



August 24, 2022 Council Agenda

5675

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

Wednesday, August 24, 2022 9:30 am

Session Status: Recessed

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Mingus Mapps

Mayor Wheeler presided.

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

The Consent Agenda was adopted on a Y-4 (Hardesty absent) roll call.

Council recessed at 10:22 a.m. and reconvened at 10:32 a.m.

Council recessed at 11:08 a.m.

Communications

702

[Request of Donna Cohen to address Council regarding earthquake threat to North Portland Peninsula](#)
(Communication)

Document number: 702-2022

Disposition: Placed on File

703

[Request of Sabina Blizzard to address Council regarding earthquake emergency route for North Portland Peninsula](#) (Communication)

Document number: 703-2022

Disposition: Placed on File

704

[Request of Caitlin Kelly to address Council regarding a ban on the sale of foie gras](#) (Communication)

Document number: 704-2022

Disposition: Placed on File

705

[Request of Chris Braidwood-Reid to address Council regarding policies that affect Hillsdale businesses](#) (Communication)

Document number: 705-2022

Disposition: Placed on File

706

[Request of Rick Seifert to address Council regarding Bureau of Transportation proposed Rose Lane Project in Hillsdale community](#) (Communication)

Document number: 706-2022

Disposition: Placed on File

Time Certain

707

[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: 9:45 am

Time requested: 10 minutes

Previous agenda item 610.

Disposition: Passed to second reading as amended

Motion to amend the findings as proposed: Moved by Ryan and seconded by Rubio. (Y-4)

Passed to second reading August 31, 2022 at 10:15 a.m. Time Certain as amended

708

[Adopt the Climate Emergency Workplan 2022-2025 as Portland's Climate Action Plan](#) (Resolution)

Document number: 37585

Introduced by: Commissioner Carmen Rubio

Bureau: Planning and Sustainability

Time certain: 9:55 am

Time requested: 30 minutes

Previous agenda item 656.

Disposition: Adopted

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

709

[*Authorize the City Attorney to enter a Consent Decree in U.S. Federal Court to settle natural resource damage claims and pay settlement process costs](#) (Emergency Ordinance)

Document number: 190971

Introduced by: Mayor Ted Wheeler; Commissioner Mingus Mapps

Bureau: City Attorney; Environmental Services

Time certain: 10:25 am

Time requested: 10 minutes

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

Consent Agenda

710

[Reappoint Sean Green to the Development Review Advisory Committee for a term to expire March 5, 2025](#)

(Report)

Document number: 710-2022

Introduced by: Mayor Ted Wheeler; Commissioner Dan Ryan

Bureau: Development Services (BDS)

Disposition: Confirmed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

711

[*Pay property damage claim of Yameta Philipsen for the sum of \\$6,796 involving the Portland Water Bureau](#)

(Emergency Ordinance)

Document number: 190963

Introduced by: Mayor Ted Wheeler

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

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

712

[*Pay settlement of Roy Clay bodily injury lawsuit for the sum of \\$7,000 resulting from a motor vehicle collision involving the Portland Police Bureau](#) (Emergency Ordinance)

Document number: 190964

Introduced by: Mayor Ted Wheeler

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

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

713

[*Pay settlement of Steven Voigt bodily injury claim for the sum of \\$25,000 involving the Portland Bureau of Transportation](#) (Emergency Ordinance)

Document number: 190965

Introduced by: Mayor Ted Wheeler

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

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

714

[*Pay settlement of Matthew Williams bodily injury lawsuit for the sum of \\$17,000 involving the Portland Bureau of Transportation](#) (Emergency Ordinance)

Document number: 190966

Introduced by: Mayor Ted Wheeler

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

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

715

[*Authorize contract with Moore Excavation, Inc. for construction of the NE 33rd Ave and NE Knott St Emergency Sewer Repair Project for an estimated amount of \\$960,000](#) (Emergency Ordinance)

Document number: 190967

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

716

[*Authorize the Director of the Office for Community Technology to execute Digital Inclusion Fund grant agreement with Free Geek in amount not to exceed \\$87,500 for FY 2022-23](#) (Emergency Ordinance)

Document number: 190968

Introduced by: Commissioner Carmen Rubio

Bureau: Office for Community Technology

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

717

[Authorize two-year grant agreement with Portland Parks Foundation in partnership with Portland Parks & Recreation to support Small Grants Program not to exceed \\$30,000 each year](#) (Ordinance)

Document number: 190969

Introduced by: Commissioner Carmen Rubio

Bureau: Parks & Recreation

Second reading agenda item 691.

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

718

[*Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Glisan Tower located at 9919 NE Glisan St](#) (Emergency Ordinance)

Document number: 190970

Introduced by: Commissioner Dan Ryan

Bureau: Housing Bureau

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

Regular Agenda

719

[Accept bid of Landis & Landis Construction, LLC for the Stark and Buckman East Reconstruction and Green Streets Project for \\$25,873,710 \(Procurement Report - Bid No. 00001864\)](#) (Report)

Document number: 719-2022

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services

Time requested: 10 minutes

Disposition: Accepted - Prepare Contract

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

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

720

[Accept bid of ORR, Inc. for the Sullivan Pump Station Safety Improvements Project for \\$1,464,697 \(Procurement Report - Bid No. 00001878\)](#) (Report)

Document number: 720-2022

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services

Time requested: 10 minutes

Disposition: Accepted - Prepare Contract

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

721

[*Authorize contract with Kodiak Pacific Construction for the OR99W/SW Barbur Blvd Area: Sidewalk Infill Project for \\$1,019,180](#) (Emergency Ordinance)

Document number: 190972

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue and Financial Services

Time requested: 10 minutes

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

722

[*Authorize a Letter of Agreement between the City and Local Laborers' 483 to pay Recreation Support Staff employees appropriately with time in class](#) (Emergency Ordinance)

Document number: 190973

Introduced by: Mayor Ted Wheeler

Bureau: Human Resources; Management and Finance

Time requested: 10 minutes

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

723

[*Pay settlement of Jacob York bodily injury lawsuit for the sum of \\$75,000 involving the Portland Bureau of Transportation](#) (Emergency Ordinance)

Document number: 190974

Introduced by: Mayor Ted Wheeler

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

Time requested: 15 minutes

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

724

[Amend the Fire and Police Disability, Retirement, and Death Benefit Plan to expand additional cancer presumptions](#) (Ordinance)

Document number: 190975

Introduced by: Commissioner Jo Ann Hardesty

Bureau: Fire and Police Disability and Retirement

Second reading agenda item 698.

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

725

[Authorize contract with WSP USA, Inc. to provide professional engineering and design services for the Carolina Work Zones 01 & 03 Rehabilitation Project, No. E11004, in the amount of \\$4,950,303](#) (Ordinance)

Document number: 190976

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Second reading agenda item 699.

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

Four-Fifths Agenda

725 - 1

[*Authorize a Letter of Agreement between the Portland Police Association and the Portland Police Bureau to allow the rehire of retired members](#) (Emergency Ordinance)

Document number: 190977

Introduced by: Mayor Ted Wheeler

Bureau: Human Resources; Management and Finance; Police

Time requested: 20 minutes

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

Wednesday, August 24, 2022 2:00 pm

Session Status: Adjourned

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

Mayor Wheeler presided.

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

Council recessed at 2:13 p.m. and reconvened at 3:01 p.m.

Council adjourned at 3:57 p.m.

Time Certain

726

[*Readopt remanded Ordinance No. 189807 to restrict bulk fossil fuel terminals \(amend Title 33\)](#) (Emergency Ordinance)

Document number: 190978

Introduced by: Commissioner Carmen Rubio

Bureau: Planning and Sustainability

Time certain: 2:00 pm

Time requested: 1 hour

Previous agenda item 657.

Information found at <https://www.portland.gov/bps/planning/fossil-fuel-zoning/about-fossil-fuel-terminal-project>.

Oral record closed June 30, 2022. Written record closed July 7, 2022.

Disposition: Passed As Amended

Motion to adopt the Bureau of Planning & Sustainability clarifying amendments as shown in Exhibit B: Moved by Rubio and seconded by Wheeler. (Y-4)

Motion to amend the Ordinance and Exhibit A: Moved by Rubio and seconded by Wheeler. (Y-4)

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

727

[*Amend contract with Kiewit Infrastructure West Co. to finalize construction of the Secondary Treatment Expansion Program project for a total amount not to exceed \\$515 million \(amend contract No. 30007489\)](#)
(Emergency Ordinance)

Document number: 190979

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Time certain: 3:00 pm

Time requested: 45 minutes

Disposition: Passed

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

Suspension of the Rules

728

[*Authorize the emergency purchase of police patrol vehicles with Gresham Ford for a total not to exceed amount of \\$3,680,658](#) (Emergency Ordinance)

Document number: 190980

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance

Time requested: 15 minutes

Disposition: Passed

Motion to suspend the rules for the purpose of considering the emergency ordinance for the purchase of police patrol vehicles: Moved by Wheeler and seconded by Mapps. (Y-4)

Votes: Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

Thursday, August 25, 2022 2:00 pm

Session Status: No session scheduled

**Portland City Council Meeting Speaker List
August 24, 2022 – 9:30 a.m.**

Name	Agenda Item
Mayor Ted Wheeler	
Keelan McClymont	
Commissioner JoAnn Hardesty	
Commissioner Mingus Mapps	
Commissioner Carmen Rubio	
Commissioner Dan Ryan	
Amanda Rhoads	707
Donnie Oliveira	708/656
Nanci Klinger	709
Mark Fetters	710
Rosalia Radich	711
Joseph Jesse	712, 713
David Ferro	714
John Bushard	715
Elisabeth Perez	716
Rebecca Gibbons	716
Megan Dirks	717/691
Cassie Graves	718
Biko Taylor	719, 720, 721
Jamaal Anthony	722
Ryan Bailey	723
Sam Hutchison	724/698
Todd Martinez	725/699
Susan Hjorten	725/699
Captain Rob Simon	725-1

**Portland City Council Meeting Speaker List
August 24, 2022 – 2:00 p.m.**

Name	Agenda Item
Mayor Ted Wheeler	
Keelan McClymont	
Commissioner JoAnn Hardesty	
Commissioner Mingus Mapps	
Commissioner Carmen Rubio	
Commissioner Dan Ryan	
Tom Armstrong	726/657/603
Muriel Gueissaz-Tuefel	727
Andre Baugh	727
Farshad Allahdadi	727
Alan Bates	728

Portland City Council Meeting Closed Caption File

August 24, 2022 – 9:30 a.m.

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, motions, and names of speakers are included in the official minutes.

Wheeler: Morning session of the portland city council is now in session. Great to see you. Please call the roll.

Clerk: Good morning. [roll call].

Wheeler: Now we'll hear from legal council and the rules of order and decorum. Good morning.

Naomi Sheffield: Good morning. Welcome to the portland city council. City council is holding hybrid public meetings with limited in-person attendance in addition to electronic attendance. If you wish to testify, you must sign up in advance by visiting the council agenda. You may sign up for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions, reports, and the first readings of ordinances. In-person testimony may occur from one of several locations including city council chambers, the love joy room in city hall and the portland building. Written testimony may be submitted at cc@portlandoregon.gov. When testifying, please state your name for the record your address is not necessary. Please disclose if you are a lobbyist and if you are representing an organization, please identify it. For testifiers joining virtually, please unmute yourself once the council calls your name. The presiding officer orders decorum in the meetings. The presiding officer determines the length of the testimony. A timer will indicate when your time is done. Disruptive conduct such as shouting, or

interrupting other testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further result in the person being rejected for the remainder of the meeting. After being rejected, a person who fails to leave a meeting is subject to arrest for trespass.

