicant's property, another south ethel list street required moving a house back and closing the trail through the winter. Through the mid 2000's additional heavy precipitation events resulted in more landslides near the applicant's property and throughout oaks bottom. Again in the fall of 2011, another landslide at 1433 southeast reid way resulted in moving a house away from the top of the slope and closing the paved oaks bottom access trail for the remainder of the winter. This closure not only prevented visitors from entering the refuge, it also blocked access to the regionally important spring water trail. Next slide, please. In summary, city staff state, as you heard today, three parcels of the west property are in full or nearly fully within the regulatory landslide area. The hearings officer acknowledged this risk in his second bulleted item you see on the slide here. But as you see from the third, the hearings officer doesn't find this risk is a barrier to approving the application. Because the application does not propose any development. At this time. The friends believe that the finding of the hearings officer just kicked the can down the road until a developer brings forward a

site redevelopment plan sometime in the future. Now we think the responsibility making a decision belongs to city council. The question is, not can a 75 foot building be built here. The question rather is should a 5\* 75 foot building be built here. Bill burns an engineering geologist with the Oregon department of geology and mineral industries says, as you see, where landslides occurred in the past is key to where they will occur in the future. The friends believe there should not be an amendment to the comprehensive plan allowing a zoning change. We earth city council to deny this application. If the application is approved despite our objections when the first landslide occurs during or after construction, many will point their fingers and say, why did city council allow this? Thank you for your time.

**Schoellhammer:** We encourage you to visit oaks bottom. Stand here on the access trail, look up on the bluff, imagine this two story building becoming 7 stories, turn around and take a moment to enjoy the beauty of oaks bottom. Next slide, please. In summary, we urge you to deny this proposal. Discarding years of planning, increasing landslide risk and degrading oaks bottom wildlife refuge for a comparatively small number of housing units is not on balance supportive of the comprehensive plan as a whole. Thank you and we can answer any questions that you may have.

**Rubio:** Thank you. Now we will go onto opponents, other opponents of the application. Are there any other opponents of the application? For three minutes each. Thank you.

**Clerk:** First up we have Ezra Cohen.

**Ezra Cohen:** Hi, everyone. My name is Ezra Cohen, I'm a 17-year-old bird watcher and co-founder of friends of oaks bottom. Because of the large bird diversity, oaks bottom is a place I visit multiple times a week year round for at least half my life. I oppose the proposal to amend the comprehensive land map and zoning map because of the negative effects it would have on this. Exactly 210 species of birds have been recorded in oaks bottom ranking it among the top five most valuable natural areas to birds in all Multnomah county. Having seen 175 species of those myself I know the extreme

dependence birds have on the site. Many find oaks bottom after having migrated hundreds of miles and find in oaks bottom oasis of water and food and safety from the lights and glass of the city. According to a 2014 study, up to 1 billion birds die in the united states alone due to window strikes. They occur when birds see reflections of natural objects such as trees or grass in glass windows and fly head long into them. Research shows between 54% and 76% of window strikes are fatal. Large windows from tall buildings abutting oaks bottom. Glass windows don't just prey on small birds. Bald eagles next near and sometimes at oaks bottom. Given they have no natural predators eagles are supposed to live long lives and reproduce slowly than other birds because of that. Losing a single bald eagle means the local population will suffer for at least the next few years. How can oaks bottom be called a wildlife refuge if nearby buildings are potential death traps to the avian species that rely on it. This would have a significant impact on birds and therefore also to the many Portlanders who come to enjoy their beauty. Oppose this amendment to the plan map and zoning map. Thank you.

**Clerk:** Next up we have Shari Gilevich. Shari, you're muted.

**Sheri Gilevich:** Unmute. I have a couple, just two images to show. They said I can share them. Thank you. My name is Shari Gilevich, I'm testifying to oppose the proposed plan changes. Smile recognizes the critical need for housing but according to the city's analysis the 2035 has enough capacity. The main issue is not from a lack of zoned residential areas. Smile recognizes been supportive of adding affordable units. Since 2017 -- 45 more are in the planning stage. However this location on southeast Milwaukie is not suitable or safe for high density development. Slide one is a summary of opposition to those two zoning standards. First rezoning to rm2 would create a checker board and violate. Retaining the zone meets that policy and policy to retain small compact homes. The mixed use designation proposed for the west side of Milwaukie apply to and near central city, town centers and station areas, none of these describe the area. This underscores the fact rm4 zone doesn't belong in this location.

They acknowledge but proceeded to ignore this fact. Please show slide 2. According to city code, the rm4 zone is on corridors. The classification map for this area shown on the slide, the project site identified by the red star is clearly on a neighborhood corridor, not a civic corridor, so for the city code, the project location is not appropriate for the rm4 zone. The comp plan urban design report describes these street designs, it's the busiest, widest and most prominent street with buildings 5-7 stories, neighborhood corridor is a narrow main street buildings 3-4 stories. Again 7 story building on rm4 is not appropriate on southeast Milwaukie. The possibility of a 7-10 story height would negatively impact the neighborhood and environment. The building height cannot realistically transition to the existing residential or commercial developments. As explained in the written testimony, the rm4 zone fails to meet many city policies for urban design. We oppose the proposed changes and believe the city must consider alternatives. Thank you.

**Clerk:** Next up we have Rocky Johnson.

**Rocky Johnson:** Hi. My name is Rocky Johnson, I'm also a member of the smile land use committee. We oppose the proposed zoning changes because they do not comply with Portland's comprehensive land use plan. The proponents falsely state the proposed zone change conforms to the comprehensive plan because they are located close to the city center. As you can see from the previous map, they are not close to the city center. They are three miles away and closer to Clackamas County than the Portland city center. The proponents also falsely state they conform to the comprehensive plan because they are close to a transit station. I have measured the distance from the zone change properties to the nearest transit station on Holgate. They are not close but 7/10 of a mile away. Research has shown that mass transit ridership decreases after quarter mile and significantly declines after a half mile distance. The distance here is 7/10 of a mile, over one half mile. Finally, the proponents falsely state that the proposed zone changes conform to the comprehensive plan because they match the existing zoning pattern in

the area. They do not map the existing zoning pattern. The most prevalent zoning pattern is 30-35 high buildings. This zoning change would almost triple that height to 75 feet and new construction would dwarf and tower over the rest of the neighborhood. Please consider the actual facts before you decide on this matter. Thank you.

**Clerk:** Looks like we have Brenda Ray Scott.

**Brenda Ray Scott:** I'm testifying as a member of improvement league smile land use committee, in support of smile and friends of oak bottom. In their opposition to the proposed amendment to Portland's 2035 comprehensive plan in the proposed rezoning. It does not meet approval criteria because it fails to adhere to the guiding principles for Portland's 2035 comprehensive plan. Placing high density housing in a well-documented active landslide zone endangers human health and ultimately puts the city at risk for endangering human life. In 2011 landslides closed trails and caused a house about a block from this site to be moved so it wouldn't slide down the hillside. The city needs to mitigate and manage risk to protect residents along the bluff from future landslides, which will happen. Where they have occurred in the past is key to where they will occur in the future. Notable example of continuing risk to build in proximity to an active landslide comes in at the Newell creek canyon area and specifically the Barry hill park apartments in Oregon city. There's also a question of equity. For safety, homeowners along the bluff are prohibited from building more than two housing units even if a geotechnical report says it's okay. While apartment tenants would be allowed to live in a 7-story building adjacent to the bluff. It does not reduce risk and improve the ability of individuals in the natural unbuilt environments to withstand, recover from and adapt to changes from natural hazards. And climate change. Due to climate change, extreme rain events will only increase. Increasing the potential for landslides which could result in damage to property, humans and animals. City staff incorrectly denies there's a connection between climate change and landslides. The bottom line is placing high density housing in a landslide zone endangers human health. Council must decide

whether this change in the comprehensive plan for zoning for more housing in Portland is worth the results. If you don't think it is, then I urge you to deny this proposal.

**Clerk:** Next up we have Peggy MacMillan. Peggy, can you hear us?

**Peggy MacMillan:** Oh, yes I can now.

**Clerk:** Go ahead.

**Peggy MacMillan:** Hi, thank you. I first want to say that I support and agree with the testimony provided by smile and the friends of oaks bottom and the other testimony in opposition. I oppose this amendment to the 2035 comprehensive plan and the zone changes proposed. I want to give voice to the neighborhood and to the 580 and counting people who signed the petition in opposition of this zone change. Those signatures were not given lightly. People wanted all the information and they were very informed signers. We had overwhelming support for opposition. Milwaukie avenue is a neighborhood corridor, it's not a civic corridor, it's not an urban center, as rocky stated, the more than a half mile from the max station and to get to that station you have to either walk across McLaughlin or hike a steep hill up Holgate. I wouldn't call this a frequent transit area. Other zone changes on this avenue or other neighborhood corridors in the city should not set a precedent for this change. I didn't hear or if you have actually visited this site but I think the really important to consider the dynamics and topography of the neighborhood and creek and oaks bottom. The lot on the east side proposed to change from r25. Those are modest, single family, owner occupied homes and the residential in-fill project already allows for higher density in the current r25 zone. A change to rm2 doesn't fit and is not necessary. I understand the need to add housing units in the city but there has to be thoughtful balance. The number of housing units that could be added here I truly don't believe the worth the potential negatives and I ask you please deny this proposal. Thank you for your time.

**Clerk:** Next up we have Suzanne Kruse. Suzanne, can you hear us? It looks like your mic not be connected. You may need to turn on your audio. I see you. Can you hear us? Suzanne, did you want to testify today? That completes testimony.

**Rubio:** Thank you. So we will now provide a 5-minute rebuttal to the applicant.

**France:** For the record my name is Renee France. First, I again, just want to remind council of the applicable approval criteria. And it requires an evaluation of balancing of the applicable comprehensive plan policies. That full balancing was conducted in the application that was submitted. It was conducted by staff when they made their recommendation for approval. It was conducted by the hearings officer when he made his recommendation for approval to this body. The hearings officer, in fact, addressed the balancing require in relation to the public testimony given at the lower hearing, noting in his written recommendation, although this application received a high level of public op significant in the form of written and oral testimony, it should be noted that the high level of controversy does not by itself prioritize a particular issue or policy, in the analysis. In other words a particular policy may not carry more weight in the analysis simply because it received a high number of related objections. With that, I would provide rebuttal on a couple of items. Number one, in terms of the housing this would provide, I'm not sure where the number of 9 comes from, but the zoning would allow 200-300 new units, which depending on the program used would result in 20-60 affordable units. In terms of the appropriateness of the m4 again, note there is already m4 designation in this area. It is close to the city center, 3.3 miles to city hall and close to other neighborhoods of the central city plan district. The fact it's also in close proximity to the Milwaukie city hall doesn't detract from its proximity to Portland. It shows it's an urban neighborhood active and close to multiple city centers. As noted it's over a half mile of the transit center at 17th and Holgate but also less than a block from several bus stations. It's mapped as p-bot as a close to transit site. And so I would dispute the fact it is not close to transit or close to the city center. We agree that oaks

bottom is a special area to be protected. The code incorporates regulations to protect that special area in the form of the river overlay zone. As noted, the width of that creates a buffer between the developable area and oaks bottom of over 100 feet. Candidates in terms of tree removal I would also point you to the fact the current developable area, the expected footprint of development in the future is currently developed, there's a commercial building and surface parking on the site. Tree removal to the extent there's any would be very limited. It's not expected to be, nor could there be with the river overlay extensive tree removal along the slope. If there are any limited tree removal it would be subject to title 17 tree removal standards and to the extent there were any tree removal proposed in the river overlay, the river overlay and review requirements. You have heard testimony that storm water is primarily a contributing factor to landslide hazards. It's critical to note the existing development has outdated storm water management. Which does increase the risk. This requested amendment would facilitate development that would be required to comply with the current storm water management manual. Vastly improving the storm water management on the site. And reducing the landslide risk. And Brett would be happy to answer any questions on that. Finally, I would note that we respect the neighborhood's input. We understand that there is strong interest in what happens in their neighborhood and we respect the public process. I do note the petition circulated including misleading information. It stated there could be a 7-10 story building built on this site. That may have been true under the original proposal, however, one of the conditions imposed on the site and by the hearing officer which we agreed to is cap the height to 75 feet. Other properties in the m-4 zone would be allowed to go up to the 100 feet.

**Rubio:** We are at time.

**France:** Thank you.

**Hardesty:** Madam president, I have some questions. Is this a good time for that?

**Rubio:** Colleagues, if you have any questions, now is your time to ask.

**Hardesty:** Thank you. Is this in a landslide zone? This proposal, is it in an area that experiences landslides now?

**France:** I will answer first and I will let Brett give his technical answer. There is a mapped landslide hazard area along the steep bluff of the property, area that would not be developed. There's a map in your packet that shows the location of the digamy map landslide area. If you take a look, there's a high hazard that runs down the middle of that slope, and I believe it's moderate hazard and then a low hazard and where the area that is outside of the landslide hazard would be the area available for development. The other thing I would note there is the river overlay boundary coincides roughly with that landslide hazard mapping and so, it is both the landslide hazard and river overlay that would prevent development within the landslide hazard area.

**Hardesty:** We just passed rip2 that allows for development in this area now. Why are you recommending we change the comprehensive plan to accommodate this one specific development?

**France:** So again, the benefit of the request is, you have a piece of rm4 zone that is in a narrow triangle piece that has narrow landslide on it. The city in 2035 designated that area rm4 high density residential development. Along with two properties on the east side of Milwaukie Avenue. And so, by expanding that rm4 zone to the south, it allows a cohesively developed residential project, that is consistent with the zoning applied in 2035. The current commercial zone is not a viable zone for redevelopment. It doesn't bring the desired housing to the area. And on the west side, it is currently commercially zoned. On the east side it is single family zoned currently but in an area surrounded to the north and south by the rm2 zone. That's a zone that is a lower density residential zone. We believe it's appropriate where it's closer to the single family residents to the east. And it is currently a large piece that is vacant parking, surface parking area. But it is the only, that block is the only block that has any sort of single family zoning on the entire corridor, the entire 2.5 miles of Milwaukie Avenue, that's the only block that has

single family that fronts Milwaukie. That's the reason on the east side why we are proposing the rm2 zone because it's consistent with the designation of the street and activity of the street and is more consistent with the overall zoning pattern of the area.

**Hardesty:** And then my other question is, tell me again, the potential housing units that you said could be built if we approve this recommended changes?

**France:** There's not a specific development proposed, the actual housing unit count is unknown at this time, but the zoning designation would allow 200-300 units.

**Hardesty:** In that very condensed area there? Up to seven stories?

**France:** The height would be capped at 75 feet.

**Hardesty:** Which is seven storis?

**France:** Typically, yes.

**Hardesty:** Thank you. Thank you, madam president.

**Rubio:** Any other questions? Mayor?

**Wheeler:** Yeah, thank you, everybody for the presentation. I appreciate it. I'm still trying to figure out a couple of things here that have been said that I'm not quite following. So this is an exception to 2035 or this is compliant with 2035? Could someone give me clarity on that?

