



## September 14, 2022 Council Agenda

5678

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.

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### Wednesday, September 14, 2022 9:30 am

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**Session Status** Adjourned

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Anne Milligan, Deputy City Attorney; Keelan McClymont, Council Clerk

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

Council recessed at 11:00 a.m. and reconvened at 11:11 a.m.

Council adjourned at 12:19 p.m.

### Communications

753

[Request of André Lightsey-Walker to address Council regarding Steel Bridge Skatepark](#)(Communication)

**Document number:** 753-2022

**Disposition:** Placed on File

754

[Request of Janae Hagel to address Council regarding Steel Bridge Skatepark and increasing access to skateparks for those who are underrepresented](#)(Communication)

**Document number:** 754-2022

**Disposition:** Placed on File

755

[Request of Desiree M. Jefferson to address Council regarding Steel Bridge Skatepark and skating community building](#) (Communication)

**Document number:** 755-2022

**Disposition:** Placed on File

756

[Request of Jessie Burke to address Council regarding Steel Bridge Skatepark](#) (Communication)

**Document number:** 756-2022

**Disposition:** Placed on File

757

[Request of Richard Gould to address Council regarding experience as a Wastewater Operator at the Columbia Boulevard Wastewater Treatment Plant](#) (Communication)

**Document number:** 757-2022

**Disposition:** Placed on File

## Time Certain

758

[Proclaim September 2022 to be Suicide Prevention Awareness Month](#) (Proclamation)

**Document number:** 758-2022

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

**Time certain:** 9:45 am

**Time requested:** 20 minutes

**Disposition:** Placed on File

759

[Appoint Elizabeth Gomez and Jennifer Santhouse to the Development Review Advisory Committee for terms to expire September 13, 2025](#) (Report)

**Document number:** 759-2022

**Introduced by:** Mayor Ted Wheeler; Commissioner Dan Ryan

**Bureau:** Development Services (BDS)

**Time certain:** 10:05 am

**Time requested:** 15 minutes

**Disposition:** Confirmed

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

**Votes:** Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

## Consent Agenda

760

[\\*Authorize Settlement Agreement between the City and Laborers International Union of North America Local 483 regarding a grievance filed on behalf of member Travis Perich](#) (Emergency Ordinance)

**Document number:** 190990

**Introduced by:** Mayor Ted Wheeler; Commissioner Carmen Rubio

**Bureau:** City Attorney; Human Resources; Management and Finance; Parks & Recreation

**Disposition:** Passed

**Votes:** Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

## Regular Agenda

761

[\\*Pay settlement of Laurie Balmuth's property damage lawsuit for the sum of \\$110,000 involving the Portland Bureau of Environmental Services](#) (Emergency Ordinance)

**Document number:** 190991

**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 Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

762

[\\*Pay settlement of James Crooker's employment lawsuit for the sum of \\$85,000 involving the Portland Police Bureau](#) (Emergency Ordinance)

**Document number:** 190992

**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 Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

763

[Accept bid of OpConnect, Inc. for the Charging as a Service Project for \\$3,492,600 \(Procurement Report - RFP No. 00001714\)](#) (Report)

**Document number:** 763-2022

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Revenue and Financial Services

**Time requested:** 10 minutes

Previous agenda item 750.

**Disposition:** Accepted - Prepare Contract

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

**Votes:** Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

764

[\\*Authorize Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the 82nd Avenue Crossings: Klickitat-Lambert, NE/SE Project through the exercise of the City's Eminent Domain Authority](#) (Emergency Ordinance)

**Document number:** 190993

**Introduced by:** Commissioner Jo Ann Hardesty

**Bureau:** Transportation

**Time requested:** 10 minutes

**Disposition:** Passed

**Votes:** Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

765

[Amend Erosion and Sediment Control Regulations Code for clarity, consistency, and ease of administration and adopt the enforcement fee schedule to add escalating fees for non-compliance \(amend Code Title 10 and ENB 14.10\)](#) (Ordinance)

**Introduced by:** Commissioner Dan Ryan

**Bureau:** Development Services (BDS)

**Time requested:** 10 minutes

**Disposition:** Passed to second reading

Passed to second reading September 21, 2022 at 9:30 a.m.

**Wednesday, September 14, 2022 2:00 pm**

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Session Status: No session scheduled

**Thursday, September 15, 2022 2:00 pm**

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Session Status: No session scheduled

**Portland City Council Meeting Speaker List  
September 14, 2022 – 9:30 a.m.**

<b>Name</b>	<b>Agenda Item</b>
Mayor Ted Wheeler	
Keelan McClymont	
Commissioner JoAnn Hardesty	
Commissioner Mingus Mapps	
Commissioner Carmen Rubio	
Commissioner Dan Ryan	
Anne Milligan	
Richard Gould	757
Jessie Burke	753
André Lightsey-Walker	754
Janae Hagel	755
Desiree M. Jefferson	756
Tom Miller	753-756
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Mark Fetters	759
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Alan Bates	763
Ashley McLay	764
Nicole Peirce	764
Nancy Thorington	765
Jason Butler-Brown	765
Michael Liefeld	765
Kaitlin Lovell	765

## **Portland City Council Meeting Closed Caption File**

**September 14, 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.

**Speaker:** September 14th, 2022, morning session of the Portland City Council.

Good morning. Please call roll.

**Speaker:** Hardesty?

**Speaker:** Here.

**Speaker:** Mapps?.

**Speaker:** Here.

**Speaker:** Rubio?

**Speaker:** Here.

**Speaker:** Ryan?

**Speaker:** Here.

**Speaker:** Wheeler?

**Speaker:** Here.

**Speaker:** Now, we'll hear from legal council on rules of order and decorum, good morning.

**Speaker:** Good morning welcome to Portland City Council holding hybrid public meetings with limited in person attendance in addition to electricity attendance, if you wish to testify in person or virtually, you must sign up in advance by visiting council agenda on the clerk's web page, and you may sign up for communications to briefly speak about any subject. You may also sign up for public testimony on



resolutions, reports, or the first readings of ordinances. In person testimony may occur from one of several locations, including City Council chambers and love joy room and Portland building. Written testimony may be submitted at cc testimony at Portland Oregon.gov and should address the matter being considered at the time. When testifying state your name for the record. Your address is not necessary. Disclose if you're a lobbyist if representing an organization, please I'd by it. For testifiers joining virtually please unmute yourself once the clerk calls your name. Presiding officer preserves order so everyone can teal welcome, respected and safe. Presiding officer determines the length of testimony. Individuals have three minutes to testify unless otherwise stated. A timer will indicate when your time is done. Disruptive conduct shut as shouting or interrupting testimony or deliberations will not be allowed. If there are disruptions a warning will be given an after being ejected a person failing to leave the meeting is subject to arrest for trespass. And council may take a short recess.