Wheeler: Thank you, very much. As the first order of business this morning, we have a vote to add an item related to the purchase police vehicles agenda. Pursuant to 2.40 i8, i move to suspend the rules to hear an agenda item to authorize the emergency to patrol police vehicles with gresham ford to not need. This item will be taken up at the end of today's afternoon session. Can i get a second, please?

Mapps: Second.

Wheeler: I have a second. Please call the roll.

Clerk: [roll call].

Wheeler: This item is now added to the agenda to be heard at the end of the afternoon session. Registration for public testimony is now open. Thank you, colleagues. And now we'll move back to the start of the morning communications agenda. First individual, please. Item number 702.

Clerk: Request of donna cohen to address council regarding earthquake threat to north peninsula.

Wheeler: Good morning.

*******:** Thank you. I'm going to share my screen here. Okay. Thank you, council. My name is donna cohen, i live in st. John's. I'm here today almost one year since my last visit to discuss the danger of future earthquake to the north peninsula area of st. John's cathedral park and river gate. Now almost 350 of our e-mail listed facebook page and concern continues to grow as we do community outreach informing people of this danger which most people are not aware of otherwise. Although, i heard last time from council other areas of the city have the same

concerns. I know of no other locations of having been so threatened. Specifically, I'm referring to Lytton on state route 30 and Hayden Island near the interstate bridge. St. John's and Cathedral Park and River Gate affect the lives of 15,000 to 20,000 people who will be completely cut off from the rest of Portland. Trying to move the slide. There we go. After a major quake due to liquefaction. Families will be separated with no way to reunite. It could be weeks most likely months before a secure route is developed. We can't last that long. If you remember, if the earthquake was also toxic smoke coming from the C.E.I. Hub, we will need to leave immediately and tells us they are working to hire a contractor for engineering studies which will include the Columbia River bridge. That this is moving along as rapidly wisely designated both Columbia and Lombard since the population is at risk, you're asking that the city help us create a dialog. P-dot has been able to help so far. We look forward to hearing about communication being arranged between us and O-dot.

Wheeler: Thank you. Next item, 703.

Clerk: Request for Sabina Blizzard to address the council regarding earthquake emergency route for North Portland Peninsula.

Wheeler: Good morning.

*******:** Good morning. Thank you for having me. My name is Sabina Blizzard. I live in St. John's. Prior to that, I lived in Southeast Portland for 16 years and recently became aware that Portland is divided by the railroad along the Cascadia Subduction Fault. There is a 37% chance of a the damage will be catastrophic. Neighborhoods on the northwest side of the railroad cut are vulnerable. We are a poorer community with a median per capita income approximately 26% lower than Portland. And impoverished residents. Poor and minority we are more exposed the North Peninsula is particularly vulnerable due to the number of homes and lack of final

soil directly across the river from us this is deeply disturbing to me and many of the residents i have talked to. Lombard and columbia boulevard have been deemed routes. Yet the bridges over the cut are old and will undoubtedly fail. It is therefore imperative at minimum these two short bridges be seismically evaluated and rebuilt so we can access resources. We need your help to push this along. And so far o-dot has ignored us regarding lombard. I am aware there are meeting issues today. That the north peninsula and the portland community at large will face if we fail to act. Many will suffer needlessly and it will be considered exceedingly negligent to not have secured an emergency route for portland's most vulnerable communities when we knew a major earthquake is due. Please help us. Thank you for your time.

Wheeler: Thank you. And i confess, i don't know a tremendous amount about this particular issue. I do have a question, why do you suspect o-dot is not being responsive to your questions?

*******:** Donna cohen has reached out to o-dot and they have been unresponsive.

Wheeler: Meaning they just have not acknowledged? They haven't returned your e-mail or they haven't returned your call?

*******:** Correct.

Wheeler: Okay. There's probably ways we can be helpful there. And unfortunately commissioner hardesty is not here today but she will hear the record and she will hear this testimony and i appreciate you being here. And i also want to acknowledge the lead work that you put into this. I appreciate it when people do take the time as you did to not only make clear the issue but also extra credit for the slides so we can see visually what you're talking about as you give your presentation. That was really helpful for me and i just want to appreciate that so thank you. Next individual please. 704.

Clerk: Request of caitlin kelly to address council regarding a ban on the sale of foie gras.

*******:** Good morning. I am a law student at lewis and clark focusing my education on environmental and ethical issues. As a result, i am here to join hundreds of people who i know have been approaching you over the past year asking you to support a proposed ordinance to ban the sale of force fed foie gras in the city of portland. It is produced by force feeding birds until their livers are abnormally enlarged and diseased which is an undesirable state and one of the traumatic forms of animal cruelty. There are countless undercover investigations which have documented in these massive factory farms and considering the facts to all animals considered sentient beings. The humane treatment of animals is particularly of concern to oregonians and portlandians. Factory farms are a leading contributor to the environmental and climate crisis in many ways. Due to the many times more acres of food required to feed animals compared to if we just focused on feeding people directly. Farm run off and excessive amounts of fecal waste. And as a resident, obviously i care about all of these issues as well. However, i do think that addressing the cruelty and unsustainability of a single item and all of our capacity to consider alongside our other issues. And even more as i stated before with the environmental impacts and the like, it has an intersectional impact on these other issues on the greater scale. I'm proud of how portland and i know you've been getting approached a lot over the past year on this issue. So i'm asking you to please listen to us and help us work towards a compassionate earth we all want and to be proud of. Thank you.

Wheeler: Thank you. Of appreciate your being here. Next item. Item 705.

Clerk: Request of chris braidwood-reid to address council regarding policies that affect hillsdale businesses.

*****: Good morning.

Wheeler: Good morning.

*****: My family owns commercial property in hillsdale. I'm here representing the hillsdale business and professional association. The project design may be successful in other areas in portland, namely roads that have more than two lanes a single direction. Two lanes in a single direction and have a short grid base. Capital hill still has neither. Our major concern is access, disruption, and confusion caused by the bus will have only lane. There are over 90 businesses in hillsdale. Over 19 businesses are on the south side. The design also includes increases the difficulty exiting the parking lot creating increased congestion in the parking lot itself. These impediments are certain to result in a loss of hillsdale business revenue and will have tax consequences. Any transit time saved will be more than offset by the backup traffic leading into hillsdale. Enough back up traffic for p-dot to predict an estimated 320 vehicles diverting from hillsdale during peak hours of the business day. Loss of hillsdale revenue seems to be inevitable. Listing key community key concerns failed to acknowledge this hobbling in loss of business revenue. The memo assures that p-bottom will use collecting system performance information and report in future years, but the impact of these changes will be immediate. We cannot wait for assessments in the future. And several times since asking for details regarding mitigation tools p-bottom has mentioned. We still have not received a reply. We invite you each to drive through hillsdale on capital highway this week to compare the present configuration to the proposals preferably during the evening hours for the capital highway project. You will see how the roseland design with their lane closure will create problems that do not presently exist. We have over 900 signatures that support our request to delay the project for all the reasons you read about and can witness for yourself. If this project is not delayed. We urge you

before the end of the year to revisit hillsdale then let's compare notes. We will encourage the media to do the same. An assessment simply cannot wait for future years worse, it will cause a whole host of problems in the you each have a packet in front of you with the 900 signatures. Do you have any questions?

Wheeler: I do actually. First of all, thank you for your presentation. Everybody's incredibly on time today which is great. I appreciate that. And i know commissioner as this project has unfolded, has there been active communication between the business community which you represent some of the retailers in the mall, have you had an opportunity to participate in the development of this project?

*******:** We participate in the point of listening to a completed project. We have not been able -- they told us two years ago, initially it was going to be a test project. Then, this last may, they came to us and wanted to meet with the hillsdale neighborhood association to complete a project. We gave our feedback and asked questionings and said does this make any difference, and the gentleman couldn't say anything. And it hasn't made a difference.

Wheeler: My second question is this. I don't want to put words in your mouth. You know more about this than i do. During rush hour, is it the lane being occupied, the rose lane or it seemed to be by starting off there was confusion about how to enter or exit the shopping mall. Or is it the occupation of the other lanes.

*******:** It's both.

*******:** It increases congestion. Does not make it inviting for a car to go over to enter into the parking lot.

*******:** Yeah. It's not welcoming. It doesn't feel good.

Wheeler: Okay. Maybe there's a way to troubleshoot that as well. Commissioner ryan.

Ryan: Thanks for being here. Did you say we're not measuring the impact on businesses or we are?

*******:** P-bottom's not. We are trying to present that. We have expressed our concern about loss of revenue they would not say that.

Wheeler: Okay. Appreciate your testimony.

*******:** Thank you.

Wheeler: And last but not least. 706, please.

Clerk: Request of Rick Seifert to address council regarding the bureau of transportation proposed Rose Lane project in Hillsdale community.

Wheeler: Rick. Long time no see. Rick, are you out there? Are you muted? Is he on?

Clerk: Yeah. Rick, are you able to unmute.

Wheeler: There.

*******:** Here I am. Can you hear me now?

Wheeler: Hey Rick. How are you doing?

*******:** Good. I'm a 30-year resident of Hillsdale. I moved here when Hillsdale wasn't Hillsdale and through the funding of the Southwest Community Connection newspaper, I helped along with many others as do other people in the city. I understand, Mayor, that you get it from what Chris has had to say so I'm going to alter my testimony and not repeat what she has already said. We have the problem of traffic diversion into the neighborhood from a backup that will be caused by this reduction of lanes and so all the neighborhood streets, not all of them, but many of them will experience high traffic volumes in areas where P-bottom actually wants to reduce traffic. So it's counterproductive as far as they're concerned. I also wanted to point out that P-bottom is using pre-pandemic statistics to justify this project and they think that we will return to our old self in a couple of years. But that's clearly absurd we don't really know where we're going to be. In fact, recently at a town hall

meeting with tri met, a representative from tri met told us about the forward together plan that's still in the works and frankly said they're trying to figure things out still. So why are we a project leak this when we znt figured things out. We don't know where we're going to be. We're planning into the unknown. As chris pointed out, when this goes in and it's going to go in very soon, we're going to threaten several businesses in the shopping center and also all the other businesses that are associated with them. There are some 90 businesses in hillsdale. All of which leads to an what is the project here we heard you to hit the brakes on had ill conceived run away project.

Wheeler: Thanks, rick. We appreciate your testimony. And commissioner hardesty staff is here and they are hearing this testimony. Thanks for being here. That completes any items. Any items pulled off the consent agenda?

Clerk: No.

Wheeler: Please call the roll.

Clerk: [roll call].

Wheeler: The consent agenda is adopted. First item, 707.

Clerk: Amend a comprehensive plan map and zoning map for properties at 5505 to 5525 southeast milwaukee avenue and the northeast corner of southeast ellis street and southeast milwaukie at the request of renee france, radler white parks and alexander.

Wheeler: This is a to consider a recommendation of the hearings officer on lwhether to amend the zoning map for a few properties located on southeast milwaukie you. During the june 16th meeting, council's back to date a vote on the on the findings to reflect the council's tentative position. Do the council members have any other matters that need to be discussed before we do the hearing. Commissioner rubio.

Rubio: I wanted to state i was absent during this last matter but have reviewed the record and am prepared to vote.

Wheeler: Thank you, commissioner rubio. Commissioner mapps.

Mapps: Just a process question. After we vote on these amendments today, i believe this item will come back to council for a final vote.

Wheeler: Correct.

Mapps: Very good. Thank you.