**France:** I would be happy to answer but also defer to staff if they would like to weigh in. In order to approve the requested comprehensive plan amendment, it's necessary for the council to find that on balance the proposed designation is equally or more consistent with the 2035 policies, so you look at all the 2035 policies, if on balance it is equally or more consistent with all the policies within 2035 then the zone change will be approved under the language of the code.

**Wheeler:** I see what you are saying.

**France:** So in the application we addressed all the policies and identified, I think out of the hundreds of policies in 2035, there were only a couple where the proposed zone was

not equally or more supportive of the proposed rm4 designation and rm2 designation on the east side.

**Wheeler:** But you agree under central city 2035, as it currently exists, there is adequate housing resource that we included in that overall package? I cashed in a lot of political goodwill to get central city 2035 where it was so we would have affordable housing. This, if I understand it correctly, is not cut and dry. I want to hear from staff on this. Explain to me, is this an exception to 2035 or part of what we agreed to under 2035. I'm hearing a subtle difference here. I'm hearing that it's not part of it unless we find that it is part of it. That's ultimately not satisfying to me, as somebody who is not an expert in this subject area. Could somebody on staff give me clarity, please.

**Rhoads:** I might refer to the city attorneys. I wasn't involved with the central city 2035 project. This site isn't in the central city but in terms of the 2035 comprehensive plan, you know, it's part of our responsibility as a city to make sure we have adequate supply of housing for the next 20 years and also within the rights of property owners to request changes to their comprehensive land map designation.

**Wheeler:** Sure. Let me ask the city attorney that question and I will come back to you on the second question.

**King:** I will elaborate a little. It's the 2035 comprehensive plan is approval criteria, the central city plan isn't relevant here today.

**Wheeler:** Thank you. I appreciate that, I understand much better. We will have to work on our branding going forward. I would like staff to give me your arguments from your perspective against what the neighbors are saying. And it seems they are overwhelmingly saying that they support affordable housing they are just saying this particular location is unique. And if I understand their argument correctly they are making two key environmental arguments. They are arguing, number 1 that this is a landslide area. And I would like to know if that's the case. And I assume it to be. What bearing should that have on the council's decision making? That's my first question, the

second that it is indisputably immediately adjacent to a wildlife designated area. Should that have any bearing on the city council's decision making?

**Rhoads:** Right. So for both of these, these are topics that I like to look to experts for. And i, you know, part of the process for applying for these land use is the applicant needs to get professionals to analyze the sites. The pe is here. Is it designated shallow landslide area, yes. Are we requiring them to manage storm water on site in the way the pe has said is going to improve, is going to reduce risk for landslides on the site in the future? Yes, I'm deferring, especially on the landslide to the evidence on the record that describes the landslide area as different than what we have the example that keeps getting pointed to in the other development. I think he made a case today. I don't have that expertise to analyze that. That is something that the bureau of environmental services looked at carefully in terms of storm water management and they conditioned that any future development needed to deal with their storm water on site and make sure it's meeting our storm water management manual in that regard.

**Wheeler:** Is this -- I appreciate what you are saying, Amanda, you cannot possibly be an expert on all aspects of a development. I appreciate that. I wonder aloud, maybe I'm just musing, is this a storm water management issue or a soil type issue?

**Rhoads:** I would refer to the engineer in the room.

**Shipton:** Yeah I can answer that question. There's a landslide down, and where that occurred, [indiscernible] obviously by rain caused that landslide. If we can take it away from the slope and put the storm water somewhere else which will just make things better as far as slope stability goes.

**Wheeler:** Whose responsibility is that? If this is to be developed, who is responsible for that?

**Shipton:** Typically the developer who is responsible for mitigating storm water.

**Wheeler:** It sounds expensive.

**Shipton:** I don't know how much it costs because I don't pay for it myself but it's done on all projects they have to deal with it.

**Wheeler:** Then the second question, should the council be taking into account in our decision making the fact that this is a unique location being immediately adjacent to a wilderness, or designated wildlife area?

**Rhoads:** So bps already applied the rm4 designation and that urban corridor designation to the north of the site. There are properties immediately adjacent to oaks bottom that are allowed to buildup to 100 feet in height. The protections in this area are those river overlays, especially the environmental overlay. If they actually wanted to develop on the slope, or get into the environmental overlay they would need a set of prescribed standards or go through a river review which is similar to an environmental review. So in my looking at this, those protections are there now. They are remaining and those are the kinds of, that's what our zoning code requires already and those aren't going anywhere.

**Wheeler:** I see, Amanda, I just want to make sure I understood something you just said. If I heard the proponents of this project correctly, they are proposing a 70-foot tall building. I think that's what I heard. I don't want to misspeak.

**Rhoads:** The hearings officer recommended a condition that would limit the height on this site, on the rm4 portion to 75 feet.

**Wheeler:** You just said something that there are other plots near this, or adjacent to this that could build to 100?

**Rhoads:** Correct. The rm4 properties to the north of this site can build to 100 feet. Because the site is in frequent service transit. You can see my screen. This is a c-shaped set of properties already have the allowance to build to 100 feet.

**Wheeler:** Can you point out on this map again, where is the proposed site, the one in red?

**Rhoads:** Yeah, this is the portion that would be going to rm4, continuing down that pattern. And this is the portion that would be going to rm2.

**Wheeler:** I got it. I think that's my questions for right now, thank you.

**Rubio:** Commissioner Mapps?

**Mapps:** Thank you, first to follow-up on some questions raised by the mayor. There were questions about landslides and what not. I'm not sure if we have someone from environmental services here, but if we do, I might want to invite them to turn on their camera to see if they have anything to add to the conversation about landslides. Or wastewater management.

**Rhoads:** We have site development who reviewed.

**Mapps:** Hi Abigail, I don't know how much you have been tracking this. We are talking about landslides in this particular space which intersects to some degree, perhaps other issues. I want to create some space for you.

**Abigail Cermak:** Sure, thank you so much. My name is Abigail Cermak I'm a city planner with environmental services on the development planning team. And I did review the storm water management report that was submitted as part of this land use review. I will say that from what I can tell, they are addressing the issue with the landslide hazards. We do have requirements in our storm water management manual that asks applicants to specifically address slope stability issues when dealing with storm water management, when it's near steep slopes. I felt for the purposes of this land use review, this they did address that adequately. I touched base with erica cos, the bds site development reviewer, and she did not indicate that there were specific concerns with landslides, with the way they were proposing to manage storm water on this site. So there were a couple of checks that we did when we were looking at how they were going to manage storm water and it didn't seem that was a big issue for the landslide hazards.

**Mapps:** Thanks, Abigail. Hi more questions which may not involve you, but if the mayor has any follow-up questions or what not around those issues I would give him space. If not, I would like to, Amanda, I think our previous conversation has actually left me more confused than I was going in. Can you repeat for us the criteria for how we make this decision today? Or some other day? I've heard conversations about whether or not a 75-foot tall building should go in this building. I know this particular plot really well. And I sure hope a 75-foot building doesn't go up there. I heard concerns about the impact the project might have on wildlife in oaks bottom, I walked it dozens of times with my kids. You can get it done in an hour or two. We've seen snake and otters and bald eagles. It's really wonderful. I hate to see the city do anything or develop or do anything that would hurt that really special space. On the other hand, I was under the impression coming into this that really wasn't the question, rather the question was whether or not these proposed changes to the maps are on balance, first are the changes on balance consistent with the comp plan. Let's take that concept first. Can you -- number one, can you unpack that for me a little bit. The comp plan is three inches thick. What does it mean to determine a proposed map change is consistent with the comp plan or not consistent with the comp plan?

**Rhoads:** Great question. We only do the reviews maybe once a year. We grapple with it every time. There is a plan with hundreds and hundreds of policies. We're paying more attention to goals and policies that relate to the issue we're talking about. I didn't spend a lot of time on industrial, you know, goals and policies because they are not relevant to current or the proposed changes. I, you know, I'm focusing on a lot of the other topics, on urban design, first housing supply. And you know, I think for me and you know, I have like a 55-page staff report I wrote. I don't want to over summarize, for me the key is so many of our policies and documents call for more density along corridors where there is opportunity for commercial development. This is where we want our larger developments, we don't want them in the middle of the single developing

neighborhoods, we don't want large projects. This is where we want to place this. I don't know if Lauren would like to speak on how council can think this through. But for me, as I was going through his hundreds of goals and policies, I especially with the new comprehensive plan, this is what we want. This is the kind of development and density we want to see on our corridors. Things like there were valid points raised. This is a neighborhood corridor, not a civic corridor. It is narrower than civic corridors. That is what the height limit is trying to get at. The base zone code, you can be up to one hundred feet. If you are further away we're going to limit you to 75. It seemed like this a good way to think it through, well we don't want to overwhelm this street with a building that's 10 stories high that wouldn't potentially normally be placed on a larger street. So let's think about what it looks like, give it the lower height limit. That's the kind of, you know, those conditions play into what you know where there might be pinch points or does this fit or is this the best approach. Lauren, do you want to?

**King:** I agree with Amanda's assessment. I'll add, I'll say the criteria for comprehensive plan map amendments, the request designation against relevant policies comprehensive plan as a whole than the oath designation. There are a thousand policies, what Amanda said, they relate to all different things, housing on one end, environmental on the other end. And considering those top policies together whether they change equally or more supports what you have here as the policy. There is a lot of discretion for council here to evaluate what is appropriate.

**Mapps:** Okay, thank you. The line of questioning further. I think both sides of the table focusing in on the same aspect of the comp plan. This broad desire to bring more housing and denser housing into the city. So it seems like we're in that space. Now, one of the criteria I'm looking at is this consistent with the broad goal? And I think the neighborhood brought up a compelling point, which is this is maybe consistent with the goal but it's an insignificant step towards achieving that goal. We're only going to bring a handful of let's say affordable housing here. So either Amanda or Lauren, can you help

me think about that space, when we talk about a proposal being consistent with the comp plan, does it need to, does it mean it helps kind of broadly expand what we're trying to do or talking about is this consistent, in the same tone and color and how much discretion do I have on something like that?

**Rhoads:** It's -- I don't know if the applicant would like to weigh in or Lauren. I think when I look at other types of land use reviews it's basically does it meet the approval criteria, if it does, you have to approve it. In this case, it's similar. And I'm struggling now. I don't know if anyone else has something more.

**France:** I'm happy to weigh in if it's acceptable. The standard is not whether the request is consistent with the comprehensive plan. The standard is whether evaluating each of the applicable policies on balance, those policies equally or better support the identified policies. And then holistically, on balance is it more supportive of the comprehensive plan. In this case, again, what the application does and what the hearing officer recommendation does is look at all the applicable policies, not the ones that are inapplicable. And evaluate is this proposed designation equally or more supportive of that policy. And then you do a weighing and balancing of that. In this case again when you look at it, it doesn't have to be more supportive or consistent, it has to be equally or more supportive of that policy. When you do that balancing and look at the important, and they can be weighed differently. If you add weight to the critical policies in this case which are environmental housing, affordable housing. Each come out as either equally or more supportive of those policies. This is an area that is already developed. This is an area that is developed in a way that is not protective of land slide hazards. It is also protected, so the policies around environmental and protections for the important wildlife areas of the city are the river overlay zones. Those are the implementing provisions of the code that implement those environmental policies. And in this case, those are fully in effect, those are not changed. Those river overlays will remain in place

and protective of development so it doesn't encroachment into the sensitive areas. Development will remain in the area that is currently developed.

**Mapps:** Okay. Thank you very much, I appreciate that response. I see my colleague, commissioner Hardesty, has a question. I'll lower my hand and maybe come back.

**Hardesty:** Thank you. I think on that same track, if we did nothing, then development could happen in this area and it would happen based on the comprehensive plan, if we did not make this changing, what would happen?

**France:** Well, if you didn't make this changing, the --

**Hardesty:** If we did not support the recommendation.

**France:** If you do not support the recommendation, the zoning designation for the property west of Milwaukie would remain cm1, it's an outdated office building in an area not well suited for commercial development. It will likely remain an outdated building with poor storm water management into the foreseeable future. That is one reason the request is made because currently the existing zone is not consistent with what is viable on that property.

**Hardesty:** And why didn't we change that as parts of the comprehensive plan update? Why are we doing this specially now for this, again, why wasn't that made when we actually developed the comprehensive 2035 plan? Didn't somebody make the same argument then?

**France:** To be honest, I don't know the history of this particular site during 2035. I know the zone that was applied is not a zone that has produced any productive development on the site. And again, the important point is that what was applied in 2035 includes the r.m.4 in this area of Milwaukie, and this is allows for a comprehensive development of that is consistent with that designation.

**Hardesty:** I think what I'm struggle with here, though there may be a potential for 200 to 300 apartment buildings, just changing the zone does not guarantee there will be housing people can afford to live in. Zoning exists now, and as you know it's a small

percentage of the significant apartments that will be built. And so I'm struggling with a couple of things. I'm struggling with the lack of awareness that climate change that created severe weather patterns. If you have an area facing land slide danger, I don't anticipate anything different unless we might the land slide. This being a protective area, I'm more concerned. If our job is to weigh whether this is substantially what we thought we were looking for in the 2035 plan, I would say no, this is actually inconsistent with what I believe the 2035 comprehensive plan actually allows us to do. And I think this is, this will be environmentally damaging to the community that would actually have to live with this. So that's what I'm seeing right now. Unless I'm missing something in the process.

**King:** Ma'am, Amanda, this is Lauren king, sorry. One classifying point to classify something commissioner Hardesty about rp2, applies to single family zones. Can you review the existing zoning on the site and whether or not rip 2 would apply to any of the site?

**Rhoads:** Right. The existing zoning for three of the six parcels on the west, the part on the slope is right now, r5, single dwelling. The parking lot is r25, single dwelling. Those areas currently are single dwelling.

**Hardesty:** Didn't rip change that?

**Rhoads:** What it changed is the allowances. And as I said, rip 2 removes the z constrains site overlay. That limit won't be on the slope site. Of course that area still has the overlay, if anyone wanted to develop they would have to meet standards or go through a river review, which is akin to an environmental review. [multiple speakers] I see Abigail might have had a related response.

**Cermak:** I was wondering if it would help if I describe how they are planning to manage storm water. If that would --

**Hardesty:** [off mic]

**Cermak:** Kind of help with the land slide hazard issue.

**Hardesty:** Is that a question for me?

**Cermak:** Yeah, that was for you, Jo Ann, could it be helpful for me to describe how they were going to manage storm water on site since there are a lot of concerned about the land slide hazard issue. And relationship to storm water management.

**Hardesty:** Thank you. That was actually really clear in the proposal about what would be required if the development happened. What is unclear what happens if they don't make the change. If they do development, they address the stormwater runoff, right?