**Speaker:** Thank you very much. I notice four individuals are on communications have the same subject so let's take it out of order and do 757 first and then, take pour individuals in order.

**Speaker:** Request to address council regarding experience as a waste water operator at the columbia loved waste water treatment plant.

**Speaker:** Good morning.

**Speaker:** I believe richard was planning to join virtually. I don't see them in person. They may not be on here.

**Speaker:** Okay. We'll go to others then, first.

**Speaker:** He just arrived.

**Speaker:** Hi, richard and welcome. Three minutes name for record please.

**Speaker:** Apologize for that my name is richard gould. I would like to apologize for the delay an thank you to City Council taking time to have me today. I'm a watt water operator two and the purpose is to convey challenges as a essential city employee. First challenge starts back this March, 2020 my work schedule upside down and people, do you to covid-19 I was in the able to take my work home with me and moved from ar shifts to graveyard, combination of pandemic and work hours put a strain on my life. I was stressed with the possibility becoming infected to covid-19 and pass it to my spouse. I continued to remain vigilant, coming into work knowing my work is essential and for the community I serve. However, pandemic and drastic change did not phase well with other co-workers and the plant suffered from staffing numbers and leaving open operators in shifts forced to work double shifts. As a swing shift operator and seven months I have been forced to do double shifts and work 3 to 5 days a week, resulting in negative affects on my health and personal safety and those in the community. Driving home after a double shift of 16 hours going to the driveway, putting car in park and falling asleep at the wheel or forgetting the route back home. Then, I wake up 3, 4 hours later to go back and do it over again. I am wonder if risking my life is worth my job. And the treatment plant is seven years old and there are no chemical hazards like asbestos, there are no toxic gases and there remain diseases in the weight water including covid-19 as discovered in new york city, polo. Negotiations are in process with the city and pcl and this is an opportunity for the city to makeup for just giving a chance to the portion that seem to have been forgotten.

**Speaker:** Commissioner Mapps would like to comment.

**Speaker:** Thank you. Richard, thank you for testifying today, and sharing your perspective. I see issues highlighted today and agree with you and I'm concerned about forced overtime we can see out there and we're doing everything to make

sure we're staffed up. I take safety issues extremely seriously. We tried to work closely with management and make that space safer and I hope that in your experience it's gotten safer over the past year and a half and moving forward I expect to it continue to be much safer place and pledge to come up with a contract that is rewarding employees with good work they do and deliver services to the people of Portland. If would you like to dialogue more I encourage to you send me an e-mail at my office or I can have michelle reach out to you. And.

**Speaker:** Thank you. We have four individuals who would like to come up. And together, and is this your wish to have collectively 12 minutes or three minutes each?

**Speaker:** 12.

**Speaker:** Very good. Come on up and jump into your presentation. Thank you, thank you for being here, we appreciate it.

**Speaker:** Thank you.

**Speaker:** 753 request of andre walker to address council regarding steel bridge skate park 754 request of jenny haggie to address council and increasing access to skate parks from those under represented. 75 request of desiree jefferson to address regarding steel bridge skate park and community building and 756 request to address council regarding steel bridge skate park.

**Speaker:** Good morning and thank you for being here.

**Speaker:** Thank you. We're switching up the order a little bit. Hello, my name jesse burke. I co-own society hotel and chair old town community association representing non-profits, shawl businesses, and cultural and educational institutes and testifying today to introduce a project the old town community enthusiastic about and has been advocating over 20 years. There piece of land deemed undevelopable and in 1999 the old town visions committee had the idea to activate

the ace turning it into a skate park and bought the idea to Howard Winer, Portland and the world's oldest shop and Howard to the neighborhood association on board and advocating would provide more equitable access using our central location. In 2001 a feasibility study was completed which is the document you have from you now. It never came to be. Does everyone have the document there? This project came back to life last year when land use co-chair found records in files and with support of OTCa made it a priority to bring it back to life. Our community is excited about the project and in collaboration with Sam Adams we've been working to navigate next steps to bring to fruition and would like to thank Prosper Portland using increment finance dollars allocated to Old Town Community and I would like to thank all of you, we're not asking for anything in this presentation. Just thanking you in advance for your support, to continue to chair for this project and finding ways to help the Old Town hunt repair and rebuild. It's the only thing giving our community hope. Thank you.

**Speaker:** Thank you.

**Speaker:** If morning members of council for the record my name Andre Walker it's a pleasure to be here with you in person. You've seen me probably digitally. I'm here representing Street Trust and excited to ensure the final product is a world leading destination for local residents and visitors. The Street Trust was it seems fitting to come before you as champions of skaters, scooters and other healthy modes of travel. If completed steel bridge skate park will stand as a monument to city's commitment to welcoming inclusive spaces and this is a characteristic I find foundational to city of Portland. I can talk to you all day, about the benefits of activated engaging public spaces and may be impactful to someone who has been in Portland. For me, the skate park was literally a home away from home. And a place of community intersection, create activity and personal growth. And is one of

the reasons I'm silting here today. I gained a perspective on urban environment and didn't yet have vocabulary I began cull city rating there may or may not be a documentary sitting right here in city hall having a conversation with tom miller about why the city of Portland doesn't have more skate parks. I can send you the link if you want to see it. Skate parks are a hub for multi generational connection and offer a after place for self expression and naturally encourage active transportation and the amount of time very to spend has declined over the years, my love and appreciation for what they offer a community has only grown. You'll hear from my colleague who know well for active transportation users the journey is just as important as the destination. Thank you.

**Speaker:** Thank you.

**Speaker:** Please hold the clock I don't want to take away their time I just wanted to say how great sit to finally meet new person. I mean that little box does not do you justice. Great to meet you live.

**Speaker:** Thank you.

**Speaker:** Thank you.

**Speaker:** Yes. Good to see you, thank you.

**Speaker:** Good morning I am one of five tractor managers that stands for community this and our mission is to build inclusive communities that aim to educate skaters so they have tools to create a long lasting relationship with the indicate park. We're made up of quad skaters but welcoming to wheels of any kind. Most of the community is comprised of women, trans people, nonbinary people, lgbtq ia two s plus people and youth. And host work shops for indicators at skate parks around Portland metro area. As awesome as our skate scene is here, we're missing out on something that would be a huge asset to the community to, have a centrally located skate park would mean more youth events, people brand new to

skating and more community building both within the skate community and Portland as a whole. On a personal note I want to share skating improved mental health in immeasurable ways we know exercise is good for the body and soul. I found skating is best way to get that exercise and I know I'm not the only skater that feels this way. The idea we can practice year round fills me with hope. No more sitting at home had it cold, dark and rainy all winter so as this moves forward I would like you to consider both community building and as well as health benefits. And thank you for your time.