Wheeler: Is there a motion to amend the findings as proposed?

Ryan: Yes. So moved heel commissioner ryan moves. Is there a second?

Rubio:

Rubio: Second.

Wheeler: Commissioner rubio seconds. Please call the roll.

Clerk: [roll call].

Wheeler: The motion passes. Because this is a nonemergency ordinance as commissioner mapps just indicated, the ordinance passes to second reading next week when the council will take a final vote. Keelin, can you identify a time certain for next week.

Clerk: August 31st, 1015, a.m.

Wheeler: That concluding this matter for today. Next item please. 709.

Clerk: 708. Adopt a climate emergency work plan 2022-2025 as portland's climate action plan.

Wheeler: Commissioner rubio.

Rubio: Thank you, mayor. Today, we are adopting the city's latest and updated climate action plan. A clear list of action items and responsible parties to do all we can as fast as we can to reduce our carbon emissions and to be more resilient as we experience the effects of climate change. I want to give my deep appreciation to

our activists, dedicated city staff and hundreds of community members who have testified, e-mailed, called and mailed in their ideas, concerns and feedback. This plan represents broad collaboration across eleven bureaus and offices of dozens of city staff. And i want to thank director olivera and b.p.s. For their leadership as well as all of the employees who built and participated in this plan. I want to acknowledge today the thoughtful and detailed letter that my colleagues and i received from our urban forestry commission and particularly respect the expertise and outlined areas of focus that they've lifted up as essential and we will be gathering more insight from dr. Shandus and the commissioners in relation to the expanded work in the coming months. We all need to do more to double down on our tree canopy and i look to seeing this through on a multi-year investment from the portland clean energy fund to achieve that. We have a lot of work to do ahead and it takes real substantiative action from all of us to make the changes we need for portland and for our and these solutions will involve all of us. So here to give more detail is director donnie olivera.

*******:** Good morning council. After our july 20th presentation and hearing, we kept the record open another month. I want to that everybody who had the time to take a look at that first, we want to acknowledge we agree with the portland communities. We need solutions that are going to address our preparedness, but also investments and long-term approaches. The low-hanging fruit is gone. The next policies and decisions we take in the next week are not going to be easy. We heard loud and clearly and we look forward to addressing that with you. We also collected several new ideas for item that is weren't captured in the four hundred three actions to advance over the next three years. We acknowledge that there is a host of other initiatives that the city can partner with whether it be state, regional or national governments. Obviously with our business community and nonprofit

community to advance. But those 43 options advance what we know today and we're going to require a lot more investment for each of those actions. So we want to be very clear that while we heard loud and clear that there are specifics that are missing, it would have been premature for us to lay out those specifics because each action requires a thorough process to include stakeholders, the appropriate allocation of resources. The long-term investment. The work's just begun in terms of implementation. Last, I want to be really committed to the fact that there's a significant engagement piece that kicks off this year. We have two important processes we're going to continue to advance but really the policy of development including accountability and really measurable tactics. First, the city's partnering with Multnomah in a county and community leadership to develop the climate action planning. We think there's a higher and better model for how we do climate action planning going forward. We built on that 2015 plan. We think we learned a lot through the clean energy fund process. We have a couple of samples working with parks and p-bottom and our own build planning work. For how we do co-creation with the business and community as well. We're excited to bring that to an actual climate plan and model this year. And second last month, and formally in April, we're going to be kicking off a working group this fall that will establish a new commission and we look forward to working with the community at large. The climate is very much apart of our community. And we want to make sure that we're creating a governance model that people feel like they can engage with. It's not just one bureau doing this. Those are two significant processes that are kicking off 2022 and 2023.

Wheeler: Does that conclude your questions? Thank you. In particular commissioner Rubio. You took the time I'm just curious how these things will dovetail so the science we were using five years ago to determine what our climate

action will be. To find the way this ultimately drips down to us here is we now have had two, once in 100-year heat dome events in two years. And now. So we've moved away of thinking of these as extraordinary circumstances and we now have an ongoing operation. And putting the infrastructure in place. I get asked periodically, what data are you using to determine what steps you are going to be taking. When we take a vote up here, what data are we relying on? What's the data set? What's the baseline? Can we clarify somewhere on a website what data we look at and it doesn't have to be 25 pages, but i think it is useful for people to know what our point of reference is. That's just number one.

Wheeler: Is there some way we can outline the five or ten key metrics and then have the url, if you really want to go deep then you go deep.

*******:** Yeah. We produced sort of an individual graphic and these are the reductions we need to achieve in the next eight years the truth is the emissions reductions strategy we know today that we have to eliminate the production of fossil fuels.

Wheeler: And, thank you for that. This is a really complex issue. Number two, how do people quickly understand what we are doing and what our ongoing results are? Is there something that we are planning to do that would benchmark that or give us a dash board or do something where people could -- i mean, this room is full today, this is the fullest the room's been in a while. It's awesome to see people here in city hall. So people have a real interest. Is there some way we can make this easier for people to see what we're doing and where we are and that helps people in the community who are invested in this determine where the gaps are which helps us. And here's some ideas that could fill that gap.

*******:** We do produce a regular report so this captures not just the city of portland, but the county of multinomah. So can we communicate better for better and for worse? Yes. We can absolutely do a better job of that.

Wheeler: I've learned over the years it's great if i'm talking to my friends, but it sucks if i'm trying to have people understand what i'm talking about. So it's important we try to reflect this clearly, concisely, and over time be consistent and that would help me too by the way.

*******:** Yes. Absolutely, mayor.

Wheeler: Terrific. I think it's it for my questions. Colleagues? Commissioner rubio.

Rubio: Yeah. I just want to respond to your question about more information out in the public about our progress. That's why we're excited and donnie mentioned this in his opening comments about the public table that we are now beginning to envision for climate action. And that we acknowledge that we're in a time where everybody is concerned. We need to have more timely regular and updated dialogs and public discussions about climate action that we're taking. We have not had that capacity here at the city before and it's a long time coming and so we're very excited about this new step that we're taking and donnie, i don't know if there's anything you want to share about that just to kind of give a little more context to what we're trying to do.

*******:** Yeah. Thanks, commission. So two things. One is we have a planning and sustainability commission that has been tasked with doing really two profoundly impossible scopes of work which is tackling our land use and code and simultaneously trying to provide guidance and oversight on the sustainability work that the city's overtaking. So as we develop this process, what does that do to all the groups in the city. The county, metro. There's a lot of opportunities for collaboration because frankly.

Wheeler: Any further questions? Seeing none. Keelin, please call the roll.

Clerk: [roll call].

Mapps: Let me start out by thanking commissioner rubio for bringing forward this project. And i want to acknowledge and thank the public in the room and folks who've submitted testimony online for participating in this conversation. And, of course, this item could not be more timely. Climate change is no longer a distance danger. Instead, climate change is with us today. Now, we all remember that a little more than a year ago, portland was sweltering under a heat dome which saw temperatures rise to 117° here in the city of roses and last year, we saw 72 of our friends and neighbors die of heat-related stress. This summer was western europe's turn. Recently, we saw temperatures in london reach 104°, that's the highest ever recorded. In paris, we also saw temperatures reach 104°, another record there. This summer in europe, we saw tens of thousands of refugees fleeing from the heat and fires. As the mayor just mentioned. We have had two once-in-a-century and we've had people under excessive heat warnings. And we must be ambitious as we embrace this work. And i want to congratulate the director and commissioner rubio because the work plan before us today is ambitious. That's a lot of progress and a very short period of time. I look forward to working with this council, the private sector and the people of portland to get this work done. For these reasons, i vote aye.

Clerk: Rubio.

Rubio: I want to address my colleagues for their feedback and engagement along the way. I'm also eager for the next stage where we will kick off our climate action as a city. And what that will mean for our city. It's been a long time coming and also those solutions will involve all of us and yet we know that the impacts of climate crisis are not felt equitably and this is why this work will continue to center racial,

social, and economic justice. To shift power to designing solutions have not been at the decision-making table. So thank you to all who have shaped this plan and thank you in advance to all those who will continue to assist in seeing this work through and getting us closer to our climate goals. I vote aye.

Clerk: Ryan.

Ryan: Yes. Last month council heard testimony on this item. It's great to see many of you in the room. It's great to have your expressions right in front of our eyes and also our local businesses. The fact is we need collective solutions and partnership with the city. It will take all of us with all hands on deck working together to build solutions to our climate crisis. The outcome is a shared work plan that contains as the director said 43 of the most critical carbon reduction and resiliency actions. We as a city and community must complete to achieve the 2030 goal of reducing carbon emissions by 50% from 1990 levels. Thank you to all ten bureaus. We all know that's how you get things done. I won't list all of them, but that's a big deal and i love seeing the bureaus working together for the greater good and i appreciate your work. Your advocacy inspires this work. It is your future. Thank you and please don't stop advocating. I don't think you will for our planet, for your health and safety. I know that many portlanders will see this plan as not enough and i want you to know that i hear you. Addressing our climate emergency requires interjurisdictional coordination and as you are aware, it's an incredibly challenging effort to get our entire globe on the same page. I'm hardened by the climate benefits reduction act and i did want to take a moment to widen their leadership. That's exactly what this is a compromise. And a compromise is what our colleagues are voting on today. We have to take steps and we can move forward on and taking this step will benefit all portlanders. It is action. And last but not least, i do want to thank you commissioner rubio and director donnie olivera. Your body of work and

all of her team and all of the work that went into this. I look forward to supporting the implementation of these actions. I really do look forward to the evolution of communication dialog that allows us to see digestible data. That's what i like to call dash boards. Anyway. I'm excited to vote aye.

Clerk: Wheeler.

Wheeler: First of all, i'd like to add my thanks to commissioner rubio. You've done a great job leading this effort. You've put a tremendous amount of energy and passion into this and it shows and i appreciate it. I think the product today is even better than the product a month ago. Thank you for taking the time to really hear the community. Speaking of which, we have quite a few people from the community in the room today and you can't see it on tv so i'm going to read some of the things that it says effective annual climate action to reduce emissions. You're not holding it up, but i liked the "how not what" sign that you were holding up earlier. That's a question i ask myself quite often. It's easy sometimes to, you know, see what the problem is and say where you want to go. The hard part is how are you going to get there? What specific steps are you going to take? This gentleman over here "deeds not words" which is another way of asking how not what? I believe, commissioner, that you and your team and the bureaus have put forward the response to the how and not just the what. And, director, i want to acknowledge this being something of a frame work. And i agree with that. And i agree with that and there was an earlier item that we discussed today where somebody said community feedback isn't presenting a plan saying what you think. It's about asking for their expertise and having the community to be able to help us figure out what the how is not just the what. It's interesting it came up earlier in a different context. I'd also like to thank b.p.s. Staff for the tremendous work for leading the efforts on this i belief this does advance the 2020 declaration which by the way we also

slowed down to get community feedback and at the end of the day is the broad consensus we're doing enough but not a lot. All of our anxieties as the data continues to get worse, none of us are doing enough and we always have to have that pressure behind us looking over our shoulder and the public will undoubtedly will. There are dozens of items on this list in this resolution. It represents a broad swath of actions that do fall within the city's purview and this was important to me that we identify the how, the steps that the city can do that are within our responsibility and that are within our responsibility and control to do. Many of these are large lifts. Not just in the near term, but over the years to come and the bottom line is i feel that adopting the strategy today is an important step along the path and i want to thank everybody who worked so hard of this including everybody in this room. Thank you all for being here today and thank you for your act of leadership on this. I vote aye, the resolution is adopted. Thanks, commissioner. Commissioner mapps.