**Cermak:** That is correct.

**Rubio:** The gentleman in the back wanted to respond to commissioner Hardesty's question about the comprehensive zone in the area. For the record, I'll say that the applicant will get the last word. The applicant gets to respond to this.

**King:** For the record the applicant will get the last response.

**Rubio:** Great.

**Hardesty:** Thank you.

**Wilson:** Thank you. The question, commissioner, I think was if I get this correct is on the sort of land use history of the area.

**Hardesty:** The 2035 plan, what was that approved?

**Wilson:** 2017.

**Hardesty:** 2017. My question was around we're being asked now to make changes to the comprehensive plan. And I'm curious as to why we didn't like make this changing when we actually did the comprehensive plan if it was a good plan at that time.

**Wilson:** So during the comprehensive plan process, much of this area had been zoned what was then rh and now rm4, the high density residential because of the planned herald street station planned directly across the street. But that was never built. During the comprehensive plan process, b.d.s. Was trying to remove the rh or rm4 zoning because they considered it inappropriate for the neighborhood. Now where it was retained was on properties that were conforming that needed the rh zone to be

conforming properties at that time. And the rh, so that's why the two properties across the street are rm4. If they had been, if it had been done in a different order those properties would be conforming at rm2 actually, because it was rh and rh became rm4, they are rm4 now. This property owners on the north that is rm4, the comprehensive plan was going to be zoned at cm1. But during in 2016 or 2017, I forget the year, the property owner submitted an early assistance request to develop that northern rm, that northern rh property with a residential development. And that request, that was never built. Because they put in the request during the comprehensive plan there was something can known as the map refinement project that served the last-minute changes to the comprehensive plan map. And because there was an early assistance request to do a rh development that property retained its rm4 zoning. So and we have this in our all this explained in our written testimony. So bps was originally going to rezone the property cm1 because the early assistance request it retained its rh zoning which then became the rm4 zoning. And that's the only reason it is rm4. No planner ever looked at this and said that property, that one property I think it's two parcels maybe should be rm4 and enabling cm1. And so it's somewhat with the property zoners action that you have that different zoning on place on the property. And so that's sort of the history of that.

**Hardesty:** Thank you so much. I love it when community members have such a long history, I know a commissioner ricks was still here, she had the whole comprehensive plan memorized in her brain. I appreciate community members who had the long history with our land use laws. Because it's just been ups and downs. Thank you very much. I think I will end with my -- another concern I have is when we did the comprehensive plan the 2035 comprehensive plan, the anticipated max station was going to actually provide services in this area. I believe is what you said. And that did not materialize. And so the fact the hearings officer said that transit was adequate or some term to that effect, transit that didn't include getting the automobile driving

places, there is a bus, as I recall, there is a bus line but there is not, there is not adequate public transit for folks in that community at the moment. When I looked at what the hearings officer said, there is transit but 45 minutes away is not access to public transit. I concluded my questions and I see the mayor and commissioner Mapps is back with more questions. I'm done. Thank you.

**Rubio:** Mayor.

**France:** I would like an opportunity to respond now or in the future to the testimony.

**King:** It appears other members of the council have more questions. So but yes, it is the applicant will get the last word. It's up to council whether you would like the applicant to respond now to what you heard.

**France:** I'm happy if there is additional questions or comments.

**Rubio:** Okay. Mayor?

**Wheeler:** Actually, I believe commissioner Mapps had his hand up first. I'll let him go. I'll go after him.

**Mapps:** I don't have a question, it's more of a statement and observation. I appreciate the testimony today and the way everyone showed up. I think this has been a rich discourse. I will also tell you where I am at this hour. Which is I would like a little bit more time to consultant with some of my staff back in my office. And I ask we not take a vote and keep the public record open so we can keep the conversation open. That's all I have.

**Wheeler:** I would like to ask a question about precedent. If the council either supports the changes recommended by staff and supported by the developer of this project, or alternatively, if we reject it, what precedent does it set for the remainder of the development potential in that area?

**King:** Amanda, you want me to take this? I don't think it sets any precedent. I mean, what council would be doing would be interpreting the policies as it applies to this particular site. I guess I would say it sets precedent to the extent someone came back

with the same application in a year, because council would apply as it applies to this site. Applying the policies council will have to consider, nearly a thousand policies. I think each site is unique. And what policies rise to the top of equally or better are considered with each application.

**Wheeler:** The second thing is around the objections we heard from the neighborhood. I just want to acknowledge it is unusual that we have lots of people come in to testify on one side of one of these land use issues and nobody testify on the other side. And there may be legitimate reasons for that. I note that as being somewhat unusual amongst the land use hearings that I've had the privilege of sitting through over the last six years. The second thing is as I listen to the objections of neighbors, which I thought were valid, the impact of the wildlife refuge immediately adjacent, asked about the slope stability. I appreciate we have a geotech expert who answered those questions I think thoroughly. My question is whether there is a middle ground here. Is this truly an either or some way to both support a broad notion I have, which isn't a universally accepted notion but what I believe, which is there are areas where height and density are appropriate and I have said very clearly that I believe the closer we get to the city's core and public transit and other amenities, those areas are appropriate. I can't quite pigeonhole this location into any of those areas. It's not in the central city as has been noted. It's questionable whether or not this is in a transit core area. This is adjacent to a central, to a neighborhood business district, which sways me as well. Is there some way in this spirit of what commissioner Mapps hinted at, he didn't say it, I don't want to put words into his mouth. Back to the work we did on central city and maybe the most contentious issue of all were around height. Portlanders are not used to the city being a big city. And low and behold, we're becoming a big city. I acknowledge, this is not the central city but there are lots of discussion around how we account for wildlife, birds in particular, and there were some broad discussions around glazing and requirements around glazing. Here we have questions about geotech, we have questions about the immediate

approximate a to oaks bottom, is there a compromise or is the question going to become for the council, yes or no? I'm not sure who I'm asking that question of.

**Wilson:** Well, I can address our essentially proposed compromise, which was to take the existing rm4 property on the west side of Milwaukie, the one that now has the one hundred foot limit, down zone to rm2, up zone the properties on the west side to rm2, rm2 is a zone that's commonly in the neighborhood. So that solves that problem. And we using the rougher numbers in their exhibit a the applicant submitted, it would come about the same amount of housing would be gained because the cm1 lot is much larger that would become rm2 and the rm4 lot is narrow and restrictive in what can be developed. It would decrease the density along the slope to provide safer housing. It would increase the likelihood of development, still consistent zone the rm2 zone compatible with the neighborhood. The height limited to four stories adjacent to the oaks bottom, which would be a good thing. And so those are the benefits that can come of that. It can be done in a way and we have to work through the numbers that provides the same amount of housing as the existing zoning but makes it more feasible to happen.

**Wheeler:** What do you perceive as the objection to that?

**France:** I can speak to that. First, the issue is that is not the application that's in front of you.

**Wheeler:** I'm well aware of that. I'm trying to figure out whether there is an opportunity here for compromise. And the answer maybe no, which I can live with. I'm trying to think about where we are.

**France:** I think there is an opportunity for compromise I would need to discuss with my client. I think the compromise is in the conditions of approval applied to the zoning requested through this application. There are a number of conditions of approval that will have impacts on the development, including, the height limitation. So we could consider additional height limitations. What is proposed by the neighborhood to be

clear would be a significant down zone of a property that is already zoned rm4. And if I have a moment to respond to the testimony earlier on the history. I won't debate the history but I would point out that the having a pre-application in the door is not vesting in anyway in terms of requiring that designation to be retained. And so, it is the case that the city looked at these properties and applied the rm4 zone with the full 100-foot height. And so that is revisiting the past in that respect we are asking for a look forward understanding that the 2035 comprehensive plan was recent. There have been evolutions in development in changes that have come about since that that have required this request. So to get back to your question though, I do think there is a compromise. I think we can evaluate additional conditions of approval. One potential condition of approval would be more permanent disturbance within the river overlay area to ensure the 100 plus foot buffer is maintained and there is not an opportunity for an applicant to request river review to allow development within that overlay through a river review application. In terms of permanent disturbance I think that is a viable condition that we could consider and discuss that would go a long way to addressing concerns about impacts on oaks bottom. And again --

**Wheeler:** Thank you, I appreciate that.

**Rubio:** So Lauren, what happens now? We've heard about --

**Wheeler:** I think, I'm sorry, madam president, I think Amanda wanted to chime in on that.

**Rhoads:** I wanted to throw in a couple of clarifying statements. I'm going to share my screen again. There is a lot of questions about transit or not transit. When we're dealing with the zoning code we are applying our standards that relate to being close to frequent service transit based on the map generated by p.b.o.t. From the current time, the site is down here, it is within this blue band, there are bus lines on Milwaukie and 17thwe measure distances as the crow flies, it's .53 miles. It could be the difference was based on following the streets. That's how we determine distances when deem dealing

with standards related to frequent transit. By the zoning code and p.b.o.t. Analysis this map is updated and I don't know when the last update was. This is the current map we go by. I wanted to clarify what the transit capabilities were nearby. So there were questions about well they didn't change this in 2018, why are we looking at it now. They didn't do a full analysis and this is a process we allow. Because they didn't change it in 2018 doesn't it mean it couldn't meet the approval criteria. There is no reason to kind of kick it out because we did this so recently. I did consultant with b.d.s. When this came in to talk about this, and they were supportive of continuing the armed force south. And we did work with the applicant to lower the request on the east side they originally came in for rm4 on that and we worked to get to rm2, which was nor consistent. There are rm4 sites on the east side but it's not as common as the rm2. They already made that change. This isn't the central city. I've got our urban design framework here. This isn't the central city. It is within this kind of oval of entering areas. This is not a zone we apply in the central city. The central city residential zone is rx, this is kind of the next level down. Just for context, there is rm4 in the northwest plan district, close to central city, and maybe some in the northwest area, this is not the primary zone for central city. A little bit delayed comments. I know you moved on. But I'm going to -- I wanted to address those.

**Hardesty:** [off mic]

**Rubio:** All right. So this is where we allow you to give final comments?

**King:** You want me to check in procedurally where we're at?

**Rubio:** Yes, I want to make sure she has the last opportunity.

**King:** Want to make sure the applicant feels they have had an adequate opportunity to provide the last word and rebut the testimony from the [off mic]

**France:** I do, and I appreciate the input from Amanda. I was going to clarify on the transit as well. I think it is an important factor that it is within frequent transit service area mapped by p.b.o.t. And close to a transit station despite the fact another transit

station was -- did not move forward. It is approximately half a mile from the southeast 17th and Holgate transit station so there is transit opportunities as well as other multimodal opportunities available. Again, I would encourage the council to consider moving forward and keep an open mind on the options for the compromise to additional conditions of approval that could further mitigate impacts that are a concern of the neighborhood. Again, I think that there is an opportunity to address some of those concerns through additional conditions of approval and welcome the opportunity to present those.

**Rubio:** Thank you. And do you have something? Okay.

**Hardesty:** [off mic]

**King:** Sure. So council's opportunity, would you like me to go through the options? So council can close the record today. And close it for written and oral testimony and then take a tentative vote. That's one option. Council can leave the record open for a date and time certain for additional testimony. Or council can close the record but not take a tentative vote and reconvene after council has had an opportunity to review the testimony and digest what they heard today with no additional testimony allowed.

**Rubio:** Thanks, Lauren. I think we heard commissioner Mapps say he would appreciate the opportunity to reflect on the record with his team. I share those same sentiments as commissioner Mapps. If no objection.

**Hardesty:** I would like us to close the public record. I don't think we're going to learn anything more about this particular proposal.

**Rubio:** Yes.

**Hardesty:** But I support closing the public record. Setting a date certain to come back and have a tentative vote.

**Rubio:** Yes. We're all on the same page.

**Hardesty:** I see the mayor's head going up and down. It looks like we have consensus.

**France:** I have a question, I guess, for Lauren, in terms of potential conditions of approval and how those would be entered into the record if the record is closed.

**King:** So staff can work with council to draft potential conditions of approval. And if the applicant will still have the opportunity to object if you think those conditions are unconstitutional when they are posed if what you are suggesting you would like to draft conditions and float them for council we would want to leave the record open. In my experience, I think there is a path for staff to kind of take the information they have heard today and close the record, take the information and prepare some conditions. You will still have the opportunity to object to those conditions.

**France:** Okay.

**King:** I mean, unless you think it's worth leaving the record open, then --

**France:** No, again, just want to -- Want to comment on any proposed conditions of proposal that commission presents to council.

**King:** You would have the right to object. Yes.

**Rubio:** So then in that case, I propose we close the record for all testimony. And continue this item until June 16th, at 2: 00 p.m. And this will give council the opportunity to digest what we heard today and review the testimony we've heard today.

**King:** So the record is closed for oral and written testimony. There will be no testimony on June 16th but parties have the opportunity to object before the final decision.

**Hardesty:** [off mic]

**Wilson:** May I ask one question since I'm just a volunteer, I'm not an attorney. Does the opponents have the opportunity to object to the conditions? Or are we shut out of the process?

**King:** So all parties always have the opportunity to object if they think there are procedural objections. But the record will no longer be open. So there will not be any testimony. There is I guess I would like to announce that and make sure it's clear that it is possible that council could decide to reopen the record on the 16th at 2: 00. You

should plan to attend so you could testify. As of now the record is closed, it is possible it could reopen, in which case you would have the opportunity to testify. Does that answer your question?

**Wilson:** I believe so. Basically as the discretion of council?

**King:** Yeah.

**Wilson:** Thank you.

**King:** So the record is closed. Council will reconvene June 16th at 2: 00 p.m. All interested parties should continue to attend in the event there is an opportunity for testimony.

**Rubio:** Thank you, everyone. This is a long afternoon but it was a good discussion. And we are adjourned. Thank you.

**France:** Thank you very much.

**At 5:11 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.

June 2, 2022

2:00 p.m.

**Wheeler:** Very good. And we're recording now.

**Clerk:** Correct.

**Wheeler:** Megan is our clerk today. Megan, can you kindly call the roll.

**Clerk:** Ryan

**Clerk:** Hardesty

**Hardesty:** Here.

**Clerk:** Mapps.

**Mapps:** Here.

**Clerk:** Rubio.

**Rubio:** Here.

**Clerk:** Wheeler.

**Wheeler:** And I'll turn it over to legal counsel for the rules and order of decorum. Good afternoon.

**Matt Farley:** Good afternoon. Welcome to the Portland city council. City council is holding hybrid city public meetings with limited persons in attendance in addition to electronic attendance. If you wish to testify before council in person or virtually, you must sign up in advance by visiting the council agenda on the council clerk's web page

PortlandOregon.gov. You may briefly speak about any subject. You may also sign up for public testimony on resolutions, reports, or the first readings of ordinances. In-person testimony may occur from one of several locations including city council chambers and the Lovejoy room in city hall and the Portland building. Written testimony may be submitted at [cctestimony@PortlandOregon.gov](mailto:cctestimony@PortlandOregon.gov). Your testimony should address the matter being considered at the time. When testifying, please state your name for the record. Your address is not necessary. Please as close as if you are a lobbyist. If you're representing an organization, please identify it. The presiding officer preserves order and decorum during city council meetings so everyone can feel welcomed, comfortable, respected and safe. The presiding officer determines the length of testimony. Individuals generally have about three minutes to testify unless otherwise stated. A timer will indicate when your time is done. Disruptive conduct such as shouting, refusing to conclude your testimony when your time is up or interrupting others' testimony or council deliberations will not be allowed. So, if there are disruptions, a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected, a person who fails to leave the meeting is subject to arrest for trespass. Additionally, council may take a short recess and reconvene virtually. Thank you.