**Speaker:** You. Appreciate it.

**Speaker:** Hello members of the council thank you for hearing testimony today. I am within a Portland transplant and am a user researcher and experienced designer and known as a jmk ride for pdx region. Skating has been an influential part in healing from racial based trauma and PTSD for myself and others and played a role in reintegration with civilian sector helping us to find a sense of community, and commonality we seek having an inclusive space for people of color for our mental and physical health but a safe learning space for children and youth means not peering cons and discrimination that comes with the masculine dominated sport of skateboarding and parks this has been a moan for physical fitness activities across Europe and Asia. This can be performed on flatland and my contribution and special interest in this project is to collaborate with Portland public schools and parks and implement free skate program for Portland skater youth having a fun space some benefits of skating not just for children and adolescents include improving posture, balance, flexibility and coordination and enhances muscle strength and mental benefits extend to teaching a sense of higher self esteem and positive outlook on life experiencing patience and practice in addition to reduction of stress. It has potential to be a source for community development and to with all

races are welcome and bmx ramp park. Our sister city has been a host to recent skating championship. And packed metropolis that it is possible to reinvigorate spaces into a place where everyone from life long locals to site sighting tourists can mutually benefit from a safe, well lit, well designed space with covered areas for a 24-7 all year access for gathering, activity and prosperity of a modern, forward thinking city and people of Portland. Thank you for your time.

**Speaker:** I want to thank you for being here and this is a great vision. And i'll continue to lean on sam and tom, I know they're working with to you put details on this but it's about activation and future and about inclusion and finding healthy alternatives for young people to engage in the central city core and it speaks to an opportunity to take an area that historically blighted and turn it into something the community can be proud of. I want to thank you for expounding on the vision and providing leadership and looking forward to continuing to work with you.

Appreciate it, very much.

**Speaker:** Thank you.

**Speaker:** Thank you.

**Speaker:** My colleagues wait. Don't go anywhere. Commissioner Mapps and hardesty.

**Speaker:** I just want to pick our panelists for bringing to this project to council's attention. I have been following it and there is a lot I don't know. This looks great and do I have a question do we know who owns this land?

**Speaker:** Good morning, tom miller and this they co-own parcel, yes. And that importantly for purposes of the project and conversation, there is support to transfer.

**Speaker:** Thank you.

**Speaker:** He's still here, here he comes.

**Speaker:** I'll be brief. Won't take more than a minute. Is the county involved? Too? Because some of this is under a bridge to some degree? Or just city?

**Speaker:** County has not been involved and don't have an ownership interest in this site.

**Speaker:** Great. I wonder, I want to encourage you to carry forth the city has a skate park plan from 2008 and this would be great to have a vision about who skate parks fit into our city. Thank you.

**Speaker:** Commissioner Hardesty?

**Speaker:** And yes, whom will be responsible for maintenance? And upkeep? I don't want the public to and it's ironic Tom Miller back when he was the one you had conversation with the first time I was the only one brave enough to put on skates and actually have people took the 60s theme to the extreme and people are there, having a great time, and agree. Any opportunity to activate a dead space, in our city, especially with young people and excitement I haven't heard of the skating style but I'm looking forward to learning more. As a kid, I was around cement so I didn't get around green spaces to do that kind of fun stuff. Agree we should look at a system, I think if we've done the work, we have had big questions and I think the same things that may have stopped this project in the past like dedicated resources and some entities are responsible for getting it to finish line, we get questions answered and will have a good outcome. I'm excited bit myself. This exists so thank you, for the passion you're bringing to this. We need a lot to be passionate about in the city now and you have brought so much passion to this conversation today and who knew you can get us old people excited about skate parks.

**Speaker:** We should go in on a board, don't you?.

**Speaker:** Yeah.



**Speaker:** Well, you want to throw down a challenge now?

**Speaker:** I want my own board and I want to share I don't want to play. They do not?

**Speaker:** No, parks does.

**Speaker:** I didn't hear the not part.

**Speaker:** The fact it's p got land scenes that something else has to happen.

**Speaker:** Did you mention backlog of maintenance?

**Speaker:** Yes. Commissioner Rubio you're the person that we'll look to on the system we're building.

**Speaker:** Well, we have, we maintain parks.

**Speaker:** Not trying to drag. Very four people here.

**Speaker:** Yes. We're open to the conversation and are having conversations around the city I'm learning about this and I think public might be as well. I thought I'd ask these questions to figure out how to move forward. What is the vision on when this is supposed to come to life?

**Speaker:** It is a large scale construction project. And so don't worry. There would be funds to old town if we can advocate it appropriately. So it's we're just asking to use the dollars we have dedicated to old town and I'm referending tax finance dollars we have. Just for a point of reference, we started about 30 years ago, and in 30 years we have \$46 million remaining and the funds have had a two-year extension, the time expired. And so wear trying to find creative solutions to use up this, these dollars which were intended for economic development and revitalization of the struggling neighborhood. And I'm just asking for everyone to help us use up funds that were intended to salvage this neighborhood.

**Speaker:** But those no longer exist? Right?

**Speaker:** They do. They do and did a two-year extension of the urban renewal area.

**Speaker:** It will expire when?

**Speaker:** I don't know. I think two years from now.

**Speaker:** If I can just say, looking at other communities philanthropy dollars, there are other sources of funding.

**Speaker:** For sure.

**Speaker:** We should explore those.

**Speaker:** There are options if we have a complete plan set then we can apply for certain grants or two.

**Speaker:** Thank you. We appreciate it. Great presentation.

**Speaker:** That is good.

**Speaker:** Consent. Have any items been pulled off?

**Speaker:** Nothing pulled off.

**Speaker:** Only one item. Very good. Please call roll.

**Speaker:** Hardesty?

**Speaker:** Aye.

**Speaker:** Mapps?.

**Speaker:** Aye.

**Speaker:** Rubio?

**Speaker:** Aye.

**Speaker:** Ryan?

**Speaker:** Aye.

**Speaker:** Wheeler.

**Speaker:** Aye.

**Speaker:** Adopted we'll go to time certain. This is where the type gets small.  
Number 758, please.

**Speaker:** Proclaim September 2022 to be suicide prevention month.

**Speaker:** Colleagues suicide prevention awareness is a very, very important issue and has wide spread impact on Portlanders and I'm grateful we can share thoughts on mental health, together to destigmatize this issue on one hand and bring awareness into the public dialogue on the other. We rank in top 13 nationally. The city works with our county partners to approach mental health and suicide as a public health issue and past few years have been challenging for all of us. And vulnerable populations tend to have a higher risk of suicide rates. I want to reaffirm those in lgbtq ia plus community are safe in Portland. You're important to the community and matter. Thank you. Commissioner Mapps and I'd like to invite commissioner Mapps to say a few words.