Mapps: Before we move on to the next item, can we take a 5-minute break?

Wheeler: Absolutely. In fact, we need to because we're ahead of schedule and we can't move on to the next item. So we will recess. Why don't we just say 10: 30 to make it easy.

Mapps: Great. Thank you.

Wheeler: Great. We're in recess.

Wheeler: Please read item number 709. An emergency ordinance, time certain.

Clerk: Authorize the city attorney to enter a consent decree in u.s. Federal court to settle natural resource damage claims and pay settlement process costs.

Wheeler: The city's poised to enter a settlement in the federal court with five tribal nations and the agencies that oversee fish and wild life. This is the culmination of nearly a decade of hard work with these natural resource trustees.

It's a settlement that moves portland harbor forward in repairing the damages of the past and starts to move us forward in healing the river. With that, i'd like to turn this over to commissioner mapps, the commissioner in charge of the bureau of environmental services to say a few words of introduction. Commissioner mapps.

Mapps: Thank you, mr. Mayor. I am proud of the way that the city has been an early leader to identify the natural resources that have been impacted by contamination in portland harbor. That leadership has helped establish these alder creek habitat restoration site. It's helping to fund the trustee's work to help quantify the damages. And, today, that leadership has brought us to a settlement with the trustees. Now, we have nancy clinger to provide an overview of this work. Is nancy here?

Clerk: I believe nancy is in route so she's not quite here yet is what i heard.

Mapps: Oh.

Wheeler: Why don't we continue this item for a few minutes until nancy shows up.

Mapps: Great.

Wheeler: And we will move to the regular agenda. First item on the regular agenda is item number 719.

Clerk: Accept bid of landis and landis construction for the reconstruction and green streets project.

Wheeler: This is the report of the stark and eastman buckman green street project part of the maintenance and rehabilitation sewer program and neighborhood to the river program. This report authorizes construction of sewer street improvements including water quality service from southeast 30th avenue and between northeast effort street. Chief procurement officer is here to walk us through the report. Welcome. That's your cue.

Mapps: I think he's frozen mr. Mayor.

*******:** Can you not hear me?

Wheeler: Now we can hear you.

*******:** Okay. I apologize. Good morning, mayor wheeler, good morning city council. I'm chief procurement officer. City council approved ordinance 190286 to complete the start of the east construction project. The estimated cost for this project was \$23,837,000. April 13, 2022, an invitation to bid and the due date for that invitation to bid was June 7th, 2022. In total, we received three bids. Landis and Landis construction was the low bidder and was the recommended awardee. Their proposal totalled at 25,873, \$000. The city's standard did apply to this project and I'll give a brief break down of the utilization. 21% of this contract will go to certified co-bids of contractors was 13% of those subcontractors in minorities. That would conclude my presentation. If there are any questions, I'm happy to answer them now.

Wheeler: Very good. Colleagues, any questions? Commissioner Mapps, did you have a question? I want to entertain a motion to accept the report. So moved.

Wheeler: Commissioner Rubio seconds. Any further discussion? Seeing none. Please call the roll.

Clerk: Mapps.

Mapps: I want to thank procurement and director Taylor for help on this project. This particular project comes out of B.E.S.. It will make a big improvement to the neighborhood. I'm glad to see it move forward. I vote aye.

Clerk: Rubio.

Rubio: Aye.

Clerk: Ryan.

Ryan: Aye.

Clerk: Wheeler.

Wheeler: Aye. Port's accepteded. Is nancy online yet?

*******:** She is not.

Wheeler: Very good. We'll move to 720 on the regular agenda. This is a report.

Clerk: Accept bid of o.r.r., inc. For the sullivan pump station safety improvements project for \$1,464,697.

Wheeler: The safety improvements authorized by this report include constructing and enlarging platforms, building a permanent ladder which raises the question of are they using a rope ladder now, installing guardrails, and relocating light fixtures all of which will allow for better access to mechanical units requiring routine maintenance. Director taylor is still here with us to describe this report.

*******:** Thank you, mayor wheeler. On may 2nd, 2022, procurement services issued an invitation to this project with a due date of june 16th, 2022. We only received one bid on this project. I'd also like to note that the bid came in at \$1.464 million which was considerably above the bureau's estimate. The bids came in high because the contractor will be required to ensure that the pump station is always available to operations and maintenance staff during the construction period. The contractor's bid reflects these difficulties and the increased pricing and availability of materials due to global supply chain challenges as a result of covid-19 as well as challenges with hiring and retention of construction trades to perform this difficult work. The city's 20% standard aspirational goal did require solicitation. And we did not do well with minority contractors. 98% of this contract will be performed by orr, inc. With 1.7% going to contracts of contractors. I would like to note that orr, inc. Is a native american firm and is a state co-bid certified contractor. With that, if you have any questions i'm happy to answer those questions at this time.

Wheeler: Commissioner mapps.

Mapps: Director Taylor, do you know why the contractor we're going with is not COVID certified despite the fact they are a Native American owned firm?

*******:** Based on my notes here, this contractor is certified, Commissioner Mapps. Orr, Inc. is a Native American owned firm and is an e.s.b. Certified contractor.

Mapps: Thank you for that clarification.

Wheeler: I had a couple of questions. Number one, in your reasons for why -- first of all, how much did this exceed your original estimate by?

*******:** 41%.

Wheeler: Oh, my gosh. Okay. And one of the reasons you gave, Director Taylor, was that the plant has to remain operational during the construction period and so when you say it exceeded your estimate because the plant had to remain operational during the construction period, are you implying that we didn't know that when we generated our original estimate?

*******:** Yes. That's what I'm implying and also there are going to be labor costs incurred by the contractor as a result of making the pump station available to operations and maintenance staff during the construction period. So operational costs associated with building, executing the project, and keeping the pump station available to keep personnel there were not calculated in the original engineer's estimate.

Wheeler: All right. One thing I've always liked about you and respect about you is you don't pivot. You're very direct in your answers and I appreciate that. Last but not least but I assume and I want to ask anyway, given there are supply chain issues and labor issues, all of the cost of our capital construction projects. I assume we're reevaluating the time frame by which we do capital construction projects. Is that a fair statement?

*******:** That's a fair statement. And i would like to add that based on our model, our current contracting model, we've put quite a bit of risk when contractors complete these projects. This reflects any supply chain shortages that they may face, so it's their responsibility to procure the sources and materials necessary in our projects. So baked into the r.f.p. And baked into the proposal, we typically see the engineers and the bureaus they typically see how those supply chain challenges affect the schedule.

Wheeler: Thanks, director taylor. Commissioner ryan has a question.

Ryan: Hello, director taylor. I have a followup to commissioner mapps' question. I didn't track it. So i hear it's a native american firm and yet the co-bid numbers are 1.77. That's a big ticket item which was celebrated. So i just got confused. There must be some obstacles i'd just like to hear about directly.

*******:** As the current contractor, based on our policy, we're not necessarily able to acknowledge the prime contractor towards our goal. So our subcontract goal, our 20% aspirational subcontract goals apply to the partners that they will hire to complete the project. It does not include the fact that they are a native american firm. So your question is very timely. You passed the measures along with your colleagues and council to allow us to change that back in april. So we're working on measures that would allow us to acknowledge the work of prime contractors that do identify as disadvantaged businesses in the future.

Ryan: Thank you. That was helpful. So the goal is specifically about subcontractors.

*******:** Correct. That's the aspirational goal set forward. Of it's specifically around the subcontractors.

Ryan: Okay. Thank you.

Wheeler: Very good. Commissioner rubio.

Rubio: Yeah i have one followup to commissioner ryan's questions. I don't know this, but so you're saying that as a city we're not allowed to acknowledge a prime contractor if they are minority owned firm or bipoc-owned firm, is that materially meaningful in some capacity? Are we acknowledge -- can you give me a little more context around that so i understand?

*******:** Of course. And i don't have the e.s.b. And some of the other policy policy in front of me, but there are thresholds by which we acknowledge a disadvantaged business. Once they graduate based on revenues, projects executed from being a quote unquote disadvantaged business, we do not acknowledge them against the participation goal. So they graduate from an e.s.b. Program if you will and become a pretty large prime contractor, clearly, we've done our job to help them grow through some of the social equity initiatives that we put forward. So once they do reach a certain revenue goal, a certain size, it is our practice that we do not acknowledge those goals against our aspirational goals. So once they graduate out of a program, there can be a certain threshold, a certain set of criteria for graduating. No. We do not acknowledge that towards our goals after that.

Rubio: Okay. Thanks.

Ryan: Hold on. I think i'm starting to understand this a little bit. So it's a very good thing that they become a primary, correct?

*******:** That's a very good thing for us, for the city of portland.

Ryan: Right. And so what i think what's confusing to all of us is the way this is presented.

*******:** Yeah.

Ryan: -- asking such followup questions, but it's not intuitive, that's for sure. So i look forward to all of us, maybe you could help with us, director taylor. Have these numbers be more relevant to our aspirations because we want co-bid -- we want

minority firms to graduate like you said and then they become a primary. So do we have -- now i'm just curious, do we have a primary goal for co-bid? We just succeeded and it doesn't matter after that? That's kind of how it's coming across.

*******:** Absolutely. So we're working on item and as a result of measures that were passed in council in april to allow us to acknowledge, you know, certain thresholds, acknowledge the presence of disadvantaged businesses that are performing as prime. So because both things are not in place yet, many of those items won't be reflected in the report that is i'm giving on these specific projects today and i acknowledge that it can be somewhat ambiguous and hard to understand what we are working on getting us to a place where we do acknowledge businesses that may not be in between thresholds towards our goals. So i acknowledge that we do have a ways to go and, but to give you some encouragement, just harking back to what we did in april, when council helped us pass early key initiatives of social equity, we will be making improvements on how we report and who we acknowledge disadvantaged in the future.

Ryan: Thank you, director taylor.

Wheeler: Thank you. Any public testimony on this report?

Clerk: No one signed up.

Wheeler: Thank you. Please call the roll.

Clerk: Commissioner mapps.

Mapps: I want to thank director taylor on that tutorial. I vote aye.

Clerk: Rubio.

Rubio: Thank you, director taylor for answering our questions and making it a little more clear for us and we look forward to the impacts that we voted on earlier this year. I vote aye.

Clerk: Ryan.

Ryan: Thank you, director Taylor. That was a great conversation. I vote aye.

Clerk: Wheeler.

Wheeler: I vote aye. Thank you. The report is accepted. I understand that we now do have Nancy here. We'll go back to item 709 please and start with a presentation by Nancy Clinger. Welcome.

*******:** And, first, my apologies for any confusion. I was unaware that my time certain had changed.

Wheeler: No problem. None of us are ever late for everything.

*******:** I was early and suddenly I'm late. Oh, my gosh. I was going to mention that. Good afternoon Mayor, Commissioners. It's so exciting to be back in Council chambers again. It just feels -- it feels fantastic.

Wheeler: It does. Good to see you.