**Wheeler:** Very good. Thank you. And I want to give a shout-out to our friends up in the open signal booth. We don't always get to see them and it's kind of awesome to see you guys. Thank you for the hard work there that you do. Thank you, both of you. We have our first item today is item 486, a time certain emergency ordinance 2: 00 p.m.

**Clerk:** Authorized director of the office for conclusion fund grant agreements not to exceed \$250,000 for fy2021-2022.

**Wheeler:** All right. Commissioner Rubio.

**Rubio:** Thank you, mayor. When I was given the opportunity to oversee. I thank my colleagues on council for approving the digital inclusion fund this past fiscal year. I will

now hand it over to Rebecca Gibbons to give us some background on the digital inclusion plan.

**Rebecca Gibbons:** Thank you, commissioner Rubio. Can we pull up the slide deck, please. Thank you. Good afternoon mayor and council. I'm Rebecca Gibbons. We're excited to be here with you today to seek signature authority to grant agreements as a result of the generous funding support council provided in this year's budget. The request to create a digital inclusion fund was brought forward to council that digital adoption is essential for a healthy and economically viable community. As beach shared before with you all, indigenous populations, black, African American, and Latinx households have the lowest rates. Additionally people living with disabilities and seniors are being left behind as technology and internet use in generational wealth and achieving social wellbeing. Finally, that the city has a role in not only addressing infrastructure needs, but also helping build capacity in our community to bridge the complex elements that contribute to a community member's success in accessing and using technology. Next slide. So, in addition to allocating cares act over the last year, this council also allocated \$250,000 annually to create the digital inclusion fund. The digital inclusion fund is a pivotal point in our digital equity journey because it creates an ongoing source of funding support to build and innovate sustainable capacity in our community. This is really important because we know that being a digital adopter, someone that's confident and learning and using the ever evolving technology is an ongoing process, best delivered overtime through trusted community members who are often embedded in our local nonprofits, libraries, and school systems. Digital adoption means having a consistent, high-speed, affordable internet connection in the home. A computing device other than a phone and access to culturally relevant digital skills and training support. We're finally happy to be moving forward tailoring to the specific needs. Council set some guidelines for the fund. 30% to be used to support small businesses and 70% to support the general public. But otherwise, the flexibility of the

fund allows us to be responsive to current needs. This year it was designed to fund and scale digital navigator. We ran two grant initiatives. One to support residents in the community and the other to support small emerging businesses and by pocket entrepreneurs. Our presentation today includes Leina Gonzalez Baird who is here to talk a little bit more about how nonprofit community leaders engaged in the creation and development of our inaugural grant opportunities. We will then hear from representatives of the three organizations recommended to receive grant funding about their proposed digital navigator grant projects and used to leverage resources and build new collaborations. Our representative from comcast is also here today to talk about how o.c.t. And comcast have used the inclusion partner fund in support of community led digital inclusion strategies with that, I'd like to turn it over to Leina.

**Leina Gonzalez Baird:** Good afternoon council. I am Leina Gonzalez Baird, they/them. I'd like to share more about how we co-created by further incorporating fundamental participatory grant making ideals into the decision-making process. There we are. We have it. Thank you. Sorry. Slide three, please. Thank you. So this first year of digital inclusion fund is focused on providing resources for three digital navigator programs in the community. In June 2021, o.c.t. Conducted robust community outreach in order to inform the forthcoming architect project. We engaged 38 front line organizations specifically those that serve people that are digitally excluded because they do not have access to a device or affordable and fast home internet. The data collected then served as another way to inform our current funding initiative. In addition to insights about device and connectivity needs, we received an overwhelming response about the critical need for critical skills training and technical support once people received their computers and connectivity solutions. In fact, our data showed that 71% of respondents strongly agreed that more resources are needed to meet communities digital skills training and technical support needs. These individuals are called digital navigators. Digital navigator ensures each learner finds fast affordable home internet

access and digital skills training so they can meet their goals. And specifically, digital navigators that are in community, multi-cultural, multi-lingual and are able to connect with people because they are trusted members of their communities. This important feedback influenced the design of our inaugural digital inclusion fund initiative to create this grant opportunity. Whereby we utilize -- not only utilize existing data, but also engage in robust outreach during the grant design phase and use elements of participatory grant making ideals and principles into this funding opportunity. Next slide, please. Thank you. Participatory grant making aligns with council's equity goals and I will say I've devoted a significant amount of my time to ensure that we were engaging with the community. We held two comprehensive community listening sessions as the grant is in development, ensured an intentional outreach process in order to incorporate voices from community most impacted by the digital divide. The community listening sessions were not only a way to incorporate community voices into this grant opportunity, but also as a way for us to bring community along in this process so that they would be prepared to apply once the grant application opened. This is important particularly for emerging nonprofit and volunteer led organizations those that do not have on top. And we have a total of six virtual office hours once the grant application had been released or in the event they were unable to attend our listening sessions. In addition to the listening sessions and office hours, e-mail outreach was sent to all 631 members of the digital inclusion network to all prosper Portland inclusive business resource network plus the buy pock and tech cohort members. I conducted strategic outreach to an additional 56 community based organizations representative of prioritized communities. And community leaders via telephone, personalized e-mails, as well as personal meetings. I will say a total of 45 hours is spent speaking to community members either on the phone or holding a personal meeting about this grant opportunity that ultimately led to 3,239 total views on our office for community technology website. Next slide, please. So, we received 11 grant applications totaling

\$950,000 in grant funding requests. Then, when it came time to make the difficult decision about which groups to fund, we engaged in participatory grant making. The digital inclusion fund grant opportunity incorporated this component as a human-centered approach to grant making. One that aims to shift traditional power dynamics by shifting grant making decisions to communities and those most affected by a social issue. The selection committee panelist represented our communities. Persons with disabilities, Latinx, African American refugee. People that serve community in this work and none had professional grant-making experience. However, each expressed an interest or had personal lived experience of the digital inclusion needs of their respective community. Each member attended an orientation which included a primer on implicit and explicit bias in grant making and were tasked with reviewing and scoring each grant application utilizing the grant program's criteria. They participated in a final committee meeting to discuss individual evaluations and ultimately select which applicants to fund. Decisions were made via robust deliberation in order to reach consensus and our result, the committee selected our three grantee organizations. Before I introduce our grantees, I'd like to pause here to see if there are any questions so far. If not, I'm very pleased to invite LaQuida, Sabrina, and Carmen to share a little bit about their proposed digital navigator projects. LaQuida Lanford is the executive director of afroville. And Carmen is the executive director of the Hispanic metropolitan chamber. Without further ado, please, LaQuida.

**LaQuida Landord:** Good afternoon mayor, council. It's me LaQuida. Could we take the screen down so we can see our speakers. Thank you. There we go. Good afternoon mayor, council. My name is LaQuida Landord and I'm very excited about this opportunity with this pilot project. A little bit about the afro village. I'm just going to read some notes that I took to read to you guys today. It's more than a place, it's a movement. Rooted in the vision of Portland community member and activist LaQuida, myself also known as "q" the movement fosters dignity, equity, and black and brown

communities while focusing on women and those experiencing homelessness and housing insecurity. The movement acknowledges the reality that African Americans are disparitly impacted by the lack of affordable housing and access to critical services making up 7% of counties overall population while compressing 16% of its unhoused population. And those numbers were thought of in 2019-2020. In response, the movement provides safety and healing spaces direct care in a variety of critical services including food, hygiene, shelter, community spaces, the movement also works to address the systematic barriers that housing, food, and economic opportunities less accessible to black and brown through innovation sustainability solutions. Together with our partners, we sparked creative ideas and alternative housing models focused on ownership, equity, and racial justice. It's been a huge journey to get to this place with the afro village and to be supporting those who have been unhoused throughout this pandemic and prior before. Today, with this opportunity and the grant funding that the afro village has received, I'd like to share with ya'll about our pilot project and it's called "hook a neighbor up". The project's supported by this funding is multi-faceted. The project will act as a wrap-around service for the afro village and includes providing hardware, technological training, and leadership to develop in a afro village digital navigators to train the trainer with the goal of creating supportive peer to peer network that reaches people in the community who have been served -- who have not been served by other programs. Our program goals will be to develop with our recent. We got recent funding also that was going to help and coincide with this funding from the Oregon health authority to build capacity with our team to be able to create that space that we've been longing for for the last two years and this will just bring the community, the -- I'm sorry, you guys -- the afro village community digital navigator program will be that larger program wrap-around services that our organization has been waiting to be able to do for our community. With this funding, we're just really excited to be able to provide a space for our community as we do without having the resources to be able to

train our community so that they can be able to look for housing. So they can be able to create -- look for jobs, look for -- just be able to be connected. So I look forward to continuing to build the relationship with the office for community technology Rebecca and Leina have been great with pulling us together in a short amount of time. It's just been so amazing to have this opportunity and to be able to speak to you guys today about what the afro village has been up to. What the afro village is going to be doing. And thank you guys so much for funding this -- for funding the office so that we can be able to have this opportunity. Just a little nervous today, ya'll. There's been a lot going on. It's good to see our mayor, Jo Ann. It really is.

**Wheeler:** We really appreciate your being here. Commissioner Hardesty has a comment.

**Hardesty:** I just want to say how proud of the work I am LaQuida has done with the afro village and I'm glad she's getting resources from the city of Portland for this important work. You have no reason to be nervous. I'm so glad to see you here in the house. Thank you so much. Look forward to what comes out of it.

**Lanford:** Thank you so much. And I would like to pass the mic over to Ms. Sabrina with the Roseland initiative.

**Sabrina Wilson:** Thank you. Hi, my name is Sabrina Wilson. I'm the executive director of the rosewood initiative and I'm happy to be sharing this space with LaQuida because she is awesome doing amazing work. Okay. The rosewood initiative is a place-based nonprofit organization out in outer east Portland and we support community driven solutions for a healthier neighborhood. So we pull together and work collaboratively with nonprofit organizations and government agencies creating a true community hub complete with sustainable solutions that meet the immediate need of our neighbors while also working upstream to build solutions that address root causes. We really work to build the capacity of our neighbors within our three community informed areas of focus which include neighborhood community building, economic opportunity in health

and wellness. Our involvement in digital equity and inclusion really grew in covid-19 and response to covid-19 where we partnered with the city of Portland to distribute nearly 600,000 digital devices. As well as through our local partnerships with human solutions. The women's shelters, our neighboring son schools and Portland refugee support groups. We then needed to take the next step and not only provide these devices, but we worked alongside metro east community media to design and pilot a digital navigator program to address the digital divide. We trained for community leaders and hosted listening sessions to understand the digital training needs which informed the welcome to computers trainings. We moved to making our team to more informal digital skills training and tech support for community members. Out of that initial work, you know, we really saw the benefit of, you know, our staff being trained to support community members as well as the mobile devices like ipads as opposed to before pre-covid, we had desk top computers and how that supported community members mobile in their daily lives. With this digital navigator program and being apart of this project, we really want to deepen our partnership with me Trudeau east community by offering weekly programming for about three months. We're going to do this in multiple languages for multiple skill levels. The black community, Spanish speaking communities. And we are going to be including those who have never used a computer in the past. After we do this initial course, we want to continue to build participant skills through a monthly digital literacy club. So utilizing our physical space that we take up in the outer east Portland, we're moving towards a community hub and we want to have that digital literacy club hosted with our trained navigators. This will provide a space for participants to problem solve, ask questions as they continue to develop their skills. Just reiterating what LaQuida said, rosewood, we're really happy to be a part of this. It started as an initial need in covid-19 and the response everyone or most people were pivoting digital 3 and so we're happy to be taking this next step in our work and the outer east Portland community. Thank you.

**Carmen Castro:** Good afternoon everyone. Mayor Wheeler, city council members. I am Carmen Castro the executive director of the Hispanic metropolitan chamber and I'm happy to be here with all of you. As you may guess, I wouldn't say our angle or our side is more business oriented. Metropolitan chamber has been around since 1994 serving small and microbusinesses. And we've provided one-on-one services for small businesses from starting to growing to expansion. So since the last two years, we've noticed that our businesses we were already counseling businesses on expanding their online presence as they grew and they got started, but the pandemic really laid bare the fact that so many of our community, our small micro businesses really didn't know how to do this, and so the chamber started a vigorous project. We are passionate in making sure that our businesses have the advantages and have the additional presence in order to particularly in the last couple of years keep their doors open. So with some funding from business Oregon, we stood up a program and built 170 websites for Hispanic and other minority businesses, which is followed by training. So this opportunity expands that it provides dedicated services. We are thrilled to have this opportunity to follow those services and reach more businesses. And we will do so with a bilingual bicultural navigator. I'll tell you more about what our program will do. It's essential for businesses to thrive and even just remain open to have access to clients in a digital manner. So this program in particular will have a navigator that we dedicated to the effort of answering questions, directing to sources. We will also have a list of those resources available that we'll be able to share with other communities that would like them. We will have workshops that will expand digital knowledge. We have learned what folks need and particularly in the Hispanic community, many of the business owners do their business on the phone. Everyone has a phone, but very few have hardware laptops or any kind in order to research a site to put in a request for funding or any of those matters. Even sending an e-mail and putting in an attachment in. So you can see that this is something that's very much needed for in order even to bring the small business owners to a

starting level in order to have their goods and services being present and seen by potential clients. We will have the one-on-one instruction and the Hispanic chamber has a location where we have desktops as well as a few laptops have been donated to us so folks can do one-on-one. We know that business owners come in a variety of shapes and flavors. So some people need to do it and be helped on a very caring way. So we will have this available so people can come and feel welcome and comfortable to do that. And, additionally, what we will be doing is we'll be including a tool kit. So we'll have \$20,000 to distribute in a very intentional way. So at the end of the project. We'll be doing surveys to see what people wanted, how it went. We will be able to provide quality data so we can grow this program because I have no doubt you will see the value of these services that we're providing. We'll be able to analyze for trends and future needs so you'll be informed and be able to support in the future the expansion of this program. So I am confident that you will find that the work that we provide will be useful to the community and indeed it's something that we need more of not only for small businesses, but for the community in general so I'm happy to have this new partnership and I'm happy for your time and considering this and thank you to Leina and to her office. To Rebecca, we truly appreciate your trust in the Hispanic chamber.