**Speaker:** Thank you mr. Mayor.

**Speaker:** Colleagues during this month we reaffirm committing our friends and neighbors about suicide prevention resources and is needed now more than ever. In 2020, 833 Oregonians died of suicide. It is the leading cause of death for Oregonians between ages of 10-24 and there is help. You can get help by calling national suicide prevention lifeline. 988. Already other avenues of support, too. Today we are two invited guests that will tell us more about the resources available here in Portland. Here with us today we have dwight colton ceo lines for life and aaron weldon, executive director of the Oregon chapter of American foundation of suicide prevention. Welcome dwight and erin.

**Speaker:** Welcome.

**Speaker:** Thank you for being here. Dwight good to see you.

**Speaker:** Nice to see you, mayor, it's been so long.

**Speaker:** Erin?

**Speaker:** Good morning.

**Speaker:** Good morning.

**Speaker:** Good morning my name erin weldon Oregon area director for American foundation for suicide prevention. Thank you for having me with you here today. The American foundation for suicide prevention is a national organization a chapter in every state. Here in Oregon focus on prevention, education, and building a community that is smart about mental health. Stated today, suicide is a leading cause of death here in Oregon. As well as in Portland. But there is hope. I'm going to ask you to imagine with me if we can work together towards a world without suicide in which we all know how to be there for each other. A world in which hope is easily available and we lose fewer people to this leading cause of death and in which every one knows love and support for those in distress, and those who have lost someone to suicide. Together, we can walk towards that world and today the city of Portland is making an important step. The Oregon chapter who have lost someone and those who struggle thank you for being part of the movement.

**Speaker:** Good morning. I haven't been in a live City Council meeting in a long time, thank you commissioner Mapps. My name dwight hoston executive director of lines for life a nonprofit to preventing suicide in had substance abuse. Every day the team is there for people struggling on their worst day. It's a remarkable honor and everyone knows these people to be around folks who have dedicated lives to hope and a way forward who people can't ho can't see that now and there is nothing more powerful than hearing these stories of hope city engagement here this proclaiming and expressing importance is important and I are parents tell me stigma killed their child. Reluctance to get help because you don't want to be that person. Or, the way we treat people who struggle with mental illness and no one

has second thoughts calling 1 in a fender bender or going to the doctor when breaking an arm. Yet, every day thousands of people think twice and don't get help when struggling with mental health. So to take a stand to be engaged in this is important because you set the example. I had to smile commissioner Mapps you can call 988, that is a brand new service and it's really exciting. The 988 is the nation's way of saying it's okay to ask for help. No one thinks twice about calling 911 when there is a fire or police emergency. No one should think twice about calling 988 when there is a mental health emergency. You'll be connected to someone who knows how to listen and understand and help you find your way forward. So we're thrilled and we talked to 4,000 people over the first month. It's incredible making 988 easy and taking this community and national position it's okay to ask for help is already reaching thousands of people in Oregon alone. So we're super excited about this. And you know I can't come here without mentioning the hope of youth line, team to team crisis line which is continuing to grow rate teenagers going lieu six # hours of training and four hours answering calls, mostly texts, frankly from their colleagues they spoke to over 25,000 kids last year and the same, or more this year and it's been a key part in making Oregon different in that our rate has gone down over the past couple years. We're one of the very few states that can claim that and folks at the youth line are a central part of that. City and county work hard to support this work. The mayor co-hosted a crisis intervention last Friday. This is an important conversation and we appreciate your support.

**Speaker:** I appreciate you being here today. And when you said Oregon you side rate went down what is that based on? I thought the number of gun violence and domestic violence and other types of -- what is that based on?

**Speaker:** Gun violence has gone up. Suicide rate is down we have had less suicides.

**Speaker:** By firearms?

**Speaker:** I'm in the sure. Do you know?

**Speaker:** I don't know data no.

**Speaker:** I don't believe that is true. So I would confirm that and I know that gun violence goes up.

**Speaker:** I'll check the huns we've been steady and reducing in last couple years.

**Speaker:** That isn't where I wanted to go. But your last comment helped me go there. I'm concerned. I know people use 911 in ways 911 was never intended. And which means we end up with calls that are better suited to be answered by someone else. Now we have a new number we want people to remember for another specific issue. Which is around suicide prevention. We're last in the country so what are we doing in helping prevent suicides when we're in the providing people service they need when they need it at a cost they can afford?

**Speaker:** [ inaudible ].

**Speaker:** Thank you.

**Speaker:** I just wanted to ask this is what we a our goal is you're right. It's no good if we build a big great door to enter and there is nothing behind it. So there is some good news. There more than in many years prior so we're seeing some good news there and what I have seen is to building a comprehensive program in our engine system so 988 plan, and funding not only includes making and create morgue capacity lines for life but substantially increasing mobile response and building stabilization services. So there is good news there.

**Speaker:** We know that is a major challenge. I to think one benefit is one of the things we've learned is a temporary impulse. It's proven to stop the rate of suicide

so while there is that larger problem that we need to address it is true, getting someone on the phone to talk someone down does help prevent deaths by suicide.

**Speaker:** A important hopeful fact that we like to emphasize. For every person that calls the national lifeline, 28 # people think serious there it and don't that. Is 280 come back kid stories and people are able to go forward and live their lives. That is where we accomplice place our family sis. It's funny. I'm a prosecutor. And when we first met I was a united states attorney. Hope is not a hallmark card thought in this field. And it's what they do every day.

**Speaker:** Is there demo graphic data for the state around the age and demographic groups. You didn't talk about who the vulnerable communities are. Do you have that data?

**Speaker:** There is data and we know important things. It's hard in lgbtq plus communities and the rate is growing among black youth faster than any other group. So we've built a community that is really cool and in communities of color specific and concerted way.

**Speaker:** How long has it been this place?

**Speaker:** 20 years but started to become a juggernaut about ten years ago. We're making up and opened an office had central Oregon and September 21st ping a satellite on one springs reservation in collaboration with the warm springs nation so that going to be another juggernaut and it is going to be great.