*******:** So I'm Nancy Clinger, senior deputy with the office of the city attorney and I'm here today because the city is ready to file its natural resource damage assessment settlement with the Portland Harbor Superfund Natural Resource Trustees. This is a final step in what has been a long process. We are settling with the natural resource trustees, specifically this is the five tribes. We're also settling with federal and state natural resource agencies, Oregon Department of Fish and Wildlife, National Oceanic and Atmospheric Association and damages to tribal resources in Portland Harbor. The remedy for these damages is restoring and constructing habitat. When you think of Superfund, I think often you think of the main part of Superfund which is working with EPA to perform the clean-up and the clean-up is addressing the contamination and the sediment, but there's a second part and it's for natural resource damages and this is where these trustees look at how to restore what that contamination has impacted for recreation and habitat loss. When the site was first listed as a Superfund site in 2000, the trustees formed

their council and started to look at how do we identify the losses which, if you can imagine is a rather daunting task and the city started to fund them early on so that they had resources to do the inventory and to start to quantify the loss. We started funding back in 2003. So the trustees went on to identify the losses, quantify the value that was lost and the damages done. Plan for habitat restoration, plan where that restoration would take place, how they would measure it and how they would monitor it. And the city funded each step of this process. We also were an early funder of a habitat restoration site at the end of sauvie island called alder creek and helped get that started even before it was accredited by the trustees so that habitat would start to be built as soon as possible. This entire process has been a public process. The documents have gone on to comment. They are on the trustee's website and there's been responses to comment. The city is also in 2014 was authorized by council to conduct settlement negotiations to address the city's portion of liability for that resource damages. These negotiations have led to an agreement on the amount of credit needed to satisfy the city's obligations. These have been confidential legal negotiations. The city's habitat purchases that it made, the funding that it's provided for nearly a decade, that value is counted towards our ultimate settlement and so you'll see that the ordinance before you requests \$400,000 and that is for the legal process cost to continue and finish this case in court. We pay the trustees legal fees for doing this and that is an estimate of our share of all legal fees to the end of our process. The city is one of about 15 to 20 parties that will be on this very first consent decree that's going to federal court. The terms of all of the parties consent decree are confidential until they are lodged in court. We expect them to be filed within a few weeks, at the most a month or so, and then all of these terms will be public. They are just confidential until they are lodged in court. This is as i mentioned a group of about 15 to 20 of the parties that

agree to settle early. There are a lot of other liable parties out there and the trustees have other settlements that will go down the road. So this is not the end of their ability to get funding for natural resource damages. And so that brings us to where we are now. The ordinance authorizes us to sign this consent decree, file it in court and then the judge will then look at the consent decrees and will determine if they are in fact fair and reasonable. I note that the trustees, the tribes, the natural resource agencies are the ones presenting it in court and defending it in court and also believe that this is a fair and reasonable settlement. It is not a complete settlement of liabilities because the yakima nation has withdrawn from the portland harbor trustee council. They have a separate legal claim that's on a separate process. It has currently stayed in federal court and this does not address those, but it does address the claims of the portland harbor natural resource trustees. And, so, that's it in a nutshell. If you have questions, i'd be happy to explain or clarify anything.

Wheeler: Thank you, nancy. Any questions colleagues? This is an emergency -- thank you nancy. Do we have any public testimony on this item? This is an emergency ordinance, please call the roll.

Clerk: [roll call].

Wheeler: The ordinance is adopted. Thanks, nancy, we appreciate your being here today. Back to the regular agenda 721, please.

Clerk: Authorize contract with the kodiak pacific construction for the or99 w/sw barbur boulevard area.

Wheeler: This is all part of the emergency ordinance. The sidewalk infill project. This ordinance authorizes sidewalk infill in two specific areas. The north side of southwest custer drive and multi-use path for pedestrians and bicyclists. This work will bring those areas up to current ada standards.

*******:** So the estimate for this project was \$992,500. So an authorized ordinance was not required on procurement invitation on June 8th, 2022, with a due date of July 7th, 2022. We received nine bids in total. Kodiak Pacific Construction Company was the awardee. Their bid totalled at \$1,019,182 which was 19% over the engineering estimate. I'd like to point out to council, this is the federal aid transportation project under the O-dot federal aid highway program. Under certification, this project will be reviewed and audited by O-dot for federal project A. The project had a 10% D.B.E. goal which is set by O-dot, not by City of Portland. The project has an actual participation of 10.5%. So it met the O-dot D.B.E. goal but it also provides a 10% by minority so that's a positive step here. Kodiak presented the subcontractor plan and they met the D.B.E. goal. With that, I'll answer any questions about the procurement process.

Wheeler: Any further questions on this item? Do we have public testimony?

Clerk: No one signed up.

Wheeler: Emergency ordinance. Call the roll.

Clerk: [roll call].

Wheeler: The ordinance is adopted. 722, an emergency ordinance.

Clerk: Authorize a letter of agreement between the city and local laborers' 483 to pay recreation support staff employees appropriately with time in class.

Wheeler: Hiring for recreation support staff within Portland parks and recreation was delayed in 2021 due to the impacts from COVID-19. Given the delay, employees were unable to meet the requirements progress through the wage schedule. Progress through the wage schedule. This ordinance amends the wage schedule to ensure we're appropriating staff. Jamal is here to present the ordinance.

*******:** Good morning Mayor and Council. It's been a while. I don't have much on this slide other than to say this is a technicality. These employees in question, they

receive an annual increase based on the hours that they work and the previous summer. They weren't able to work the necessary hours last summer because there was a delay in hiring because of covid-19. We did not want to hold those employees in a place of harm, so we just want to get them to their normal level of pay and all subsequent summers where we make up for that loss of hours.

Clerk: No one signed up. [roll call]

*******:** I want to thank jamaal and his team for their work on this.

Clerk: [roll call] pay settlement of jacob york bodily injury lawsuit for the sum of \$75,000 involving the portland bureau of transportation.

Wheeler: Sorry. Deputy city attorney and senior claims analyst, jesse, are here to present the ordinance. Ryan and jesse, thanks for being here.

*******:** Good morning. This ordinance relates to a lawsuit arising from may 20, 2018 streetcar derailment. The lawsuit named the city as a defendant along with 3 manufacturing entities responsible for the design and construction of the streetcar. The city is agreeing to contribute to a local settlement of this tort claim to facilitate resolution of the city's own claim including, but not limited to, damages arising from the repair of the streetcar and for indemnity from the response of manufacturers and associated insurance companies. The settlement preserves the city's claims, as well as the ability to seek full and emanating from the responsible parties for amounts being paid by this ordinance. This settlement contribution is especially not an admission of liability or fault and for those reasons the attorney office is recommending adoption of this ordinance. I'd be happy to address any questions you have.

Wheeler: Sing on, is a public testimony?

Clerk: No one signed up. [roll call]

Wheeler: The ordinance is adopted. Next item, 724, please.

Clerk: Them into the fire and police disability, retirement, and death benefit plan to expand additional cancer perceptions.

Wheeler: There's a second reading. We've already heard a presentation and taken public testimony on this item. Is that further business? Sing on, please call the role.

*******:** M. Mapps: I just want to take a moment to thank commissioner for bringing this forward. This great public policy i think this ordinance makes an important step toward workplace equity, which is one of the reasons why i'm glad to vote aye.

Clerk: Rubio.

*******:** C. Rubio: Also want to appreciate the commissioners role in bringing this forward and happy to vote aye.

Clerk: [roll call]

Wheeler: The ordinance is adopted. Thank you. Asked item, 725, please.

Clerk: Authorize contract with w sp usa incorporated to provide professional engineering and design services for the carolina work abounds one and 3 rehabilitation project number t11004 in the amount of \$4,950,303.

Wheeler: This is also a second reading? The further business on this item? See none, call the roll.

Clerk: [roll call]

Wheeler: The ordinance is adopted. Next up is the item 725-1.

Clerk: Authorize the letter of agreement between the portland police association and the portland police bureau to allow the rehire of retired members.

Wheeler: Colleagues, we have a 4/5 agenda item here to correct an enrollment waiver in the porton police bordereau retiree program. I'll turn this over to captain bob -- sorry, captain rob simon. Welcome, captain.

*******:** Thank you, sir. Like i stated, i appreciate the opportunity today. The bureau process 8 members throughout retiree program in july. 3 of those the reason for

this request from council. This was a clerical error that was made in regard -- regarding to change the new project language in community safety division. They process for offering hiring letters. The error was caught by the bureau of human resources to hire the contest. Unfortunately, that was after the hiring letters were sent and signed. The emergency so quickly as they remembers actually back to work when started in a couple of days and went back next month. Further, we are conducting background as required. Councilmembers the time they were away from the city, which is a short amount of time here furthermore, we took steps to prevent this from happening in the future. We know human resources business partner review. Review before they go out to ensure that doesn't happen again.

Wheeler: Thanks, captain simon. Colleagues, any questions? Any public testimony?

Clerk: We have one person signed up. Mark porras.

Wheeler: Mark, good morning.

*******:** Yeah. Good morning. Thanks, captain, for providing that update. I didn't have that information before, but i'm going to go through my testimony anyway. Hello, commissioners. For the record, my name is mark porras and i use he/him pronouns. Council added this item less than 20 hours before the session. Our group did not have time to provide collective testimony, so i'm testifying for myself here. I'm concerned with the city's contract with ppa and i believe the purpose of section 60.4, which is that of retired rehire program for sworn members, is to allow officers to retire so they can start drawing their pension and receive their sick leave payout and immediately going back to work doing the same job for the same pay. Officers who apply for and are accepted into this program are essentially double dipping, collecting their pension while getting paid as city employees, and upon being rehired they are entered into the public service retirement plan. Does this sound like good policy? They are on beasley not good fiscal policy, but is it even

good policy at all? So, the letter of ppd asking to sign an exception for those 3 officers to participate in the program and i was wondering if you're able to confirm or if the captain can confirm that these 3 officers are actually already retired because as of yesterday all 3 of them were still listed in cj our program still being active members with ppd. This, again, this may be a clerical error, but disagreement comes to your council not to rubberstamp its approval, but to consider what it means before voting. Thank you.

Wheeler: Thank you, mark. Appreciate your testimony. Any further discussion on this item? Please call the roll.

Clerk: [roll call]

*******:** C. Rubio: I just want to appreciate the mayor's office and the staff for briefing us thoroughly yesterday on this. I vote aye.

Clerk: [roll call]

Wheeler: Thank you, captain simon, for being here and explaining the situation. I appreciate my colleagues agreeing to hear this item today. The issue boils down to what basically is an unfortunate clerical error. I need to correct consequences that is urgent. Retire rehire allows us to retain decades experience expertise at a time where our community, including police officers, face exceptional amounts of violence. I want to thank the officers who agreed to return to their duties might've stepped away to return to retirement. Your commitment in the face of daunting circumstances is honorable and appreciated her then perhaps you will ever know. I also appreciate the steps ppd is taking steps to prevent this from happening again. Thank you, captain simon i appreciate it and i vote aye in the 4/5 agenda ordinance is adopted. Colleagues, that complete our business for this morning, and i just want to remind folks we have a 4 bids or, excuse me, suspension of the rules item on our

afternoon agenda if people would like to testify on that matter they can sign up to do so. With that, we are adjourned.

Portland City Council Meeting Closed Caption File

August 24, 2022 – 2:00 p.m.

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, motions, and names of speakers are included in the official minutes.

Wheeler: Good afternoon everybody. We are in session. This is the august 2022 portland city council session. Please call roll.

Clerk: Good afternoon. [roll call] .

Wheeler: I understand we have a special guest. Commissioner rubio, would you like to make the announcement.

Rubio: Sure. My mother's in town for a board meeting and my mother maria also worked in this building for a short time under mayor potter. So welcome back, mom.

Wheeler: It's good to see you again, thank you for being here.

*******:** Thank you.

Wheeler: All right. So, first up, we have a time certain item 726.

Clerk: Mayor, would you like the city attorney.

Wheeler: I apologize for that. We'll now hear from our attorney on rules of decorum.