**Gibbons:** Thank you. Any questions for our community members before I hand it off to David? Okay. Not seeing anything. I'd like to introduce David Hardin to talk a little bit about our collaboration.

**David Hardin:** Awesome. Thank you. I would like to just say good afternoon to everybody and good afternoon mayor, good afternoon council. I've got some remarks prepared and we're really excited about this partnership. So I will go ahead and get started so we've been working with the digital inclusion network and excited about how it led ugh to these unique partnerships. Comcast included to a more positive change and power a future of unlimited possibilities. We're proud to partner with the city's office for community technology, the digital inclusion network to help close the

opportunity gap and to work with community based organizations in new ways especially with this pilot grant program. On the ground floor of this public private partnership, we leaned on the committee established our dollars will go to fund the community of Oregon and their digital navigator programs. We're also excited to work in concert with all of these organizations selected to share best practices and to discover new opportunities. We know that connectivity to the internet is important but that it takes more than access to make meaningful and equitable impact. This aligns with our continuing work of putting internet, technology, resources in the hands of more people and those that perhaps need it most. Our partnership with the community includes celebrating over 10 years of internet essentials in our back yard. A low cost high speed internet offering that brings affordable internet to constrained households. It also includes list zones such as the montezilla where we have worked with leaders to create free high capacity wifi locations that our networks can access. Our internet essentials partnership program has allowed us to work closely so they can offer a finite number of households without direct cost to the recipients. Now, that work also includes the digital navigator pilot program. On behalf of comcast, I would like to thank the city of Portland, the office for community technology, and the digital inclusion network as we continue to inspire what's next in our local community. Thank you everybody for allowing us to be here and we're excited to see what this public private partnership will bring.

**Gibbons:** Thank you, David. So that concludes our presentation and we're happy to answer any questions.

**Wheeler:** Very good. Colleagues, any questions? And, Megan, do we have any public testimony on this ordinance?

**Clerk:** We do.

**Wheeler:** Already. How many folks have signed up?

**Clerk:** Four have signed up. Three are on the call.

**Wheeler:** All right. Three minutes for each on the record. And commissioner Rubio, for the last half hour or so I'll turn it over to you.

**Clerk:** The first individuals are Peter Nuvagan, Edgar Navas and Juan Barraza. It looks like Peter is not here. So we'll go with Edgar.

**Edgar Navas:** Good afternoon, mayor. Good afternoon council members. Thank you, again for having me. It was not just a few weeks ago, but I just wanted to support these initiatives. We've been working with director Perez and her wonderful staff and also with some of the people you're funding. And, again, just want to reiterate the importance of the digital inclusion fund. Initiatives like this are what's going to propel our communities into really the 21st century and even though you may be thinking it's 2022, yes, our businesses are still not included in 2022. We just discovered throughout the pandemic looking at how black and brown businesses were decimated at a much larger rate than any other ethnicity not only here in the state of Oregon, but nationwide. Why is that? Because, again, we're not included. We're not in the game. So companies like mine, and organizations like the black chamber etc. We've been working tirelessly not only these past couple of years, but in our case, we've been working seven, eight years with the community trying to bridge that gap on the digital inclusion which that gap in the past couple of years just widened even more. So all the work we've been doing for almost a decade, not only it just vanquished, it just exacerbated the problem. If we really want to talk about economic prosperity for all, this is important that we just don't see initiatives like this funding a one off or just a small component of your economic development plan but more as a foundation for the future. If we really want to talk about equity and inclusion and I'm talking about economic inclusion for all for our communities, you know, the ones that have been left behind and, again, left even more behind right now, what we want to do is just propel them. It's going to be a mammoth and monumental task. It's not going to be easy. But that's why we're here. We need you. We can't do it on our own. We've been putting in our own time on our own dime for quite some time and

it's time for us to say to the city we need you. We're begging for help. Our communities cannot just be left behind anymore and we just need a system by providing them with the tools and the training on how to utilize those tools. So we're not here asking for hand-outs. We're not asking for just free things, we're just asking, you know, for your tools and your work just so we can go and keep helping and that help is just going to regenerate and propel us into an economic prosperity for all not just the ones that have and please. One more time. I wanted to thank you so much for the three minutes. I wish I could speak longer, but, you know, that's what I have. Thank you so much.

**Clerk:** Next is Juan Barraza.

**Juan Barraza:** Good afternoon. Mayor Wheeler, commissioners. We're a professional organization focusing on supporting the next generation of Latinx entrepreneurs. Directing the consumer, manufacturing clean technology sectors. I'm here just to provide support to the agenda item 486 the inclusion fund. It's often defined as the gap between those that have access and internet. During the last 24 months, we have seen bipoc businesses close their doors. Technology is moving at speed of light and without the support of the inclusion fund we provide; people will be in a community will be left behind. The inclusion fund is critical and it will allow to the creation of programming and wrap-around services that meets the needs of our community. Where they are the current inclusion needs that they have and they're tailored for them. The implementation of the fund will help see the next generation of entrepreneurs that will create in Portland and create a generation of wealth in our community. Thank you for your support.

**Clerk:** Next is Juan Muro.

**Juan Muro:** Thank you, council members and everybody else here. My name is Juan and I'm the director at free geek. Free geek's reason for existing is to bridge the gap on the digital divide by including everybody in our digital future. A year ago, free geek launched its own digital navigation program and we wanted to achieve the following

things. Open up a community center where folks can come in and get connect Wednesday a human that would help them. Connect black, brown, in our most marginalized community's technology hardware, digital literacy tech support and broadband services. And, three, we wanted to create personalized one-on-one training and computation in different languages. And we did. The program is working. The funding that we are talking about today is a great start to support across Portland. There's opportunity to actually make a bigger impact. At free geek, we quickly realized that digital navigators that we had wasn't enough to support the 1,000% demand increase for technology, hardware, and one-on-one support. My hope is that through a community approach and with more investment through funding, we can truly expand digital navigation across the entire part of the metro area. Thank you.

**Clerk:** And that concludes testimony.

**Rubio:** Great. Thank you everyone for all that and thank you for the incredible presentation. It was really inspiring. So, now I'll ask my council colleagues if there are any questions or any council discussion. No. Seeing none. Okay. If there's no further discussion, Keelan, will you please call the roll.

**Hardesty:** Should I make a motion to accept the report as presented, madam president?

**Clerk:** This is actually an ordinance.

**Hardesty:** Okay. God. My bad.

**Clerk:** Hardesty.

**Hardesty:** I just want to take a moment to appreciate the incredible work that's done by the a lot has been done and you're right, a lot was exposed on covid about the lack of access. I also wanted to it take a moment to appreciate David being here on behalf of comcast because from the beginning, I've been saying we need cable providers to be partners in this effort. The city should not be paying the full rate or actually making access available. So I just want to really publicly appreciate you, David, for being a good

community partner and actually working with us to figure out where's the best place to make investments. We found out that you couldn't get anything if you did not have access to internet during covid and so I appreciate each of you and the work that we will continue to do, but I just have to say it's a drop in the bucket compared to the need that we have in this community. What I hope is that we will learn from this effort and we will be able to do something at a much broader scale because I think many of the speakers spoke to the fact that there are a lot of people that have no access at all and what we learned through covid was that if you didn't have internet, you didn't get access to anything. And so hopefully those are lessons we all keep in our hearts as we move forward. I'm very happy to vote aye on this. And my applause to commissioner Rubio for the great leadership she's provided to the office, but you've also got a very excellent director who has done incredible work. And so thank you all for being here today.

**Clerk:** Mapps.

**Mapps:** I'd like to thank staff and grantees for today's presentations and testimony. I also want to thank commissioner Rubio and the office of community technology for their leadership in helping close the digital divide. For these reasons and more, I'm glad to vote aye on this item.

**Clerk:** Rubio.

**Rubio:** Thank you, Rebecca and all the grantees and community leaders for this great presentation and for being here today. We are very excited and inspired by the work that you're all doing and it's very clear it's having a huge impact in our community and to put it bluntly, this work really matters to peoples' lives. These programs make a critical difference in their livelihoods and self-determination and it also works to close the gaps for digital communities that would otherwise be left behind. So thank you to staff for your community engagement and for being responsive to our community needs and doing so in a culturally responsive way. I'm very happy to vote aye.

**Clerk:** Wheeler.

**Wheeler:** Yeah. Obviously this is something I support and I just want to and the one that for me has the most impact is that covid underscored the immediacy with which we need to address. Even during the beginning phases of covid, it was not a given that this city council would support these kinds of efforts. In fact, the earliest proposal around the allocation of dollars included funding to close the digital divide and even the Portland city council was divided on that matter. The reason I supported it then and the reason I support it now is that what we have learned in the last few years is that without access to technology, our kids do not have access to education and parents do not have access to jobs. It's that simple. And so this is no longer a matter of convenience. This is an absolutely critical essential component of our community. Digital infrastructure is perhaps the most important infrastructure in our community going forward and ensuring that our residents have equal access to that critical infrastructure should be no less important than access to transportation resources, access to health care or access to other services or even housing. And so I think this is a great effort. I'm really pleased by the way with our leaders who testified today on not only the passion and vision that they bring to the table, but just brass tax ability to get stuff done. This is a really positive moment for the city council and I'm glad that I stand unified with my colleagues that we need to continue to support these investments and expand new investments in digital -- removing the digital divide. I vote aye. Thank you.

**Rubio:** Great. So the ordinance is adopted. Keelan, would you please call the next item. Thank you everyone for coming out today. We're really excited finish the projects and we look forward to hearing more updates.

**Hardesty:** I think the next item is the time certain.

**Rubio:** Yes. So we are recessed until 3:00 p.m. So we'll take a short break and see you back here then. [recess]

**Rubio:** We are going to resume council and would you please call the next item.

**Clerk:** 487. Accept the regional arts and cultural council 2021 annual report to council.

**Rubio:** Thank you. Colleagues, since taking office in 2021, it's been my honor to serve as Portland's arts and culture commissioner and since then, I've gained a deeper understanding in terms of our culture and our economy. A part of this work, my staff and I have taken a key interest in understanding and strengthening the relationship between the regional arts and culture council and the city of Portland. There is no Portland without a vibrant arts and culture community and the city contracts with RACC as does the county to ensure that that vibrancy remains. There's no organization that has a role like RACC. So the city needs RACC to be accessible and function as well as possible for our artistic professionals f-Portlanders and visitors alike and as part of the contract with the city of Portland, RACC is required to present an annual report to the Portland city council describing how city funds were spent and identifying the challenges and opportunities facing the local arts community. And today, RACC, staff, and board together with grantees will report their outcomes for their 2021 year with the city. Their first annual report presented since pre-pandemic 2018. So, to kick off the presentation, I will now introduce an audio of Nathan Rix, RACC's board chair.

**Nathan Rix:** Good afternoon mayor Wheeler, commissioner Rubio, members of the Portland city council. My name is Nathan Rix, I use he/him pronouns and I'm the chair of the arts and culture council. I've been a proud member of the RACC board for just over two years and I want to thank you and foremost to present the opportunity for fiscal 2021 I want to thank the arts program for partnering with us in this work especially the challenges over the past year with the covid-19 pandemic. Like many of the organizations you hear from on a daily basis, we have been deeply impacted by that challenge, but we're proud to report today that we found opportunity and we found new ways to serve our community here in the region of which Portland is a critical place and critical partner where we've been able to specifically serve struggling artists with a focus on the bipoc community and artists that have been disproportionately impacted by the pandemic and the channels with it. I'm proud to introduce to you now Della Rae

and she's the internal operations director. Carol Tatch is the co-executive director and chief of external operations. We transitioned to it a co-executive leadership model last year and are looking to sustain that this year and beyond. We have found so far that having two executive directors is much better than simply one and have even been looked to by some national arts organizations here in the community about how we've started to implement this work and encourage you and anybody listening to follow along the RACC blog for some of the lessons we've learned along the way. We continue to want to partner with you all and our other jurisdictions to lead by example and our equity work and how we look at grants and how we look at public art and really want to be champions of this work and leaders as we take that leadership posture. With that, I will pass it over to Carol and Della and the team to brief you on our update for fiscal year 2021. Thank you, and we look forward to coming back and share with you all the great work we do in 2022. Thank you very much.

**Carol Tatch:** Hello everyone. Waiting for our slides to start. That was Nathan. Wonderful. My name is Carol Tatch. I want to thank Nathan for digging deep into the history of the name and pronouncing it. I am Carol Tatch and I'm the co-executive and chief for external operations for the arts council. I am an African American woman wearing glasses and I have a flowered shirt on and my very [ indiscernible ] hair. It is a joy to be present with you here today. Let me begin by saying thank you and good afternoon. And thank you for the lovely introduction that speaks to a unique placement in the Portland metro region and our intentional work in the community, commissioner Rubio. We send greetings to each of the commissioners and their staff. The regional arts and culture council is a 501 c-3 organization with a collaborative team who provides arts and culture services to the city of Portland through a government region. This includes public art, grants, community reinvestment Ent arts and education, strategic planning, professional development and advocacy in Multnomah, Washington, and Clackamas county and metro. We last presented to you in July 2021, newly created multi-year

contract we now own with the city of Portland. As we look back on 50 years of serving the community first as the metropolitan's art commission and then as RACC from 1995. Art in placement in community. Economic prosperity and economic visibility and social justice and civic unrest amongst other critical intersectionalities. We at RACC are looking into the gaps to create the spaces where the story changes to support and elevate art and creativity as economic drivers essential to community building, safe and healing. RACC's work is value spaced. You will hear more about our mission, vision, and value shortly. It demands engagement and outcomes. As we report to you today, you will hear about both and so much more. There is intrinsic value to ensure that local spaces are active. We see our work as an investment in the community. Task not just about funding artists. To be honest, it is about funding the community to build community. Investing in our community of creatives will bring greater rewards for each of us.