**Speaker:** I appreciate the data log and I lost two people to suicide and I feel like I lost two others but it was a slower drip, if you will. So I think the definition is what I want to ask. What is the precise definition?

**Speaker:** Intentional taking of one's life. We recognize that the rate of things like death by overdose or vehicle accidents is probably not measured and we're in the able to tell what the intention was there so.

**Speaker:** This is a great question. 200,000 people in the United States die by overdose, alcohol and suicide.

**Speaker:** 200,000 people, so that more than people who have died in combat, in every war since World War II. This growing on the substance use category so this is a pandemic with no vaccine.

**Speaker:** You went to a nuanced place I was hoping we'd go and losing loved ones of hitting bottom so I'm glad we'll have this conversation. You said numbers dip down we're in the talking about overdose side.

**Speaker:** Yes. This is a pandemic of despair and there is good news, I tell people two and a half three years ago, I never went to a meeting and began by saying how everybody doing? And having responded it's a crappy week and I hope it's going to get better. I think that is a positive design. When you look at young people, we've got this growth when is this going to flatten? The answer is never, we're more comfortable talking about it than you old people are.

**Speaker:** Yes.

**Speaker:** Thank you.

**Speaker:** It's unfortunate we didn't do something to prepare young people to go back to schools. Adults thought after living through trauma after trauma they're going to go back and sit in classrooms and everything would be fine and I'm happy to see that the school board being intentional about creating a vice president position that is all about supporting mental health of students and I wish would you look at that and that is possibly a statewide model. There is not a kid in this community that hasn't been trauma sized and everything is fine let's just go back to what it used to be and used to be women never be, again.

**Speaker:** Commissioner Mapps then commissioner Rubio.



**Speaker:** Circling back to a question data and i'll make sure sends a report on that can we'll have over those numbers and I wanted to, I would be remiss if I didn't thank dwight for being here today and I wanted to recognize community members.

**Speaker:** Thank you.

**Speaker:** Commissioner Rubio?

**Speaker:** Thank you. And I just wanted to say thank you to our guest for being here today. It's important and timely topic. And just want to under score what all of you said about suicide and if you don't think you're impacted you are and it's often private and hidden pain so you won't know my question looking at demo graphics and this is something that I heard you talk about more and thank you talk about how you engage with spanish speakers and other immigrants and what is the trend there?

**Speaker:** Sure. We do provide our resource materials in spanish language and here, other than me, we're a volunteer based organization so what we're looking for now to really bring that into the community volunteers from those communities. And that messages are best heard by those familiar with the community, familiar with the community and so it's a priority for us. Now, it's just capacity building and finding volunteers that can deliver that.

**Speaker:** I'll answer crisis line first and then, community engagement. 988 served nationally by a partner with you the lifeline for a long time. With spanish speakers, however, when you call you're routed to a local center unless you call on purpose. So we at lens for life use a translation service and I think the lifeline strategy is deliver that service from residence national and then centers like ours that are larger are trying to build our own internal a capacity. And what are we doing in the community? This is something we've been through 3, 4 years ago. The way mental health did diversity was put up a pill board and call it good. What we've been trying

to figure out is how we get into the community to skill build and tear down stigma so we have hosted as are of mental health trainings at lens for life that are built with a cultural event towards particular audiences to be more effective and just land better. If you go to a standard training as a person of color you might find examples make no sense. So we have hired have helped tear down stigma around mental health in this spanish speaking communities and a fantastic woman who left and help folks with language bearer goes to the doctor. Right? So being on the ground empowering and spending money to do and make access to care easier what we're trying to do.

**Speaker:** Thank you. And just going back to your call what's is the percentage? Are you seeing that we're making an impact? In for example spanish speaking communities? And what capacity do you have?

**Speaker:** It's very limited. For most part we're using translation services and we're in the hearing from as many spanish speaking people as we should be. And have been mostly advocating connection because we know they're good at it.

**Speaker:** Thank you this, is a fascinating conversation we're having and can you just, you started off talking about adding capacity so how culturally diverse is your staff? At alliance for life? What I hear is that volunteers are communities of color what governments have done forever but when it comes to compensating those individuals for their expertise, we're not that good at that. So what your staff doing that more reflective of the folks you say you serve.

**Speaker:** We have a large volunteer program where before covid and suspended it because we couldn't have folks coming through the building right in so most of the crisis line work is undertaken by staff. And we are diversified staff in the last three years because we're remote. So I think last I checked, somewhere between 35% and 40 people I'd by of color largest single group black.

**Speaker:** I think it would be helpful for us to be able to share the demographic makeup. Again you're talking about people reaching out in their most vulnerable and people will only do that if they believe person is going to answer the line, understands lived experience so it helpful to know how much staff you have and what is the breakdown? I can list a few that I'm sure your not reaching at this particular point. And so, again, this is about making the system stronger and better. I want to help you do that in a way we're authentic about who we can serve and not serve today and what the strategies are for the future to make sure we're not leaving anyone behind.

**Speaker:** I appreciate that and i'll get you numbers but I can tell you it's not just an antidotal thing. There is data that says we're more effective when culturally responsive so we've been paying close attention to it and working with black providers group here in Multnomah County, which is an organization of african American mental health providers and both to grow numbers and build a network from referrals from folks when connecting people. It's also, I can't believe he waited this long, we operate a racial equity support line, I think is the only one of its kind in the nation. It tee serves a support response so racial he can it witty support line is there for folks and that 503-575-3764. On a meeting I was talking about how we grow the use of the line. It's an interesting and innovative line. People with lived experience of dealing with racism and we have I think we have 25 that are certified and it's really cool.

**Speaker:** I have to teach you another word. It's not cool dealing with racism.

**Speaker:** I mean thinking how to approach this is innovative and I'm excited.

**Speaker:** I consider myself knowledgeable and so today I learned something brand new that there exists a racial equity support line is huge. Thank you. I'll make sure I get something for that today.

**Speaker:** Appreciate that. Thank you.

**Speaker:** Can I add another thing back to the point? This collaboration with 911 is important and we see that tomorrow prove response to calls that don't belong at 911 my hope and we've been working with folks from another around the state to figure out protocols an to help them and in reality, it's volumes and we're in the going to be able to change what and we can take those calls and get a more appropriate response when a law enforcement response is not needed. My hope is that we can do something they've done in arizona. To station someone with 911 to help coach 911 on when, that is a 988 call. It's different. It's interesting because it's something going out. We ended up sending spun out.