Lauren King: Welcome to the portland city council. It's holding limited in-person attendance in addition to electronic attendance. If you wish to testify, you must sign up in advance. You may sign up for communication to briefly speak about any subject. You may also sign up for public testimony on the resolutions, reports, or the first readings of ordinances. Any testimony may occur from one of several

locations. Written testimony may be submitted at cc@portlandoregon.gov. When testifying, please state your name for the record. Your address is not necessary. Please close if you are a lobbyist. For testifiers joining virtually, please unmute yourself. So everyone can feel welcomed, comfortable and safe. Individuals generally have three minutes to testify unless otherwise stated. A timer will indicate when your time is done. Refusing to conclude your testimony council deliberations will not be allowed. If there are disruptions, a warning may be given and the person may be ejected from the remainder of the meeting. Additionally, council may take a short recess to reconvene virtually.

Wheeler: Sorry. I thought i timed that better than i actually did. First item please time certain 726, an emergency ordinance.

Clerk: Readopt remanded ordinance number 189807 to restrict bulk fossil fuel terminals.

Wheeler: Colleagues, we're back together again today to take a final vote on zoning code amendments to restrict bulk fossil fuel terminals. As a reminder of where we are, the city council previously adopted this ordinance back in 2019. Since that time, it's been appealed to the oregon land use board of appeals which remanded the decision back to council for additional findings to show it is consistent with our comprehensive plan policies. Bps has prepared those additional findings and it's now back before us. The storage of fossil fuels is a threat to our community. They are a safety threat because portland's industrial business has a high risk. That was not known at the time that those facilities were cited there, but it's now a known risk and we must respond to the information that we now know. As we work to make our community safer, the first step is to ensure that the situation doesn't get any worse. Continuing to allow new fossil fuel terminals increases the risk to the surrounding industrial district as well as the willamette

river and the entirety of the city. Council held a public hearing on this proposal on June 30th and the written record was held open until July 7th. This item was then continued to July 21st. At that time, the ordinance was continued to today, August 24th, 2:00 p.m. Time certain. Council has now reconvened to vote on this ordinance. Council will be taking three specific votes today. First of all, amendment number one. These are the clarifying amendments introduced by Commissioner Rubio at the June 30th hearing. Second, we will amend the ordinance and the exhibit a findings to respond to what we heard in substantial public testimony. Finally, we'll adopt the final ordinance. Before we start, Tom Armstrong from the Bureau of Planning and Sustainability BPS and Laura King and the attorney's office are available to answer if i questions regarding the ordinance or any of the testimony. Colleagues, do any of you have questions for staff at this juncture? I'm not seeing any. So, with that, then we will -- our first vote is to adopt the BPS clarifying amendments shown in exhibit b, the remand report. This amendment was moved and seconded on June 30th as you'll recall so we can move to a discussion and vote. Is there any particular discussion to amendment number one? Please call the roll.

Clerk: [roll call] .

Wheeler: I want to just express my thanks to those who testified in public as well as to my colleagues who helped shape this amendment and it's obviously a critical component of the overall package and I'm pleased to be able to vote aye today. Vote number two, this is to amend the ordinance and the findings. I believe Commissioner Rubio has a motion to move the amended ordinance and findings. Commissioner Rubio.

Rubio: Thank you Mayor and Council members. I move to amend the ordinance and exhibit a reflected in the packet dated August 17th.

Wheeler: And i second. Is there any further discussion? Please call the --

*******:** Can you just get clarification the motion was for exhibit a as the findings.

Sorry. Thank you.

Wheeler: No worries. We're all good. Very good. Please call the roll.

Clerk: [roll call].

Wheeler: The amendment carries. Now, we will vote on the final ordinance as amended. Any further discussion before we call the roll? Very good. Please call the roll.

Clerk: Commissioner mapps.

Mapps: I'd like to thank commissioner rubio for bringing this item forward. I'd also like to thank everyone for written testimony on this item. As we've heard the ordinance before us today, we'll limit the size of new fossil fuel terminals and we'll prohibit the expansion of fossil fuel storage tanks existing and we'll limit the expansion of fossil fuel storage tank capacity at existing terminals. As the mayor pointed out, given the risk of a catastrophic earthquake, these code changes are essential to protect the lives of portlanders and to preserve our environment. In addition, i'm glad to see that this ordinance lays the foundation for a greener future by ensuring that portland has enough renewable fuel capacity to meet our future needs. At the same time, i'm concerned about what's not in this ordinance. The proposed ordinance, for example, fails to provide exemptions for fossil fuel infrastructure projects that improve safety or accelerate the transition to lower emission fuel sources. I think eventually council should look at those issues, but i also recognize that this is not the day to have that discussion. I am on the other hand confident that this will not be the last time that this council reviews policy on fossil fuel infrastructure here in portland. I hope those future conversations will embrace a collaborative data-driven approach to infrastructure improvement

projects with the goal of reducing green house gas emissions, mitigating risks posed by earthquakes and increasing worker safety. I look forward to the work ahead and i'm proud of the work we're about to do today for these reasons and more i vote aye.

Clerk: Rubio.

Rubio: The purpose of this ordinance is to limit the risk of damage from a catastrophic earthquake by limiting the expansion of fossil fuel storage tank capacity in an area with high susceptibility with liquefaction. More importantly to transition to cleaner fuels to reduce carbon emissions. This supports our goals of a transition to a reliable low carbon energy infrastructure by designing existing terminals or designating existing terminals as a limited use. It would allow use for storage facilities for renewable and also help limit the risk to portlanders in the event of of a major earthquake and we need this step in order to transition to cleaner fuels. Lastly, i want to thank tom armstrong and lauren king for their exceptional work on this item. I vote aye.

Clerk: Ryan.

Ryan: As a city council, we need to both prepare for and mitigate the known risk associated with a large seismic event and we know that limiting the increase of fossil fuel storage of bulk tools is one way to prevent this problem from growing worse. We also want to support the necessary seismic upgrades as well as their expansion into renewable fuels. And, finally, we want to continue to support the terminal's role in supplying fuel to the region and their transition to a clean energy future. I believe this code is a necessary step in the right direction for the city, for the safety of our community and for the protection of our natural resources. I vote aye.

Clerk: Wheeler.

Wheeler: Well, this will be the third time that the city council has adopted these restrictions. I want to thank all of my prior colleagues for their hard work on this. Commissioner Hardesty, you were there in December 2019, but the work goes back farther than that. There are some people in this room and I know that some of you have been working on this for years and years and I want to thank you for your continued leadership and your continued diligence on behalf of the entirety of the community. I also want to express deep gratitude to our legal council and the bureau staff who've been working on this for many years. This is complicated. The issues are many and we as a land use entity are required to abide by the land use policies and laws and I want to thank both our superior staff as well as our legal council for working diligently to make sure that's the case and helping us find a path forward. So thank you for that. This ordinance helps to protect the health and safety of our community and the environment from the potentially harmful effects of a major earth quake. I believe it is in line with the values of the vast majority of people in this community and I am very happy to support it. I vote aye. The ordinance is adopted. Look at this. That's awesome. With that, colleagues, we have nothing but time certain in the four fifths today. So we'll take a recess until 3:00 p.m. We're in recess. [recess] [please stand by] .

Wheeler: We're back in session after our recess. Item 727, please.

Clerk: Amend contract with Kiewit Infrastructure West Co. For a total amount not to exceed \$515 million.

Wheeler: Commissioner Mapps.

Mapps: Thank you, Mr. Mayor. Colleagues, the ordinance before us today authorizes the Bureau of Environmental Services to move forward with the final phase of BES's secondary treatment expansion program more commonly known as our step program. That treatment plant has been in service for approximately 50

years and is long past due for an upgrade. Let me provide a little bit of background. You might remember in 2011, portland completed its big pipe the volume increased dirty water which is why oregon's the capacity to clean dirty water. D.h.u. Has given us until the end of 2035. Completion began on november 2020. We anticipate completing this project by the end of 2025. The final cost of this project is not to exceed \$515 million. Environmental services is bringing this item to council today as an emergency ordinance in order to lock in pricing and subcontractor agreements. Here today we have a presentation from two interested parties. We have muriel gesa toival and mark bertalero with west coast company. Muriel, mark, welcome.

*******:** Thank you, commissioner. Thank you for being here today. I know it's been a long day, so i appreciate the time. We have about 45 minutes for this item and i will bring up the presentation. One second. Can everybody see the presentation?

Mapps: Looks good. We can see your notes if you care about that.

*******:** Are you seeing the presentation screen?

Mapps: Nope. Does this look the way it's supposed to look? Okay.

*******:** Muriel, you're not on the first slide though.

*******:** Okay. Let me try again. Sorry about that. Okay. Sorry for the difficulties and i thought i was on slide one. Okay. I got it. Thank you for your patience. So we're here today and we did a little switch around. We have andre ball also here today, he will speak to the community benefits agreement that we're implementing as part of this program. And, if you can hold your questions on that for his part of the slides which come towards the end, mark is the project manager for our contract and is here today to answer questions, but i also want to mention, we have people from bes that can answer questions related to this project because we realize it's a big dollar amount that we're bringing to council today. So, again, this is a very significant investment for bes and the city and the treatment plant. It is a regulatory

driven project. We came to council a couple of times before. The work is ongoing. You see a picture from the construction site just a couple of weeks ago, so it is in heavy construction and we have about \$100 million of work, construction work authorized to date and we're asking to amend up to \$515 million. So that is inclusive to that \$100 million. We came to council five times on this item after the planning effort and most importantly probably in October 2017 when we requested so we could deliver contracting with the CMGC approach and that's when this election for this project. Then in October 2020 is the last time we came in front of council, that was to authorize the first phase of construction and, at that point, we also were at 30% design for the phase two of the work which we're presenting today and, at that point, our estimate was still in the hundreds of millions, but \$301 million towards the design level. If you want to back up a little bit. The treatment plant, we'd like to be out of sight and out of mind. We recover the water and put clean water back into the rivers and it's a very good for essential services. As part of that, it needs to operate 24 hours a day, seven days a week rain or shine and now we're adding through COVID and snow and ice. So how we got there is in 1952 is when the plant was initially built. That's a photo on the screen. 1972 was the very last large expansion of the treatment plant and that was actually to add secondary treatment. And when we talk about secondary treatment, it relates to the biological treatment method to treat the waste water and that's what it refers to. So secondary treatment is when we start using microorganisms to clean the water before it goes to disinfection. So those major investments in treatment plants, they always tend to follow regulatory mandates. Clean Water Act amendment, the last one was in the '70s. So how we got there, Commissioner Mapps already primed that topic, but in the 1990s and 2010s, that's when the city started focusing on reducing overflows to the Willamette and the Columbia. And really we focused on protecting

the rivers and capturing the storm water and we eventually built those big pipes. So most people have heard of the big pipes. This is a picture from the inside of one of the big pipes and it was completed in 2011. So, again, so once all that storm water, combined storm water and sanitary sewage, it all goes to a treatment plant and that's one of the regulatory shifts went back to the treatment plant on how are we treating that waste water? . So we entered into this agreement with the Oregon department of environmental quality and it had eight conditions on a compliance schedule. We've met every single one of them through the years and the very last one is the core of this problem to meet the facilities by December 1st, 2024. And we're planning on meeting these milestones and it's part of the reason why we're here today so the regulatory driver is what we call the secondary treatment I've been talking about if you remember the secondary expansion came in the '70s. So if we add the associated dates also need to be clarified and successful and reliable. So here are just a few pictures of some of those we are replaced in the program. So here you see on this picture, it's an overview of the site plan from the 70s actually and it covers the area that this project upgrades and you can see those are all facilities that date from the 70s. So phase one for which we came in November 2020 and it is a significant improvement that needs to happen which means putting concrete in the ground so they will be resilient in the case of an earthquake event. But as part of this, we also have to build interim facilities so we can maintain operation. So it's a little bit of a domino effect. You can't just go in and demolish. You have to continue for operation and that requires a lot of coordination for that. That was phase one. And so the scope of phase two is what we call going vertical. So that's why we're really going to start seeing structures going up. And this picture here I'm just showing it for maybe to give an appreciation of how hard the work is. This one shows the it's actually a temporary facility that