**Della Rae:** Hello. My name is Della Rae. I am the co-executive director and chief of internal operations. I use she/her pronouns. I am a black woman and I have on a black shirt with glasses and my background. Our mission to enrich communities through arts and culture is to achieve daily through funding initiatives, public art engagement and installation, advocacy and engagement and ensuring that we are careful stewards of city, county, state, and federal dollars. Our work is dedicated to being aligned with equity, boundaries and creates networks for art's sake. Individuals and organizations make this work possible through their efforts and community initiatives. We say we connect artists and creatives to opportunity and access. Access to what you ask? Access to each other, professional development activities, community, and advocacy engagement. Through our work, we are meeting and exceeding equity and access targets that are align and in some cases are beyond the city of Portland. This speaks to RACC's commitment to our core values, accessibility, advocacy, equity, diversity, community, and innovation. Meeting our own targets ensures we're meeting our own external requirements. We speak to the ways that we have completed our work in service to our contract. You will

see highlights at work here. We will also see the other ways that RACC has leaned into and opportunities to address needs of this community during fiscal year 2021. A huge highlight was the over \$17 million from c.a.r.e. That RACC redistributed to our heavily impacted artist, creatives, and park serving organizations and venues. Over \$15 million was funded direct to RACC from the federal government for this purpose. We assisted not just c.o.p. Affected entities, but also other communities. Now, before I get into our presentation and our fiscal work year 2021, let me introduce you to our team. Slide, please. And, this is our board of directors. Slide, please. I wanted to start by reminding you of our mission and core values which have grown from their roots from when RACC first grew out of an independent 501 out into an independent 501 c3 organization in 1995. RACC's mission is broad to enrich our communities through arts and culture which has allowed RACC to explore ways of using arts and culture as powerful tools for addressing a wide variety of community challenges and concerns. We advocate on listen, learn, and lean in leveraging and investing private and public dollars to create a thriving region powered by creativity with arts and culture in every neighborhood. We advocate for equity, access, and inclusion for arts and culture in our communities. We educate and inform our community through engagement in stories. We create space for others to have place and voice at community's table. We provide resources, support, and development opportunities ensuring growth and sustainability for our creative ecosystem including arts, organizations, and school districts finally, we cultivate long lasting public private relationships shaping arts and culture in our community. With that, I want to introduce you to our first guest this afternoon. The executive director to have fame academy. Her work centers the work of RACC and the city of Portland in creating equity through access and opportunity of the arts. Jenny as worked executive leadership and consulting in the arts and education for the last 20 years. She joined fame as the executive director in September of 2017 where she works to build equitable arts opportunities for people with disabilities in the Portland metro region and beyond.

Jenny received her p.h.d. In human development from Boston university in 2001. She currently served on the board of the cultural add so can cease coalition of Oregon and serves on the board of the coral arts ensemble of Portland. Jamie has two grown children, lives with chronic illness, compulsively knits and frequently wishes one of her dogs was a cat.

**Jenny Stadler:** Hi, thank you. Thank you for having me here today and thanks to the regional arts and culture council for having me. I'm Jenny. I'm the executive director of fame academy. I use she/her pro nouns and I am a white woman wearing blue glasses and a blue dress. Fame academy is an arts organization and academy for adults with developmental disabilities. We're a multidisciplinary art school with over 120 students, a vibrant community of artists. We're also the grateful recipients of RACC g.o.s. Funding without which we would not have thrived through the pandemic. Our musicians our writers, and our visual artists to push themselves towards excellence. And we at fame promote, educate, and most importantly, we see those artists. People with disabilities, especially developmental disabilities are at the fringes of our community and culture. At fame, we amplify the voices of people with disabilities and we create opportunities to share those stories. But we need more places for those voices to be heard and those stories to be told. For this reason, for the last four years thanks to some seed money from RACC, we've challenged the local arts community to create more spaces for our artists to get engaged. Through our partnership program, we've produced a rock opera with the Portland opera. Oregon ballet theater teaches a class. And two fame animators had films premiering just at pioneer courthouse square. I am grateful to these and all of our partners for opening their doors. They are champions. But it's not enough. While many have stepped up over the last few years, those of us are still left out of conversations or being acknowledged as an afterthought or a footnote. Multiple venues in Portland still have stages that are not wheelchair accessible and venue owners are reluctant to make changes. There's also a one and done attitude about disability. I see

organizations having one wheelchair on stage for a single production or just one strangely scheduled hybrid performance or across the board in and outside of the arts, I see organizations having only one conversation about disability and their planning work and then they check the disability check box. Done. Yes, it's getting better, but, yes, we need more. I encourage you as leaders of this city to make sure you're thinking about who is and isn't being heard from. Do not leave disability off the table when you talk about spaces and places. It's estimated that more than 20% of people in Oregon experience disability or chronic illness. And I want to tell you that number is growing. Thanks to the huge increases in numbers of young people being diagnosed with autism and the continued impacts of long covid. As we continue our pandemic recovery, we can't go back to the way things used to be. We have to continue to move forward to counter ablism. People with disabilities need to be seen and welcomed and heard and included in the arts and elsewhere. Thank you, thanks to RACC for all you do and thank you for having me here today.

**Tatch:** Next slide, please. Thank you very much, jenny, for joining us today. Your words speaking to access and engagement and thinking about the need to diversify our work leads us into the conversation about RACC strategic framework which was adopted in june of 2020 authorized by our board and team. It is guiding our work of our nonprofit through fiscal year 2023. With high level goals that continue to [ indiscernible ] . For fiscal year 2021, this guiding framework launched us into responsiveness and deeper community engagement. Centering or work on racial equity, we have been able to be thoughtful and agile in our efforts to meet record community changing needs.

Convening of a people of color directed focus group to hear and engage with what our community of artists, creatives, and art serving organizations needed most as we were facing the unknown times of the pandemic onset and community unrest around social injustice and the murders of black and brown people. Covid-19 exposed a glaring rip in the inequities of our daily lives and widen the disparities that are inherent in the system

of injustice. Next slide, please. RACC's core values as Della referred to earlier exists in innovation, community, equity, and advocacy. We center the needs of the Portland metro and pacific northwest regions where we are providers of services to our greater community. This is how we are able to do our work. We've facilitated multiple convenings annually including last year. Both online, hybrid, and in person on the horizon. We've leveraged the city funding with local and outside partners to ensure we have more to give back to the community. We ensure that students in Portland's six school districts have access to artistic expression through arts, education, and access oversight fund and our work with the committee. Next slide, please. Our highlights for fiscal year 2021. The public art committee which is a community-led committee helped to shape our monuments conversations for future conversations around 0 who and what is memorialized. Removed monuments in danger of being damaged and drafted recommendations from some community led public art committee to guide the city on next steps. Reviewing and updating policies. Our covid relief funding was the redistribution of city of Portland funding. Conducted over 300 artists and community centers workshops and training. Representation of RACC committees of 86% of our community review panelists and 72% of our public art panelists to identify as Asian, black, Latinx, native American, or indigenous, or pacific islander. RACC serves communities throughout Portland in Asian, black, Latinx, multi-racial, native American, and indigenous and pacific islander communities. And those who meet at the intersection of the ethnicity and race who are also immigrant, refugee, homeless or houseless, lgbtqia+ and/or persons with disabilities. RACC distributed over \$1.4 million in the city of Portland funding in grants to artists and creatives with over 950,\$000 going to arts education and access funds organizations. Next slide, please. I hope everyone is taking the opportunity to also enjoy the art that we're presenting here. Each piece is part of our public art program and have some fun taking a look at it. How lives continued for the city of Portland. 80% of the artists who've received funding identifies

black, indigenous, or people of color. We have installations and publicly accessible venues such as the Portland building will be engaged in the public and critical conversations around the arts. We've partnered with the Portland bureau of transportation and six community organizations for the black Portland matters art in place making initiative. And we exceeded the goals related to equity, diversity, and inclusion access and we will continue to center our racial equity lens to create a more diverse art space within all of the Portland metro communities. We advocated for and distributed \$20 million from both the city of Portland and the state of Oregon. These dollars are allocated to use to shape up communities from within. Next slide, please.

And our focus on community, we make sure that our programs and services are accessible to all communities. In fact, when we do our fy-22 update, you'll see how we increase our access services to be more relevant to it our community today. We focus on artists, creatives, students, teachers, and public audiences that have been marginalized by systems and institutions and who are underrepresented within the arts and culture community. RACC helps advocate and create one-time sustainable funding opportunities to keep local creatives able to keep their basic needs and fund creative expression. In fy-21, we transitioned to offering emergency grants to artists and creative workers from program asset allocations and individual giving. But we've had multiple emergency grants of \$500 per individual, over \$200,000 total including grants to over 300 individuals residing in the city of Portland. Over a third of those 7 identify as Asian, black, Latinx, native American and/or pacific islander. We increase the diversity investing decision-making responsibilities in the community including participants who also 7 identify as Asian, black, Latinx, and those with other black rounds that I mentioned before to bring artists and creatives to the table for and exceed our contracted responsibilities even during this challenging time. I will give you two examples of the 335 engagements that we had. We had two Instagram live presentations on our new make learn build rent making program with the total views of over 1300. And we had

implicit three pivotal community conversations that we've had were around capacity building. Our virtual black artists community conversation, and design protest. Part of the festival I would love to introduce Sharita Towne. She's currently an artist with the black Portland matters. Soul district and s.e.i.. Ed the memorial project. She's been an artist in residents.

**Sharita Towne:** Hi. These are projects from the black Portland matters and art making initiatives and the murals program. Over the past year, I've gotten to do things like celebrate black educators in public. I've gotten to celebrate black fems and feminine folks and murals that celebrate black indigeneity in the region and I've got to celebrate the sites where we seek love and intergenerational healing and black imagination. This is something I'm doing right now which is putting gold cRACCs in the street where Keaton Otis was killed by Portland police 12 years ago. So celebrating this site of loss and also places like forest park that gave him life. So that's what I'm doing right now. And RACC has been so helpful and I hope that you support them and support them even more. You know, we're all doing so much right now in these areas and just appreciate the recognition and support out here in these streets. So thank you very much.

**Hardesty:** Excuse me, madam president.

**Rubio:** President: Yes?

**Hardesty:** May I?

**Rubio:** Commissioner Hardesty, go ahead.

**Hardesty:** Thank you, madam president. Thank you. I'm sorry what was the artist's name that just spoke?

**Towne:** [ indiscernible ]

**Hardesty:** I want to thank you for your work. I met Fred Bryant on the very last day of his life. Is anyone else hearing like a wind tunnel?

**Tatch:** Yes.

**Hardesty:** Good. Can we fix the wind tunnel please?

**Tatch:** Sounds like an ocean wave.

**Hardesty:** Yes, it does. I wish it was an ocean wave close by. But no. I will pause for a moment and see if we could -- are you hearing this in the council chambers as well?

**Rubio:** No.

**Hardesty:** It's only online. Well, I can speak up because, you know, this is really important. As I was stating, I met key ton Otis the day his son was killed. I'm sorry, I met freed brain the day key ton Otis was killed and anybody that knew him the next month he was standing on that corner where you are creating a project holding a vigil for his son and I do believe it is still the longest ongoing vigil that takes place every month at 6:00 p.m. Where key ton Otis lost his life. This is something I did religiously until I got a little busy with my day job and was unable to be presently there. But I can't tell you how much it means to have a remembrance for him on that corner that both represents Keaton and his dad. And, what a beautiful artist and how wonderful you've created so much on and I knew they were intentionally looking for community artists to create this. I just want to say thank you. I did not want that moment to pass. I was really thinking about how long ago that was. And the fact that, you know, this is something that I community still lives with and we can't just pretend that these things haven't happened and they haven't had a long-term impact on the community. So, my apologies, madam president, if I'm getting us off track, but I could not let that go without acknowledging that bullet killed both Keaton Otis and his dad because his dad was on his way back and I think his body was too weak because of his advocacy for his son. So I'll stop there.

**Rubio:** Thank you, commissioner. It was important to say. Thank you. I'll turn it back to you, carol.

**Tatch:** Wonderful. Thank you. Slide 15, please. And thank you, commissioner Hardesty. [ indiscernible ] -- to live in our memory. Great. City of Portland funding. So this is our opportunity to tell you about what we've done with the dollars that you've given us. So from the Portland general fund, we received 15% of our total budget for fiscal year '21

which was almost \$4 million. The 2% for art came in at just under \$500,000 and the dollars we received through the arts education and access fund was our \$2.3 million. Next slide, please. From our audit financial statements for our revenue, this is RACCs program revenue. Where our dollars come from in order to get them back out into the community and then the city of Portland's portion is also pulled out in that purple space. You can see that the c.a.r.e.s. Relief funding made up a -- [ indiscernible ]

**Hardesty:** Excuse me, carol. I'm hearing you fade in and out. I don't know what's happening inside city council chambers. Your voice is coming in and out.

**Tatch:** Okay. I'm actually on my computer and what I can tell you is the wooshing sound is getting much louder on my end. So I don't know if that's affecting hearing, but I will speak up. Thank you very much.

**Hardesty:** You're welcome.

**Tatch:** Okay. Slide 17, please. Slide 17 is an example of our program expenses for fiscal year '21 again from our audit financial statements where we are pulling our dollars that we put back out into the community. Federal programs, of course, will match the funding that we received through c.a.r.e.s. Funding and you can see other ways we allocate out our funding for the work that we do. Slide 18, please. Next slide. Service to our community. In terms of program delivery and expenses, we invested over 90%, actually about 94% of our budget and grants and services for arts and artist organizations. We will shortly share a grant recipient highlight with you. Our general obligation is offered through the arts, education, and access fund to arts, focused nonprofits to demonstrating artistic matter that provide a wide range of high-quality arts programs to the public while also demonstrating administrative and fiscal competence. We m.d.ed 91% of taxpayer money into the community of the net funds exceeding the target of 80% to 90%. Our net annual arts education and access funds provided to RACC after education coordination are distributed through equity focused grants which was 9% of the funded targeted goal. We surpassed our prior stated goals.

Due to the increase of individual applicants from the access fund cannot be used, this number best represents the current trends and opportunities that we have. Slide 19, please. We will shortly have a presentation from two of our guest speakers who is the founder of rock doja and a cofounder and managing artistic director to the theater [ indiscernible ]

**Brian Parham:** Hi everyone. My name is Brian Parham and I'm the cofounder and cocreator of the walk doja give a black belt and walk. As you can see, I'm dressed in my gee because I'm known as the guitar sensi. In fact, my position is to provide every elementary school student with the opportunity to play guitar by 2025. First of all, I'd like to thank you for this opportunity to deliver testimony on behalf of my favorite organization the regional arts and cultural council. In 2017, I won a project grant. I had a partner to deliver a free workshop for the children we ended up making a documentary film that showed the journey of these students learning to play the guitar. Amazingly, one of those students became the first member of her family to attend college and more incredibly, she won a full scholarship for music to do so. You know, that would have never happened without this free workshop and I could not have delivered the workshop without the funding from the regional arts and cultural council. Fast forward to 2021, and I won a make, learn, build grant. I actually studied arranging and composing at Berkeley online. I used those skills to write my first album "let me hear your fingers sing at the rock lojo". The concept of this album was to take high energy rock music, think kiss, acdc, led zeppelin and apply it to funny inspiring music through empowering children's education. And fast forward to today, I was fortunate enough in 2022 to win a round four, make, learn, build grant and I'm so over-the-top energetic because I'm getting ready to deliver a free concert for kids at 5: 30 today. So I'll be leaving my house really soon. This would never have been possible without the funding from RACC paid for eight months of rehearsals with a group of musicians. It paid for me to record and write the backing tracks that we're going to use to play along with and it's

funding everybody's ticket so nobody has to pay and most importantly, it's funding filming of the concert so student who is can't make it will still have accessibility, will still be able to see the concert through a live stream of the show itself. So I want to thank so much for this opportunity I love the regional cultural arts. RACC rocks. Thank you so much for your time.