**Speaker:** I really think being able to coordinate the reeducation of the public around what number to call for what, as we, at the city expanded our 311 call system, which is now, available many more hours a day, then previously, as we continue to expand that as Portland street response continues to expand citywide as 988 becomes more moan and people become more familiar it's clear to me that at least, even if 25% calls and it's for a real life emergency. Then, I think we can mitigate a lot of the issues that boac experiencing now with the overflow of calls. Because they get a lot of calls that really no one should think they should go to 911.

**Speaker:** Thank you. I appreciate.

**Speaker:** Thank you.

**Speaker:** Thank you. You save lives and I appreciate people here today to support this effort to end sue sigh in our community. He are holding signs that says you side stops here. I want to thank you for being here and supporting these fine individuals and good work they're doing in the community as well as everybody else.

Throughout the city of Portland. I would like to thank commissioner Mapps for partnership on this proclamation and partnership I'm about to read on City Council.

**Speaker:** Point of order. I would hate to read proclamation and not give sarah hobbs, working on this for decades the opportunity to speak.

**Speaker:** Without objection.

**Speaker:** Sarah, please come up.

**Speaker:** Thank you.

**Speaker:** Thank you.

**Speaker:** My name is sarah hobbs. I'm a volunteer field advocate with Oregon state chapter of the American foundation of suicide prevention. I'm also a suicide attempt survivor and four time suicide thought survivor. Our organizational model is be the voice. And we work in collaboration and we feel it's an organization we don't have to reinvent the wheel. And you all, in doing what you are doing here and I want to thank commissioner Mapps for sponsoring this proclamation. And you're amplifying my organization and so I wanted to directly address something you brought up. My focus is charting with the vista bridge project and pounder to that effort and we're heading that and I believe we're at this point that someone has called for that down to attempt I often wonder, what could have prevented working hard to address issues. One adhered today and that is the women's day shelter that is working to address stressors. I have an experience where reaching out helps women hang on. Another great organization that I partner with is really working to catch the stressors upstream is Portland street response and I've been talking with them to get our suicide thoughts of literature into response kits so I wanted to know, commissioner, that I do acknowledge we do have a serious mental health crisis provider issue in Oregon. So I focus the stressors before they reached such a crisis point.

**Speaker:** Thank you. [ inaudible ].

**Speaker:** It likes like my mic was off.

**Speaker:** You bringing light to what is a very dark time and many people and families lives so thank you. Thank you. Thank you. For all you do. Thank you for getting the opportunity to weigh in.

**Speaker:** Yes. Thank you

**Speaker:** Because it is sarah hobbs, it's about to see you in person.

**Speaker:** It is.

**Speaker:** This the first time I've seen commissioner Rubio. I'm just getting the opportunity to welcome you.

**Speaker:** Thank you for being here. It's my pleasure to read on behalf of the City Council. Suicide prevention month is celebrated every September, to increase awareness prevention efforts save lives. And whereas, anyone can experience a suicidal crisis, but some populations are more vulnerable including people from diverse back grounds and cultures. The lgbtq ia plus communities are also at high risk especially those who identify as trans gender. And more specifically, youth who identify as trans gender. Other risks include youth, older adults, veterans. People in high risk areas of employment and people with behavioral health challenges and whereas, the city of Portland committed to treating suicide as a public health issue in addition utilizing a behavioral health lens and approach adds a complementary more comprehensive and prevention oriented focus on addressing factors across the life span that can contribute to thoughts of suicide and suicide attempts. This approach offers opportunities to foster protective factors throughout a person's life, supporting ongoing prevention before prospect of suicide is imminent and the city of Portland promotes positive actions that can prevent suicide including behavioral health care that effective in supporting culturally responsive services to support communities. By bringing together a public and behavioral health approach to suicide prevention, suicides can be prevented and whereas, suicide

prevention is everyone's business. You can get trained to help for free at get trained to help, [www.gettrainedtohelp.com](http://www.gettrainedtohelp.com). Importantly, when an individual is at risk for suicide, help is always available. 24-7 by calling Multnomah County behavioral health center. 503-988-4888 or national you side prevention line at 1-800-273-talk. 1-800-273-talk. 8255. Now, I ted Wheeler mayor of the city of Portland, city of roses do proclaim, September, 2022 to be suicide prevention awareness month in Portland, and encourage residents to observe this month. Thank you.

**Speaker:** Thank you. It's good to see you, dwight.

**Speaker:** Thank you.

**Speaker:** Second time certain 759.

**Speaker:** Appoint elizabeth gomez and jennifer sandhouse for terms to expire.

**Speaker:** Thank you for being here. I know you're getting up to transition out.

Thank you. Thank you. Development review advisory committee known as drac is primary body speaking to foster a accountable review process and advocates for fair application of regulations. 17 members represent groups with interest with possibility of serving a second three-year term. The composite of the committees matter and these two appointments add to diversity of voices and experience brought to discussions with the committee. And I'm proud of all eight new committee members brought to this council for consideration during my tenure as commissioner in charge and pleased to present following two candidates for appointment to three-year terms elizabeth gomez for home remodelers seat and jennifer santhouse. I will turn this over to my friend at bds, mark feters.

**Speaker:** Thank you. Good morning mayor Wheeler and commissioners my name is mark feters supervisor with bureau of development of services and we're excited to present these nominees to you this morning for appointment as drac members. These candidates elizabeth and jennifer selected through a couple

recruitment processes that took place over several months and went through a review process before selection by commissioner Ryan with these two positions, if appoint there would be one vac yancey remaining for just opened this month, the previous member finished his second term and the psc is working on identifying a candidate for nomination for that position. So I hope to be back here again with that nominee. So elizabeth nominated for the home remodelers position. Elizabeth is president of city contracting and member of the hispanic men metro chamber board and remodeler chair of building industry association and she can tell but her experience as well and she's worked with government agencies on issues that impact the latino community and businesses and I note to her application received a letter of support from Portland home builder association and jennifer sandhouse nominated for a position designated to represent larger institutions she has about 15 years experience with real estate transactions and five years with land use and permit ting processes for electric substations and other projects so she has familiarity with the city's land use and so has that lens as well as in looking at development in development issues. We felt candidates brought a lot of relevant experience and will be great additions to the draft and so, I want to turn it over to them to introduce themselves and tell you more. And so elizabeth, then, jennifer.