was built to keep the plant working, but you may not see it if i don't point to it, but there's a worker there trying to fit those pipes there in that facility. So the core of the mandate is the addition of clarifiers and a clarifier is essentially a very large tank and the background, my picture background is a microslide that shows the biology in the waste water. So the -- it's biological treatment and then we have a mix of bugs that are doing the work in the waste water, we called it mixed liquor, that then goes into these very large tanks and it settles at the bottom. So the top layer is that clarified water and is disinfected and discharged to the columbia river. So these things are going to be the largest in the state of oregon. And they will also be built to seismic standards. So they will be -- we will bring a lot more seismic resiliency to us. A lot of work happens and we have utility tunnels. They're not invisible. But a lot of work needs to happen to bring the water to and from from one process to the other process so this shows a before and after. A big part of the project is the complete new solids handling facility. The existing facility dates from the '70s just from the building envelope, it's a very inefficient building from the '70s. We're adding processed units that are also no longer from the '70s. It will add a lot of operational sustainability to either the operations or the process. So solids handling when we talk about that, the bio mass i was saying settles at the bottom of the clarifiers, those are the solids and we need extra processing so that's where it goes. It goes into this building. To give you a sense of the complexity of that building, this is a side view. It's got three stories and a basement. Lot officer equipment, lots of piping, lots of electrical and it's a heavy industrial building a lot of the work includes replacement of things we've demolished. On the left you see this was the building of one of the special groups of the plants. That was their warehouse and also where their cubicles and office spaces were. But we've demoed that. Now they're working out of interim facilities until we build them a whole new shop space and work

space. So by the end of the day, the most visible changes will be to visitors and we're also making changes to the surface of the concrete, so it's not necessarily something you see when you visit, but we're increasing the lifetime of these assets. So the beginning of the presentation, I said last time in 2020 with a \$301 million estimate based on the 30% design package. With a 30% design, there's a lot of uncertainty still so we traditionally say here's our estimate, it can go up to this amount because there's lots of stuff we don't know still. So back then, we thought it would go up to maybe up to \$400 million. What we didn't anticipate is the pandemic, the war, the world, and it has dramatically impacted construction costs. Consumer inflation has been in the 14% but construction inflation has been much greater. On average, 64%, but some items have gone up by 217%. So if we translate the \$301 million to today's cost, it would be \$495 million and with a 30% design uncertainty, that range would have been up to \$643 million. So we're here today with 100% design. So we've dramatically or significantly reduced that uncertainty because we have 100% design and we also are key with went out to get actual bids from contractors and subcontractors and suppliers to provide us their cost based to this market. And those bids are short-lived which is part of the reason we're here today to try to secure the pricing, they have a 60-day hold which is pretty impressive for us to work that fast. So \$493 million is our proposal, but since we haven't started the project, it's similar to if you do a remodel in your kitchen and want to put a dish washer in. There's some uncertainties when you pull the dish washer and you see what's behind the walls, so you have to save a little bit. So here we're coming with a request of \$115 million. So how we were able to stay relatively close to that 30% estimate, the team's always been very aware that costs are going up and that there's so much we can absorb and we've gone through continuous value engineering through this project, through the whole entire design and I have

found \$111 million in savings and it ranged for a variety of examples. Some are more traditional means and methods of construction, but others were a little more creative like excavated soils. We have a lot of soils excavated for these clarifiers and the buildings and instead of sending them to hillsboro, we entered into a governmental agreement so they can use our soils for their benefit and we then reduce our costs and our carbon emissions associated with trucking. So that was a \$6.2 million savings to the city. And nothing was too small. We went all the way to looking at pipe fittings and changing them. So, with this size of a project, we really had the opportunity to implement the first community benefits agreement since it had been approved by council and here i have andre bah who stands by c.b.a., he will give you a little bit of background on what that cba is but also tell you about that performance debate on the first phase and what is the plan that comes with this request today. So, andre.

*******:** Thank you, muriel. Good afternoon mayor, council members. My name is andre bah. I'm the cba manager if you will and lead. A little bit of background on the cba. That is the community benefits agreement, the step project in front of you today is the first cba implementation. So we've been at this a little over two years. The cba is really an agreement between the unions and the city on setting goals for women and minorities and subcontracting and, you know, who supplies the labor to the project. Part of that agreement is setting goals and aspirations and developing a process to ensure those goals and aspirations are met. As part of the cba, there's an advisory committee and that's been meeting for two years. In fact, in october, we're having a celebration, certainly invite you out to and we started right at covid so we're -- it's been an interesting process, but it's the unions at the table, the contractor, the bureau. Community groups and latino build. The preapprenticeship program sitting around and really at a table looking monthly at

the performance of the contractor providing advice, recommendations and we have all the parties at the table to solve problems and to meet the expectations of the community and the benefits agreement. We have as part of that process, we look monthly at disaggregated data. So we're looking at the very specifics and this is all transparent. So the leader is able to see how the contractor is doing and community members are able to see the performance, their subcontractors and provide advice and and we ask for assistance in trying to find individuals and companies. It's a great relationship and we've got a couple more years of doing this. Next slide. Next. Okay. Here's a lot of in your opinions. But what i want to highlight for you are some significant numbers around minority work force, apprenticeship and then we're going to talk about female performance. First, if you look at minority work force, it's not addition to well it's over 50% because some minorities are counted twice as women, but we're close to 50% of the work force being a woman or a minority. That's significant in a big construction project like that: When you look at apprenticeship, we're doing 22% overall, but when you look at who those apprentices are, we provide women and. We have 48% minorities and 48% females. That's a significant amount of people moving in to careers and we're able to provide those opportunities for individuals. Next slide we'll disaggregate the if you add up people of color, they're more than the caucasians and that's a big deal. Again, it's how do we meet the and who are we meeting them with. People of color. Women, african americans, hispanics, asians, other nonwhites participating in the project. When you that is about 23% of the project. But what's significant in two things to catch your eye here is look at who's participating on the project in terms of the ethnicity when you disaggregate that \$13 million. African american at 60%. Hispanic at 13%. Native american at 8%. Asian pacific at 3%. That's what you want. You want people of color, those contractors to get this opportunity and when you

look at the type of works they're performing, excavation, mechanical, these are heavy civil scopes of work that are able to be translated into other city projects in terms of whether they're transportation, water, or with the parks so these contractors can modify on and do other work other city projects on their own or with larger contractors. When we look ahead, we're forecasting about 750,000 work hours. What we're going to do to continue to build on the success that we've shown you previously is we have made a concerted effort to bring out pre-apprenticeships. We have pictures here with an Oregon trades women. We want to expose future workers to this. We want to bring them out so they get excited and we continue to diversify the work force. So we're going to continue working with the advisory committee also. That includes the preapprenticeship programs to look at ways we can increase our apprenticeship and utilization of minorities. Also, look at outreach. How can we do more outreach as a contractor and work with the community groups to do outreach to draw in those communities of color and females to the construction industry to fill that pipeline to meet our projected hours of 750,000 and the minority and women goals and apprenticeship goals and just keep graduation at the end of the day because it's a long-term project. We've got journey level women and minorities able to work on future projects. And, lastly, when we look at the diversity forecast for subcontractors, we're projecting about \$79 million worth of work with 80 different dmwesh businesses. That's not the end of it. That's what we know today. We still have two years of other opportunities that are going to come out, but what we have today and, again, they're major structural concrete utilities, electrical metal abbuildings. These are major scopes that you're going to find that can be translated into other work or transportation or a water plant or if you're building new parks. These are all heavy civil scopes and when you look at what we're forecasting, again, african american at 46%. Asian pacific at 16%. Native

american, hispanic at 13%. Again, people of color and those contractors we're projecting are going to be the majority of the work of the dollars that we're subcontracting out for dmwsb community. Muriel.

*******:** Thank you, andre. And so here to keep those numbers in mind, it's important to look at the schedule. Phase one is what's been previously authorized previously authorized with phase one and we have two major milestones coming up and it's december 2024 for the completion of those clarifiers that's our mandatory regulatory mandate, but a lot of work needs to happen after to finalize the project and that's the demolition that needs to happen and december 2025 is when everything is done. With if you look at all these numbers from the cba, those dollars are going to be distributed in a relatively short time it does bring a lot of opportunities for the community through the cba. We've done everything we could to control the costs with scope and controlling the schedules. So we control the schedule and we control the scope and design. We're doing our best. Part of the reason we're here today is so that we can control further inflation by locking in the prices with the suppliers and subcontractors to date and moving to construction to meet our regulatory mandate schedule. With that, we have no further slides.

Wheeler: Great. Thank you for the presentation. We appreciate it. Colleagues, any questions? Thank you.

Mapps: I think we might have -- i saw commissioner ryan maybe was continue plating a question. I do believe we have public testimony. That might unearth.

Wheeler: Very good. Excellent presentation. Thank you, muriel. Do we have public testimony?

Clerk: Yes. We have some people signed up. Let's see. First up, we have aaron barber strong.

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

Thank you for your patience.

*******:** Good afternoon commissioners. My name is aaron barber strong. I'd like to say hello to you all again. I believe i've seen you all in our training center before and i'm here to speak in favor of this amendment. Basically i'm here to speak about the impact of this project. I just want to give you some quick numbers. I know we have some goals that we heard about today. I just want to let you know there are a lot of material handlers on this job. And, just some ratios here. Seven out of ten of our selected apprentices have been material handlers for six months or more equivalent to 1,000 hours. Nine out of ten people of color or women who have been material handlers, so this is the opportunity. Material handlers are the best way to get into our selection process to be an apprentice. So i'm definitely in favor of that. To give you a little return on investment for this is that for every one hour one of our members or electrical contractors has someone working on the job site. There's a contribution that goes back to the training center that pays for the apprentice training. So there's no cost to the apprentice being trained. Their tools don't cost anything, it's all part of our process. These are members of our city that we all love and enjoy. They participate in our local economy and they plan to stay here and do so in the opportunity like cbas like this one will allow people to continue to do so in the environment of people of color and women.

Wheeler: Thank you. Appreciate it. Good seeing you. Commissioner ryan, did you have a comment?

Ryan: Thank you for being here, aaron. I just want to educate myself we keep hearing this is a big opportunity to have employers move up the pipeline and you're saying this project because of this large scale is a real golden opportunity to do just that?

*******:** Absolutely. For individuals, this is golden. To be quite honest with you, there's approximately 1,000 people waiting to get into our apprenticeship program and there's approximately 500 people on our out of work list looking for these opportunities. So when opportunities like this that have such a magnitude of opportunity, this is the pipeline to give material handlers on that job for six months or more. Once we have a thousand hours, they're kind of committed to this process. So when they come to an interview, we have a lot of people coming tomorrow for interviews and they've been on this job site, we look forward to having a conversation with them and say you're absolutely who we're looking for.

Ryan: So this is major work force infrastructure opportunity.

*******:** Absolutely.

Ryan: Okay. And we talk a lot about covid compliance and you need these big projects to promote that, correct.

*******:** This is correct.

Ryan: I just wanted to make sure i was tracking this.