**Hardesty:** Is Samson next?

**Tatch:** Yes.

**Samson Syharath:** Hello, I'm Samson I'm one of the co-founders and the managing assistant director of theater Disparia as a nonprofit theater company that serves the Asian American, pacific islander and native Hawaiian communities, we would not be in business today if we didn't have the support of the regional arts culture council. When the pandemic first began and all live in-person theater was shut down. Thanks to the regional arts and cultural council, we were able to continue our programming of our inaugural year which was vital during a time of anti-Asian hate. We were able to hire Asian American and pacific islander artists and community members to create multilight pressure media that brought people together to share our stories and most importantly to provide hope. And, as an individual artist, I cannot name an organization that identify worked with that is not supported by the regional arts and culture council. It really is integral to the artist community here in Portland.

**Tatch:** Thank you very much. Our public art program is an investment in our community. 6% of our total budget in fy-21 was used to beautify our community. RACC commissions and maintains a growing art collection on behalf of both the city of Portland and Multnomah county. There are now 2,200 artworks in the collection thanks in large part to the city and counties. It was created, this ordinance objective was to create and prioritize placing art within underserved neighborhoods. We met and exceeded the goal of 75% with a planning phase for Errol heights and park. Which were purchased in the central city with 88% of the artists identifying as bipoc and we've

received 88% of the funding for this resource. The impact on the funded art was felt through the ongoing of the historic monuments. RACC dealt with failed monuments to help guide the city on next steps reviewing and updating policies. Our arts program. Art is a right and not a privilege. Because of the efforts of the wonderful citizens of the city of Portland, we have the arts, education access and income fund which funds arts education in many our public, in our six Portland school districts. These mean there's equitable access in the tri-county region. We used a grant from pg&e to extend our art look as well as to engage in efforts. We had arts education and access fund coordination via our Portland contract slated activities. We expanded advocacy to include middle schools 6-8 and high school grades 9-12 and we had professional development from trauma informed Oregon where c.u. Credits. The arts education and access income tax logo redesign and messaging. Public relations, teacher students and media engagement in fiscal year '21. Hope you were able to catch it on the news. Next slide, please. So we have a short video from Laura Streib who is the arts education and access fund oversight committee and chair and founder of our creative consulting.

**Laura Streib:** My name is Laura Streib. And I wear many hats in the arena of arts and arts education. I am the mom of three kids who are very creative. I am the founder and executive director of vibe of Portland and arts music educational nonprofit that's dedicated to ensuring quality art access to kids in under resourced neighborhoods. I am also the owner of a creative consulting firm that supports artists and creatives and also nonprofits. And then I volunteer as a member of the city's arts education and access fund oversight committee currently serving as their chair. I'm here on video to tell you about the impact of arts education and arts funding through RACC here in Portland. Our nonprofit vibe was recently awarded a make learn build grant from RACC. This funding along with support from the Oregon arts commission and summer enrichment grants will be going towards a youth and community rural project in southeast Portland in the Brentwood Darlington neighborhood. This project entitled lift youth voices is a direct

response to the increase in gun violence that our students in southeast Portland have witnessed over the last year. Our mural is a teaching artist and middle school student collaboration to speak up and speak out through a creative lens. This is for our youngest residents to share their voices about how they want to be heard and how they want our neighborhoods to be better for them. The summer arts project will provide a beautiful digital mural a part of town that's so often overlooked by decision makers in our city. With the compound traumas that our city's children have witnessed over the last several years, RACC's arts education program manager has worked with trauma-informed Oregon to provide a series of four trainings in trauma-informed supports specifically for artists and arts educators. These trainings were asked for by arts education and access funded arts educators and they have been extremely valuable professional moments for myself and everyone else able to participate in them. As part of RACC's contracts for the city, they're required to provide ongoing professional development for arts education access funded teachers and this professional development has been invaluable in its timeliness and responding to the needs the arts educators have. In wearing my hat as a nonprofit director and in my role I have been pleased to see that RACC is making continued investments. They are feeling seen, heard, and valued by RACC. My hope is that the city sees and recognizes the asset they have in RACC as a partner who's been able to respond quickly with all of its various tools and funding over these last two years. I hope that as the city continues to develop its city arts plan with RACC and other stakeholders that you keep our youngest Portland residents at the forefront of your planning by continued investment in arts education, you are providing a solid foundation for our next generation to grow up as engaged participants. As performers, as play writers, artists, arts educators, potential future poets, patrons, audiences, and arts champions that will fuel and support our creative economy well into the future. Thank you.

**Tatch:** Thank you, Laura. Our advocacy and engagement program. We connected with the community at neighborhood, state, and national legislature levels. We created a RACC focused advocacy agenda bringing into focus the needs of our creatives and art serving organizations. We have continual engagement with our i.g.a. Partners as RACC continues to center the needs of the Portland area community and outreach as a whole. This enables us to leverage local dollars, community impact and improvement. Coming online in '22 later this year will be our advocacy hub which will be a community facing web advocacy engagement tool of which some 0 the items may be if they have not been put into legislation and action before will be our creative economy recovery act. Sarah which is model after the w.p.a., this is an effort to make sure we have recovery efforts and investments that help put creative workers back to work. We have started our a.e.p.6 which those who read city arts program manager knows is our way that we are looking at the economic contributions of the arts in over 250 diverse communities and regions across the united states which is representing all 50 states in the district of Columbia and we're continuing the arts education for all act in partnership with congresswoman and advocating for well-rounded education that includes art in every curriculum as well as advocating for art with those who are justice impacted. Next slide. We have a few calls to action for ya'll. Specifically and up at the shoot right now is a.e.p.6. We will be launching this very shortly out into the community where we have the opportunity to feed into the information that we have from a.e.p.5 which showed that our arts industry generated \$687 million of economic activity of which, \$364 million in arts and culture organizations with 3 went \$3 million coming in from event related expenditures. This is a significant part of our income and our recovery opportunities and we need to lean into the opportunities we see to support our artistic community in this time. It is now more important than ever to demonstrate that even in the wake of covid-19 and the resulting economic recession, the arts will provide a significant boost in healing our communities as well as recharge the economy in America's local

communities. A.e.p.6 is that next opportunity. Next slide, please. This is provided which links to the reports that feed into this including our advancing arts and culture report delivered through all of our commissioners teams and staff. And the city arts program manager also has overviews, summaries, and references for the items that we've mentioned today. Next slide, please. This slide is to let you know we are better together. We are grateful for the partnership that we have with our neighboring communities and specifically with the city of Portland. Please know that art is a right and not a privilege and then I will finish with a quote from one of my favorite people in the world Maya Angelo. They cherish their arts and respect their artists. The sting with which we regard the multiple cultures offered in our country enhances our possibilities for healthy survival and continued social development. Thank you very much for the regional arts and culture council. My sincere thanks to the entire RACC team, our board of directors, all of our stakeholders in the community and those who've made our work viable in this space.

**Rubio:** Thank you so much director Tatch and thank you for that compelling quote at the end as well to remind us as well and I also want to thank director Rae, RACC board department and staff for this presentation. Now, I will turn it over to colleagues to see if there are any questions. Mayor. And then commissioner Hardesty.

**Wheeler:** Yeah. Thank you for the presentation. I appreciate it and it was great to hear from some of the artists and get their personal perspective about their relationship with RACC and once again, I'm pleased to hear that the feedback is overwhelmingly positive. I had a question about some of the more mundane aspects of this fund. Since the city is a significant funder and this is a large expenditure in our general fund account, I had a question. We've been fairly consistent about approximately \$4 million. The city of Portland represents a must larger percentage based on the chart I saw. Where are we relative to other government partners in terms of funding of the regional arts and culture council.

**Tatch:** Hi. I was muted. Other government support not including the funding that we received from the federal government and then the city of Portland's 25%. So those are 7 teen% difference between you and the rest of our partners.

**Wheeler:** Is that combined? How much does Clackamas County put in? How much does Washington county put in? How much does metro put in? Do you have those numbers available? If not, you can just send it to me later.

**Tatch:** Happy to send it to you later and my question to you since all of the numbers we looked at today were referring to a fiscal year ago.

**Wheeler:** I'm kind of a nerd when it comes to this stuff. I like five-year historicals. As you probably do in the report. That would actually be very helpful. And, are the funds that are expended by the city of Portland there then expended that's what I thought and I appreciate that. I last year or maybe it was two years ago or possibly three, all the years are starting to blend together with me had and I know that other cities in the pacific northwest, British Columbia, Vancouver, Seattle, to the north of us have had very intentional programs and made intentional efforts to include the local native American community as well as make sure that their history and culture and art is represented amongst the work. Can you tell us what you're doing to address that issue since it is an issue that I've raised on multiple occasions?

**Tatch:** One of the activities that we are aware of and this started when I joined RACC was the land acknowledgement. So I believe that has been part of the city process as well. And I know our art team worked with you as well. With regards to the installation of our native and indigenous art in your spaces and then within our programs such as our murals program as well as public art, we do identify indigenous and native Americans for opportunities that are offered through the city funding.

**Wheeler:** Could I get that information? I'd like to know.

**Tatch:** Absolutely.

**Wheeler:** I'd like to know how many of the directors on the culture council board and what special initiatives or intentional efforts are being made to reflect the history here in the city of Portland. I'd like to see what progress has been made. Can you just tell us where are we in this community discussion around monuments. I understand this is a heated topic. It's one that must be approached with great thoughtfulness and sensitivity that I haven't heard much about it of late. I'm just curious to know where it is.

**Tatch:** Sure and that is also a point of question for us as well. We know that the monuments, the r.f.p. Went out of commissioner Rubio's team's office. And we are looking forward to the opportunities. We lifted up several opportunities last fall for engagement especially within our board as part of our board meeting and public art committee including the statement that we offered up to the city. So we are eager and ready for every opportunity to move the monuments conversation along specifically and intentionally around the community engagement piece.

**Wheeler:** Very good. Thank you.

**Rubio:** Okay. We have commissioner Hardesty and commissioner Mapps.

**Hardesty:** Thank you. And I appreciated some of the questions that you asked were questions that I had and had not formulated yet. I'm also interested, a lot of times we use bipoc and I'm interested in having that broken out so that as a city we see where we're investing our city's dollars. And I know and I know RACC has invested in some wonderful programs but there's a disconnect between the work that you do and your time that you have to tell us about all of the work that you're doing. So, for me, it's important to never tell me bipoc because that doesn't tell me anything. I really want to know where we're investing those dollars. So I also had a question around, actually, I think the mayor covered it. It was around the monument thing. I don't want to have that conversation today because what I know is that there will be a very long intentional process to have all the input that we need to have but I will say that anything that I represents history and it's historic only represents one slice of who we are. You know, I

appreciate history, but I also appreciate up until very recently, we did not acknowledge all the harm that's been done to populations before we arrived. So, I mean, it must be a balanced conversation that reflects the historic perspective but acknowledges that we didn't get a voice and those [ indiscernible ] -- and I look forward to actually not having a rushed process, but really being thoughtful of how we really are a city that's inclusive and we're equitable and we will find the right solution to this. But we won't find it on the edges of people screaming at each other. We will find it because we're respectful of all of our cultures and what all of us bring to the conversation. I had something else, but I lost it. The monument thing, every time it comes up, it brings up stuff. Since I -- I'll wait until we close up the report.

**Tatch:** Well, thank you very much for that, commissioner Hardesty. We concur with that and we look forward to what that conversation with bring and then I would also like to reflect on your statement with regards to using bipoc. I hope you noticed through my presentation that I intentional spoke out all of the assignations that are there. I don't say I'm bipoc. I say I'm African American. I'm human. We work with the city in regard to how we pull the data and we're looking for opportunities on how we can literally pull it out. And we will definitely make sure that you have that information. Something happened.

**Hardesty:** Thank you so much. Appreciate it.

**Mapps:** Thank you. I want to start out by first thanking RACC and the RACC team and all the artists we've heard from today. You've done amazing work under enormously challenging circumstances especially in the last couple of years and you do incredibly important work to our city. I've said for many times throughout the last several years that part of our city's healing from covid is not just a matter of physical health and economic recovery, it's also about spiritual and cultural recovery in the work that RACC does is fundamental to that. But, actually, instead of talking about the great pieces of art and performances that we've heard about today, I actually wanted to learn a little bit

more about RACC as an institution and how the last couple of years have impacted you and what happens next. I think one way to get into that might be to pull up a slide that was part of the presentation. I think there's a slide that shows where RACC's funding sources came from probably in the last fiscal year. Can we pull that up, please.

**Tatch:** That would be my slide 16. And it is very hard to hear. Your voice is barely coming through.

**Mapps:** Okay. I'll try to speak loud. This is starting to be a chronic problem. Great. Thank you. So we're looking at fiscal year 2021. You know, one of the things that just really jumped out at me is the covid relief fund which in that fiscal year represented 63% of your budget. And I'm just kind of curious about how an influx of resources like that revolve as an institution and also moving forward, how long do you expect those covid relief dollars to be around and should they be ramping down in a couple of years.

**Tatch:** I'm sorry. I could hear every other word. I apologize. I think what you're asking though and nod if this is correct that you're looking at the covid relief is 63% being a large part of our budget. What is it like when that's not there, correct?

**Mapps:** Yeah. I might be too close to the mic. I'll try to repeat it for you because I know what it's like to be on the other end of a bad connection. So you got the gist of my question. It looks like in the last fiscal year I'm just curious as to how that came. I'm curious in the fiscal year after that and how will RACC have to evolve or change because of losing 63% of your budget?

**Tatch:** Well, we have to put them on our audited financial statement because we received them, but what happens is you've got something that snaps open and snaps closed. Without the federal funding, we snap back to our regular budgetary processes which includes support through our i.g.a. As well as private sector and earned income dollars. An example which you will hear when we do our presentation for fy-22 will be the additional a.d.a. Dollars we brought in to support community-based projects for the Portland metro areas primarily for two of our county partners, but those dollars always

come in and go out. Because we made room to be able to bring in nearly \$20 million to get it to go back out into the community, we'll just go back to where we were before. All those looking at the opportunities to increase our funding and increase our connections in the community through our advocacy to really promote the work that's happening here.

**Mapps:** So did you have to hire more people just to process those covid dollars or were you able to do it with existing staff?

**Tatch:** We did part-time we did two focused for our finance team.

**Mapps:** Your folks were incredibly efficient.

**Tatch:** Yes, they were.

**Mapps:** And as long as we're on this slide and you just mentioned growing your resources, when I look at this pie chart, the other thing that kind of jumps out at me is the percent of your budget that comes from the private sector or earning income looks like 4% comes from your budget. I'm not an expert on how to run an arts organization, but that seems kind of small.