**Speaker:** Hello mayor Wheeler and commissioners good morning. I was born and raised in Portland. Not a lot of people can say. That I graduated from Portland high school, Portland university and living in battle ground acres and I do business in Portland, worship in Portland and play in Portland so I'm very connected to the Portland community which I deeply care about the well being and I believe in advancing our community through my organization. Part of my passion project I'm working on across the river in clark county is working with the clark county building and permit center to create applications and information in spanish for spanish



speaking communities here. And it's very amazing to me that about 70% of the construction industry is made up of latinos. However, he don't supply them with tools that they need to do normal business on -- so when we go to apply for a permit. If I went to mexico I won't be able to say storm water or map out a storm water plan in spanish, however, we expect people to do that here. And creates a burden and cost for them. So what happens is that it creates bad actors so then, people go and they go underground and do the work anyway this, poses a risk to the public and creates issues for the city and other governing agencies. So I can talk for hours about things I'm working on. And I'm on the board of national association of home builders and Washington state home builders and clark county so involved in the industry as well and passionate for using my voice for people that don't have a voice.

**Speaker:** Well. Thank you. And you're active and so we're appreciative and jennifer, very good. Hi, jennifer.

**Speaker:** Good morning mayor Wheeler and commissioners. And I'm excited to be here this morning and impressed with elizabeth's resume and owe came across this opportunity and over past five years my work has the opportunity to run through all kinds of permitting so in addition to our own project and upgrades proven expansions to support our growth, and I find this to with unique in that pg&e does have projects but sit going to be a partner in how we develop our city, how the city moves toward green energy goals we're a partner on program side and on the actual project side that we hope fully will be implementing across not just Portland but our service territory. That is the only way it works is that we can charge up, too. And I'm excited to be here. It has been difficult to go through some of the permitting process. And our projects are not difficult and they do require some consideration and make sure that those impacts protect our public and also,

the product we need to deliver which in itself electricity fairly dangerous. We want to make sure we're protected in that way. So I'm hopeful I can contribute, share experiences to the permitting process and support our improvement initiatives and just be a better contributor for the community.

**Speaker:** Thank you. Very f we appreciate your stepping forward and being willing to serve on this commission as will. Does that complete the presentation, mark?

**Speaker:** Yes. It does.

**Speaker:** Very good.

**Speaker:** Is there public testimony?

**Speaker:** In one signed up.

**Speaker:** Entertain a motion.

**Speaker:** Second.

**Speaker:** Commissioner Ryan moves and hardesty seconds. Please call roll.

**Speaker:** Hardesty?

**Speaker:** Thank you both elizabeth gomez and jennifer standhouse for expertise you'll bring to this committee and willingness to volunteer your time to help the city of Portland make better decisions. I vote aye.

**Speaker:** Mapps?.

**Speaker:** I want to thank commissioner Ryan for bringing forward the excellent candidates and I'd like to thank elizabeth and jennifer for agreeing to serve on this very important committee. I vote aye.

**Speaker:** Rubio?

**Speaker:** Thank you for bringing this forward an I want to thank elizabeth and jennifer for willingness to serve and I just want to say elizabeth, I'm so glad you're here and giving voice to these long time issues in our community that haven't really been given their due attention yet given the size of the latino community so I'm

appreciative and would love to connect with you moron line. We're doing latino round table meetings and I'd love to have you be part of that. Thank you for volunteering and your service. I vote aye.

**Speaker:** Ryan.

**Speaker:** Thank you both jennifer and elizabeth. I enjoyed getting to know you. In our conversations. Elizabeth in particular I remember I was doing morning walk and you gave me the honest statistic about seven #% of the work force is latino built and i'll never forget as I was walking, it was, August. And there was a lot of construction going on. Everywhere. And with home building. And boy numbers sure lined up if I can just say. I was walking and noticing it was just coming to life as we're speaking so the fact that you then brought those stories and that truth to the dais this morning is compelling and jennifer have you strong, both of are you strong lived experience but also, have you really exquisite field experience just proving when you do inclusion work you can accomplish all of that. And I'm thrilled that you'll be joining under the leadership of sam miller for drak and has been transforming and I'm glad you're joining and I vote aye.

**Speaker:** There are many good things about our form of government. There are problems with it, too. I think we all understand. One of the great things about this form of government is that it's very participatory in nature and boards and commissions give us a tremendous insight into not only the minds of people who live and work and worship in our community, but also the issues out there that we should be responding to as city government. And I want to assure everybody that we do take these commissions seriously. They make recommendations directly to the bureau directors and ultimately to the City Council. When I see applicants who are this qualified, stepping forward to volunteer their time and energy and talent to help us serve the broader public better, it really gives me faith in what we're doing

here. And that we're listening and being responsive to the needs of the community. These are great individuals. I really appreciate it, Elizabeth and Jennifer that you're willing despite your busy schedules and other things going on that you work with us to help us improve things around here. Thank you for that. Thank you, Mark. For your continued leadership, Commissioner Ryan, again, thank you for bringing this first flight individuals to work with the other great people who are already on the drag. Lots of good work to be done. I vote aye. Appointments are proved and record accepted. Thank you.

**Speaker:** Now we'll move to regular agenda first item, 761, please.

**Speaker:** Case settlement of Laurie Balmuth's property damage lawsuit for sum of \$110,000.

**Speaker:** This involves a claim filed in June 2019 and welcome, Beth and Josie.

**Speaker:** Good morning Council I'm Deputy City Attorney Wood Ward this settlement resolves claims brought by Laurie Balmuth owner of a multi apartment building on Irving Street, September 12, 2018, a sewer back flow event damaged several lower units in the building. Miss Balmuth brought claims for condemnation, trespass, nuisance and negligence and effected units and common areas, damages for site remediation and damages associated with block grants for affected units. Party as tended judicial settlement conferences on December 21, 2021, and June 28, 2022, and agreed to settle this matter for \$110,000, inclusive of enumerated categories of economic damages and attorney fees. City attorney's office and risk management recommend approval of the settlement. That concludes my prepared remarks but I'm happy to answer questions you might have.

**Speaker:** Very good. Any questions? Keelan any public testimony?

**Speaker:** No one signed up please call roll.

**Speaker:** Hardesty?

**Speaker:** Aye.

**Speaker:** Mapps?.

**Speaker:** Aye.

**Speaker:** Rubio?

**Speaker:** Aye.

**Speaker:** Ryan?

**Speaker:** Wheeler?.

**Speaker:** I want to thank the bureau as well as Laurie Balmuth and her family for coming to this resolution. Obviously, it was a miss and I'm glad it has been amicably resolved. Commissioner Mapps, another comment you wanted to make?

**Speaker:** Commissioner Mapps: after we're done with this before we go on to the next item. I would like to.

**Speaker:** Mayor Wheeler: is thanks to everybody who worked on this, as well as legal counsel. I vote aye. The ordinance is adopted. Commissioner Mapps.