*******:** Thank you.

Clerk: Next up, we have kelly coatcheck.

Wheeler: Hi, kelly.

*******:** Caller: Good afternoon, mayor wheeler. It's nice to see you again. I feel like it's been a while. For the record, my name is kelly kuchek, i'm the executive director at oregon trades women. Oregon trades women is a small community based nonprofit headquartered here in portland and our goal is to help put women to work. In our program, we offer a three bureau of labor and industry certified preapprenticeship training program. About 73% of the women we serve are very low income. And 53% of the women we serve are women of color and they go to work out in the construction industry and these opportunities change their lives

moving folks from poverty to prosperity. But i want to say as a woman who came out of the trades in my former life a few years ago that when we send women to these jobs and people of color to these great jobs, if those jobs aren't safe and we're not just talking about wearing personal protective equipment and safety harnesses, but safe in terms of job site culture, we have done a disservice and it's breaking our heart. What i want to say about this project and i want to take a moment to thank muriel and her team and andre bah and his efforts and certainly mark and the team at keiwit. They are walking the talk every single day. We have graduates on that project when they have had any issue, it has been immediately addressed and resolved and it is making a difference and, we just want to say thank you for that. We support this important effort. We want to acknowledge that community benefits agreements are a policy levers that can drive equity, but it takes this level of coordination and collaboration as andre mentioned earlier, even though it's called an oversight committee, it's more of a collaborative committee and we don't sit on that committee, but we are aware of the work that they depo to ensure this project is for community i have a special opportunity who's now the special advisor to president biden on infrastructure, he wanted to know and he called this is a model for the rest of the nation. Thank you for your work.

Wheeler: Thank you. Appreciate it.

*******:** That completes testimony.

Wheeler: This is an emergency ordinance, please call the role.

Ryan: I do have a question. You know, we pay a fee for the pipe project. Is that descending assuming with this one takes off?

Mapps: Yeah. First i want to reassure the funds for this project do not come out of the general project. It is also true if you take a look at your bill from the water bureau, we break out from some of the different projects. One of the projects right

now is the big pipe that's going down. Frankly, i will tell you the bureau and i will be working with the mayor's office to figure out what implications this has for utility rates going forward. It almost certainly will have some impact on rates, but at this hour, we don't have an estimate. I certainly pledge to work with the mayor's office as he develops budget guidance for us and members of council to give us a sense of where it's going. It's a big project, but i anticipate the impacts will be relatively small. It will take many years to pay this off. And, actually, i might be wise to invite someone who knows what they're talking about to address this. Muriel, do you want to get in on that?

*******:** I would like to invite rashad to answer the question. Thank you.

*******:** Good afternoon commissioners. I'm the business services group manager at bes and, commissioner mapps, i think you did a fantastic job explaining it. There will be a series of financial steps that the bureau is considering both in this current fiscal years and the current years to come to pay off this project and really account for these unprecedented financial shocks that our bureau and other bureaus are experiencing driven by largely inflation and market conditions. We are working through that analysis right now, but i do believe we'll have more information soon and this will always be a collaborative and transparent process for us.

Mapps: And, if i could just build on that, as i think we heard in the presentation, bes staff has done an amazing job of value engineering, taking a look at the plans on the table and figuring out how we can do this cheaper. We managed to find about \$100 million in savings. Frankly, i think because of the magnitude of this project, it probably has implications for the timeline of other major infrastructure projects that will be pursuing in the future and it's most likely to have some impact on rates too, but we are still crunching the numbers on that. Thank you for the question. It's an important one.

Wheeler: Very good. Please call the roll.

Clerk: Commissioner mapps.

Mapps: I want to thank my team over at bes and our partners in the development community for their work on this project or this presentation today. In particular, i feel like i should call up muriel, andre, aaron, molly, karen, mark, i also want to recognize michelle rodriguez on my team and i also see steve there, thank you, steve. And i see -- we didn't call on director taylor, but i feel your support and director taylor has definitely been at the table as we have put together both this presentation and work on this project. Colleagues, i want to tell you this is a significant infrastructure project here in portland. This is the kind of project that you hope only comes up about twice every 100 years. So it really is a -- it's a major moment for the city of portland. It will contribute to keeping our rivers clean and it will contribute to keeping portlanders healthy and it will help our city withstand the impacts of a major earthquake which we frankly expect to happen during the life of this project. I appreciate your support and partnership on this. It's important. I will be transparent and communicative with you on this. I vote aye.

Clerk: Rubio.

Rubio: I want to thank commissioner mapps and muriel and the team at bes for an informative presentation as well as all of their excellent work on this project. These kinds of projects need to move forward regardless of inflation. So i appreciate the careful and thoughtful work to design with these things in mind. I'm also really happy to see the community benefits agreement in place here and the high utilization of bipoc and women-owned firms and work force as well. I just want to say, aaron, it's great to see and also kelley, great for you to be here, both of you testifying. I think what you both said added a lot of important dimension to understanding the work force impact of this project as well. I'm excited for the next

phase of the project and i really look forward to seeing the outcome and if ever invited on a tour i would gladly accept. For these reasons, i vote aye.

Clerk: Ryan.

Ryan: Thank you for this explanation. We've had these conversations before, but this project really allowed me to dive into it and see the instant value and how concrete it was and then when you have the testimony from our friend here from ibew and kelly from oregon trades women it brought a story that we often continue plate which is how we're going to build our work force. And so this is a really big opportunity for that. So i wanted to lean into that at this moment. I was kind of blown away that careful choice of words the fact the last time this was done was 1972. So clearly, this is really necessary and i did do a tour was it that infrastructure tour back in i don't know when like six months ago and so it allowed me to understand the need for this and, you know, you get this gig and you start to think about such things and, you know, our most precious commodity is water and keeping it precious and clean and so we have to invest, it's a really big deal. So i'm excited to support this. I also did want to connect the dots for our rate payers and i was just thinking there was an elegant solution. Because you do hear people complain about their rates. And so i just will be watching that a bit. Anyway. I'm excited about this project. Of it was an interesting presentation. I wasn't expected to be so engrossed in it. I vote aye.

Clerk: Wheeler.

Wheeler: I have enjoyed watching the ark of this project as it moves from concept and closer and closer to a reality. And it's migrated somewhat in terms of the call to action. Originally, it was a mandate and it came largely from concerns about open water sources in a time of terrorism, but what we've seen since then is increased recognition that we're in a significant seismic area and that our water supply pure

and precious as it is, it's also a significant risk to seismic activity. More recently, we saw an all too real example of how fires increasing wildfires in our community and in our region can potentially put at risk the entirety of our water supply. And we came close during the Columbia River Gorge fire several years ago when actually an entire new fire break road had to be dug through the Bull Run Reservoir area in order to protect the reservoir from what was presumed to be out of control at that point wild fire moving towards our primary water source. And so from my perspective, it's gotten easier to support this project from where I was six years ago when we started this and it just seemed like something of a mandate coming out of Washington, D.C. And there were a lot of people who were very frustrated by that mandate particularly given as we discuss today the potential impact on our rate payers. Well, here we are now and this looks better and better by the day at least in terms of protecting the water source. The materials and labor and supply chain issues continue to weigh on us. We know historically when it comes to major infrastructure projects, the price goes up one time. So we have to continue to move forward with diligence and I appreciate the work that Commissioner Mapps and the work that the Bureau continues to do. Keeps us focused. Keeps us on track towards the completion of this project. What's new this year hearing this presentation is now we're down to the brass tax. We're talking about community benefits agreements. We're seeing more and more members in our community and more players and stakeholders engaged in the ultimate outcome that we're seeking here and this feels good to me. As good as a major infrastructure project could feel because they always come with a tremendous amount of risk. This is one worth taking. I vote aye. And the ordinance is adopted. Colleagues, with that, we have one more item today and this is, of course, the one that resulted from the suspension of

the rules earlier this morning it doesn't have an item number, can you read it for us please.

Clerk: Yes, item 728 not to exceed an amount of 380,680.

Wheeler: To be able to protect the citizens and bottom in the city of portland. Gresham ford has a narrow window as such, we have to act quickly to secure the vehicles the police bureau needs. Police supervisor allen baits is here to present the emergency ordinance and i appreciate the fact you were all willing to put this on the agenda at the very last minute with not a whole lot of explanation, but i'm certain that allen bates will do a thorough job of explaining why this had to come to council. Good afternoon.

*******:** Good afternoon. Thank you, mayor. Thank you commissioners. I'm allen baits. I'm the fleet supervisor for city fleets. You may remember me from previous discussion about our fleet transition which we're proud of. The vehicle behind me is the ford lightning which is one of the electric vehicles coming to our city and so we're very excited by that. Today, really, we're talking about the police bureau and the vehicles that they need. So city fleet purchases vehicles on behalf of all the city bureaus including police. The patrol vehicles have a regular replacement schedule which is prefunded by the police bureau. Due to budget constraints, ppb deferred vehicles for the past two years and we're now catching up with that. So, at this point, gresham ford is our local dealer. They ordered the vehicles from ford corporate. All the auto makers and all of manufacturing right now as we've heard over and over are struggling to meet the current demand. There's really no predictability in procuring vehicles these days and we basically have to order vehicles on very short notice and unfortunately in normal times, we had predictable order periods that opened and closed on a reliable schedule. In current times, there's no predictability. Order banks open and close in minutes, hours, or days

without warning. We're responding to this current order window and if we miss it, it could delay securing vehicles for another six to twelve months causing potential public safety issues which is why we're asking for these funds this is not additional funds, just accelerating the time line.

Wheeler: Thank you. Colleagues, questions? I know we did post this late. We made a couple of announcements during this morning session. Is anyone signed up? Allen, thank you for the explanation and i'll just say having done ride alongs with the portland police bureau and seeing the vehicles that they use, they obviously get a lot of hard use. And some of them frankly look like they have been through demolition derbies. They do not last long in the field. They're driven up on curbs. They're driven down into unimproved areas often times very rough road and they get a lot of hard use. And we have extended their useful life. I want the taxpayers to know that we are running these vehicles hard and we're running them long and we're getting as much out of them as we possibly can. There comes a time where they do have to be replaced and for a significant portion of the portland police vehicles, we have reached that point. So i appreciate your bringing this opportunity forward. I understand it is a little unusual for us to be doing this without perhaps this much public vetting as we would like, but we also understand we're in extraordinary times and we want to be competitive in that bidding process. Thank you for bringing that forward. This is an emergency ordinance. Please call the roll.

Clerk: Commissioner mapps.

Mapps: I want to thank the mayor for bringing this forward and i appreciate allen's presentation too. Like the mayor, i try to do ride alongs on a regular basis. I think the average portlander would be shocked at the condition of the vehicles that we see out there that are often literally in crashes, driven hard. If i had allen's job i think i'd pull some of the vehicles out that i see used on a regular basis off the

streets because they have clearly reached the end of their useful lifetime. So i'm glad to see us take a proactive stance for maintaining our fleet. I vote aye.

Clerk: Rubio.

Rubio: Thank you, allen, for the presentation. I had some questions, but you answered all of them in your presentation. So i vote aye.

Clerk: Ryan.

Ryan: Yes. Thank you, mayor, for bringing this forward. It is an emergency and allen you did a great job bringing the details.

Clerk: Wheeler.

Wheeler: I also just want to acknowledge our partner in gresham ford. They're as good as local and that's important to me. I thank you for that, allen. And i appreciate you doing some advertisement for our e.v. Program as well. I vote aye. The ordinance is adopted. Colleagues, thank you for a long day today. It was a productive one. We are adjourned. Thank you.