**Tatch:** My initial response is no. In our agreement with our government funder. The opportunities and efforts that our former executive director Madison Cario brought in was to sit in and say let's do more so that is what we're building up, these opportunities where we're adding many more versus what comes in from our government partners and also to note that the private sector is around 1.4. Still not, you know, when you're looking at a budget that is about \$20 million, it seems small. But if you extract those federal dollars, that percentage gets bigger. So we are looking and we are building our internal structures for fundraising to add in support for what we're getting from our contracted partners.

**Mapps:** Okay. Thank you. That's very interesting. And the last thing that I wanted to ask a little bit was your portable art collection. I think you mentioned RACC has about 2,200 pieces of portable art which I assume things like paintings and sculptures and one of the

great perks of being a city employee is many of our buildings are decorated with art that's part of the RACC collection. I believe the last time we had a RACC report before council like this one was in 2018. I'm just curious if we made -- if RACC has made any new acquisitions to its portable art collection since we saw you last four years ago at this point. Oh, my gosh.

**Tatch:** Yes. Absolutely. And that information is also included in the report, the advancing arts and culture report. But we would love to and can provide everyone in council with everything that's been added to the portable artworks. We had I believe three episodes of art being added during covid and fy-21 which we also mentioned here as well. But absolutely. I mean, some stunning art came in during that time and we were able to with the work of -- with the support of the city and our community partners fund artists to keep working.

**Mapps:** I would love to see that. I might of lost it in my briefing packet, but I would love to take a look at that. It's always fun. Occasionally in the past I had to look at the great privilege of flipping through RACC's catalog and I think it's a hidden gem. One last question before I turn it back to the presiding officer here. And that's the inverse of the question which I just asked. Since 2018 when you last came before council, has RACC de-acquisitioned any pieces of portable art?

**Tatch:** I would have to check in with our public arts director. I know that, you know what, I don't know the answer to that, but I will get you the answer to that. I don't want to guess. I know it came up last fall's engagement around the statues, but I do not believe any of those pieces have been de-accessioned as of now. I'm happy to get back to you.

**Mapps:** Those are all the questions I have for right now.

**Tatch:** Thank you, commissioner Mapps.

**Rubio:** Are there any other questions from my colleagues? Commissioner Hardesty.

**Hardesty:** Commissioner Mapps made me think of one more question. And so how -- it's been a while since we've looked at how governments finance the regional arts and cultural council. And I heard you say that you are working on an agreement with government partners and I'm just wondering if it's time to have a more equitable distribution of, you know, from our regional partners in these efforts because as I listen to the mayor's question and then I listen to commissioner Mapps and then really look at how little even though we call this regional how little regional investment there really is. I really would like to have a deeper conversation about what does it mean to be arts and culture council, it doesn't look that way from the funding chart. This is not that they don't have that conversation. Today is the day of celebrating really incredible artists, real intention alternate and my heart almost broke when the gentleman spoke about being able to provide space for Asian pacific islanders in our community at the beginning of covid because really [ indiscernible ] -- at that time and just knowing that we were able to pivot and the artist community at the same time that the city council is investing and other efforts to stem that tide. I do have one question. I think you are the perfect organization to answer this question. I believe that the city of Portland needs and the region needs some healing and I think that we cannot build anything until we go through a healing process and I would like to charge the regional staff how can you lead an effort that helps us create real healing because we are too polarized and I think having artists and musicians and other creative types leading our healing is something that I would hope, I want to challenge you to think about and please come and let me know how we can support that and not pretend we cannot go through a grieving and healing process.

**Tatch:** I am 100% with you. We accept your challenge. I do want to put out here that we're going to need your partnership for that. There's still some unresolved items from 2020 that we as a community need to face and we need to face it head on so we can move through it.

**Hardesty:** I'm ready.

**Rubio:** Great thank you everyone. And, do we have any public testimony for this item?

**Clerk:** Three individuals have signed up. So first we have Aubrey Russell.

**Aubrey Russell:** Can anyone hear me? I was invited to join very late there, so I didn't hear the prompt. My name's Aubrey Russell. RACC's annual report does not mention removal of city's public art, a topic that must have taken much attention and resources in 2021. It is strange that an unaccountable nontransparent private nonprofit should have given itself an expanded role in the removal of public art. The RACC report does not mention its efforts, the efforts of its public arts director in February of 2021 to exclude the link in and Roosevelt monuments to the national register. The report also doesn't mention that RACC did not go to the city for approval of new policies relating to the removal of public art. Instead, those policies were formed behind closed doors by RACC's staff. The unapproved policies were established by RACC's board. These details are not discussed in the report but the recommendation for removal of art should be adhered to. So RACC supports its recommendation which flows from a nonprofit with explicit violation of its contract with you the city. I and others have urged the city to pause the removal of public art until there can be a transparent and professional process in place. Instead, we got the Thompson fountain process. RACC did not push for return of the Thompson fountain. RACC did not consider the Thompson fountain to be public art. Also the new contract of the city. I hope that you are following how that contract may address concerns raised by the 2018 city audit of RACC in particular the concern that oversight of RACC is not sufficient to ensure the city's interest related to the oversight of RACC, the city hired a new city arts program manager in November 2020. The city with commissioner Yu daily as hearts commissioner hired a 17-year veteran of RACC to be in charge of the oversight committee of RACC. On October 21st, Eudaly's office wrote an e-mail to RACC titled the accessioning's plan. Traditionally, we would like to start this process as soon as possible. Community is clearly calling for a swift

reckoning of our program. The city arts program manager to work with our office RACC and community partners on de-accessioning conversation. Switch program manager as soon as possible.

**Rubio:** Your time is up, sir.

**Russell:** Thank you.

**Clerk:** Next, we have Madison Cario.

**Madison Cario:** Good afternoon mayor Wheeler and commissioners. My name is Madison Cario. I use they/them pronouns. I am a white trans person wearing glasses, a stripe suit with a bow tie above my peach fuzz. I'm thrilled to be in city hall. I couldn't wait to be here in person in support of RACC's annual support. I am coming from a place of joy and abundance. I'm here today to offer us a moment, this moment to pause, reflect, and celebrate. RACC has accomplished a lot in the last few years and all of these accomplishments have been in partnership with the many communities we serve and with you. Local government, regional government, and with some amazing national recognition and support. RACC is a service organization. Their vision is simple and achievable, a thriving region powered by creativity with arts and culture in every neighborhood. That's something I know we all want. Access, joy, creativity, community, culture, prosperity, and equity. That's the goal and RACC reaches that goal one person at a time leveraging dollars and networks connecting artists, creatives, and communities with resources, opportunities, and access. The partnership between the city and RACC continues to grow deeper, better, and clearer because it's a partnership that's built on working with, not for. Collectively, we work with each other. We work with the people and we work with and in service to the endless imagination and potential that flows through our communities. So, today, I'd like to lift up the fact that we can and do accomplish more in collaboration and I invite us to take this moment right now to celebrate the work of everyone collectively. Thank you for the work you do. RACC board and team, thank you for the work you do. Artists, creatives, makers, doers, dreamers,

thank you. You are what makes Portland magical. While it was a challenging year, fiscal year '21 proved once again that we are truly stronger and more impactful together.

Thank you for the time.

**Mapps:** Madam chair. Madison, before -- you can go back to your seat. I just wanted to thank you for that testimony and I really appreciate your patience. I saw you in chambers yesterday when we had some technical difficulties. We apologize for that. We hate to not use peoples' time effectively. So we really appreciate the fact that you made the effort to be in chambers it's good to see you again thanks so much.

**Clerk:** Next up is Jamie Dunphy.

**Jamie Dunphy:** I want to start by acknowledging and thanking the Portland city council for their continued support of the art in our city there are no financial totals in RACCs as said before, the city of Portland allocates \$3.7 million directly to RACC every year. This accounts for 13.7% of their total budget. I did the basic math and this works out to just over \$20 million budget for fiscal year 2021. A year where there were almost no performances happening. Stages stood bare; theaters sat empty. I hope that these dollars went into the pockets of artists unable to perform, but this report has no information. If you exclude the federal one-time covid grant, Portland taxpayers provided more than 60% of RACC's budget. I spent years when I served on this staff and I know how difficult getting basic transparency was back then when I served the arts commissioner and broaden the lens of what kind of art is being supported. RACC exclusively focuses on the nonprofit art sector supporting certain types of artists and nonprofits organizations. This excludes an enormous sector of the art. Anecdote is not evidence. Outside of the symphony, it sounds like a fantastic organization. The music industry in Portland does not receive their fair share of public dollars despite the role music plays. Every member of this body has voiced support for this industry and no city council has ever voted to exclude musicians from public dollars. That's a choice made on your behalf. We've now also heard that the long awaited city culture plan which we have

repeatedly advocated for and this body is spending over \$500,000 on will focus on the nonprofit arts and culture of the city. It's short sided and won't provide the accurate information that this plan has a potential to provide. Please do not confuse liking the arts with supporting the arts. It's wonderful to hear about all the individual stories of how RACC has supported art. But this is an enormous sum of money being spent on the arts without any actual public accountability, any expectation of return or results and even basic transparency of where public dollars are being spent. We know where they aren't being spent. You can and should demand more on how precious dollars are being spent. Thank you.

**Rubio:** Thank you. Thank you everybody who testified. Does that conclude our testimony?

**Clerk:** Yes, it does.

**Rubio:** Okay. Would you please call the roll. If there's no further discussion, I move to accept the report and can I get a second?

**Mapps:** I'll second.

**Rubio:** Okay. Can you please call the roll.

**Clerk:** Hardesty.

**Hardesty:** Wait. I can't just say aye. Let me just say how much I appreciate everyone who showed up today to testify. How incredible the artist work was that was presented to us that we heard about today and how grateful I am for the ourbility as a city to invest in artists during some of the hardest times that this city has seen. Even though I have questions, I always have questions, I'm very grateful for the incredible work that was done during what again has been the most troubling time. And I look forward to you responding to my challenge because I think that's some really important work that we must do collectively. I vote aye.

**Clerk:** Mapps.

**Mapps:** I want to thank RACC for what they've done over the course of the pandemic. We haven't had a RACC report since 2018. So I'm glad we have an opportunity to re-engage in this discussion and I want to thank RACC for all they've done in the arts community and support artists during the covid pandemic. I appreciated the presentations that we have seen today. Especially being able to hear the voices of artists and I hope as we emerge from the pandemic, we get even more of that. I do think there were some interesting questions about how the arts community can come together to make art a vibrant part of our community and continue to reinvent the arts as we move into the even deeper into the 21st century and I certainly expect RACC to be part of that conversation and I want to thank Carmen Rubio. In the time I've been on council. The arts have a very brave future and that's why I'm glad to vote aye today. Thank you.

**Clerk:** Rubio.

**Rubio:** I want to thank staff and board members and all the guests that were here today for the very informative and inspiring presentation. It's very clear that RACC's deep roots in the community together have had very profound impacts on our city and these last three years have been incredibly hard on our creative community, but despite all this, you know, the arts did thrive in the ways that it could during this time and it was also thriving as we experienced significant and sustained protest for racial justice that spurred a ground swell of really beautiful and compelling art during this time. And the partnership with RACC meant that the city was able to support Portland's creative communities in this unique and cultural moment. So, next, we're embarking on several big projects and transformational ones as well. Not only with monuments but the cultural planning process and we know these things will shape our city in good ways and be more inclusive of all the arts community that we have here for years to come. So we look forward to continuing the partnership. I want to thank my colleagues for their thoughtful questions today and engagement and for these reasons, I'm very happy to vote aye.

**Clerk:** Wheeler.

**Wheeler:** Yeah. Thanks everybody for the presentation. I appreciated it. And thanks for the hard work and the leadership of the folks who were involved with RACC. I also like commissioner Rubio, I want to underscore the importance of the work you've done around diversity and inclusion making sure that people feel that they are absolutely welcomed and encourage to be active participants in the arts and culture community here in the city of Portland. I should have described myself earlier. I'm an old white guy, graying hair, looking increasingly tired and beleaguered by the day. I hope to still have my sense of humor fully intact. Colleagues, this is a big expenditure for the Portland city council. These are taxpayer funds and we have a duty and obligation to make sure they are spent with the same effectiveness that we demand from other pools of funding, funding that goes towards serving our houseless population, funds that go into community safety. Funds that go into transportation and infrastructure. Art should be no different. And I want to be clear that questioning where these dollars are going and how effectively they are spent should not be seen as an affront to artists or the art community. It should be seen as a direct desire to support that community. So I will say this I think the report provided the information we asked for but it doesn't get some of the issues we need to explicitly report back to the public and I'm concerned about our general dollars in the overall make-up of this fund. It's not and if the rest of the region isn't ponying up, I've got to ask myself why not? I think for next year's report, I'd like to have more insight to that. Who is the arts community? One of our testifiers suggested that there are arts dollars that we're allocating through RACC in lieu of the city council directly managing these resources and supporting the arts and culture community in our eye city. If we are doing this at arm's length distance through a contractor, I have to ask the question, who's excluded. I'd like to know explicitly if there are arts and culture organizations or individuals in our community who are not part of this mix and if they're not, we should do something about that. Maybe they are. I don't know. I'd like to know

more about survey data. It's not unusual for this city council to go out and survey various communities that are recipients of public funding for the purpose of making sure that we're serving the community. I'd like to know a little bit more about whether or not people who are in the arts and culture community feel that this city council is best serving their needs. Through this mechanism that we are contracting out and I don't honestly know the answer to that question. It could be that RACC is doing an exceptional job. I just don't know because we don't have a basis for it. We heard some positive insight from a number of artists and they seem extremely happy with the relationship they have and the interactions they have with RACC and I hope that's universal. Or close to it. But I wonder if there's more that we should know I guess my request is this. Ultimately, we cannot escape accountability even if we're doing this at arm's length distance. I think over the course of the next six to eight months before RACC begins preparing next year's report that we collectively work together under the auspices of the arts commissioner and commissioner Rubio is doing a great job on this front. What questions do we want asked? What information do we want in the report and give the good folks at RACC adequate lead time and perhaps even resource to be able to collect the information that we need to hear. That's just my thoughts on this. You know, again, I've asked for information I went back and checked what's the plan on being more inclusive to this indigenous population and respecting their arts and their culture. And I still don't have my answer all these years later, but what's changed is over the course of those years, I voted for something like \$20 million in general fund resources to go through this program and I'd like to know is it doing what we want it to do? Again, that's on us. So I'm going to vote for this obviously and I support it and I appreciate the presentation. But I think we need to tighten the -- increase the level of scrutiny we're putting into this program and make sure it's serving the public the way we think it is. I appreciate it. I vote aye. Thank you.

**Rubio:** Thank you. Okay. So the report is accepted. Thank you everyone again, all the presenters. This concludes our afternoon session and we are adjourned. Thanks.

**At 4:43 p.m., Council adjourned.**