**Speaker:** Commissioner Mapps: Mr. Mayor, can we take a break before we take up the next item, was that part of the plan?

**Speaker:** Mayor Wheeler: let's do that. Let's take a 10-minute recess, it's 11:00. We'll reconvene at 11:10 a.m., let's take a recess. [the council is in recess until 11:10 a.m.]

**Speaker:** Mayor Wheeler: [off mic]

**Speaker:** K. McClymont: pay settlement of James Crooker's lot for the sum of \$85,000 involving the Portland Police Bureau.

**Speaker:** Mayor Wheeler: [off mic]

**Speaker:** Thank you, Mayor and Commissioners. Good morning. This settlement involves a lawsuit brought by Police Bureau employee James Crooker alleging retaliation and claims for failure to receive a promotion to the rank of Captain in

2019 and 2020. In 2019, plaintiff applied for a promotion to captain but did not meet the minimum promotion requirements. Plaintiff requested the waive the minimum requirements but the request was denied. Instead, plaintiff was shortly thereafter appointed to a temporary acting captain position. In March 2020, a permanent captain position opened. Plaintiff was placed on the eligible list and interviewed for the position. After the interviews and the application of his preference he was only ranked seventh so he was not appointed to the position at that time. In July 2021 plaintiff was ultimately promoted to captain and he is now the captain of central precinct. The plaintiff's lawsuit alleged he was not promoted in 2019 and 2020 because of discrimination based on his race and his status as a veteran. He alleged he was not promoted earlier in retaliation for statements he made before a civil commitment hearing for persons suffering from severe mental health issues who had punched a stranger and flighting plaintiff's spouse while walking near their shared home. Plaintiff's lawsuit claimed he suffered retaliation for not recommending jamie [audio cutting in and out] for the primary allegations in this case but that allegation ever never seriously litigated in this case. An internal affairs investigation wasp regarded plaintiff's handling involving the spouse and involvement at the commitment hearing that same month. Plaintiff was later placed on paid administrative leave during the investigation due to a truthfulness allegation in the course of the investigation based on the statements to i.a. Ultimately plaintiff was exonerated at the conclusion of the police review board hearing. Plaintiff was returned to active service at the police bureau before promoted to captain in 2021. Plaintiff's lawsuit claimed he lost damages including wages and emotional damages in the amount of \$645,000 plus attorney fees and costs. The parties engaged in a judicial settlement conference and both agreed to settle for \$85,000 inclusive of all attorney's fees, costs, lost wages and emotional

damages. It is the recommendation of risk management and the city attorney's office to approve the settlement to avoid the uncertainty and potential costs of future protracted litigation. Our office agrees with you, mayor, I believe after our review of this case, the city and employees acted appropriately at all times regarding captain crooker. He testified as his deposition he had no specific knowledge to believe anyone in expand at p.p.b. At discriminatory animus against hispanic individuals as he identifies. He never witnessed any specific n-appropriate construct or discriminatory comments during his time in p.p.b. I would note that veterans are roughly 7% of the u.s. Population in general and in contrast over 11% of p.p.b. Employees are veterans. Captain crooker testified at his deposition he had no reason to believe no specific knowledge that anyone who was appropriated to captain -- promoted to captain was not qualified, this includeschieve lavell, who was the highest candidate in the process at issue in this litigation. He testified that he was unaware of the other candidate's qualifications. Despite this testimony, these cases turn into a situation where plaintiff's attorney fees can be the largest single driver of the city's possible risk of financial exposure. Resolving the case at this specific point for this amount cuts off that potential exposure for attorney's fees and provides city the financial certainty moving forward. For that reason, the city attorney's office and risk management recommend approval of this settlement. I'm happy to answer any questions at this time. But I would make a special request as the assigned city attorney to this case, that given the sensitivity of this matter and the fact plaintiff is a currents p.p.b. Employee, the mayor and the commissioners refrain from commentary.

**Speaker:** Mayor Wheeler: colleagues, any questions? Any public testimony?

**Speaker:** K. Mcclymont: we have one person signed up.

**Speaker:** Mayor Wheeler: three names. Name for the record please.

**Speaker:** K. McClymont: liana manner.

**Speaker:** Mayor Wheeler: good morning.

**Speaker:** K. McClymont: you are unmuted. Are you able to unmute?

**Speaker:** Yes, I'm trying to -- okay, there we go.

**Speaker:** Mayor Wheeler: now we can hear you.

**Speaker:** Okay. Hello, mayor and members of council. On July 28, 2021, and April 28 of this year, I testified that that police culture, which is now validated by the presentation of James Crooker's lawsuit calling attention to the city's history, culture and practice of engaging in racist nepotism when the city retaliated against Crooker, who refused to -- who received unjustified preferential treatment because he was having a sexual relationship with Rush, Crooker determined Michaelson was unqualified for promotion. Crooker is a decorated war veteran and he is hispanic. Crooker informed the court, Resh and Commander Bell, denies the internal affairs department by trumping up charges to punish and discredit him for not be bullied into changing the recommendation. When I read the complaint, I was the only gay latino to apply for promotion to lieutenant in the same candidate pool as Michaelson. The only candidate left off and excluded from promotion. Here we learned an unqualified white male was promoted over me because he was having a sex with a superior officer. We learned Crooker outperformed non-hispanic and veterans in the promotional examines yet passed over by employees who had significantly higher i.a. histories. It takes frustration to compel a cop to file a lawsuit. We owe him a huge debt of gratitude for coming forward and speaking about the malpractice. I worked to identify the source of systemic and institutionalized racism and I believe I found the answer. You own the problem. You are the system. You are the head of the institution which fomeants the white privilege. You are the commissioner in charge of the city attorney and the police



bureau which appears to be a trident of corruption. Yooum, disappointed and disturbed. You have a duty to hold people accountability for racism. I urge you to terminate jeff bell and jamie resh and every city attorney who knew about the misconduct and mailed to take action. Disciplining -- [beeping]

**Speaker:** Internal and external trust and legitimacy. To continue the rein [indiscernible] I support the settlement of the lawsuit but not the dollar amount. Crookerrer has not been accurately compensated for pain and suffering and he belongs in the chief's office.

**Speaker:** Mayor Wheeler: thank you. Any further public testimony.

**Speaker:** K. Mcclymont: that completes public testimony.

**Speaker:** Mayor Wheeler: seeing none, call the roll. [roll call vote].

**Speaker:** Commissioner hardesty: aye.

**Speaker:** Commissioner Mapps: aye.

**Speaker:** Commissioner Rubio: aye.

**Speaker:** Commissioner Ryan: aye.

**Speaker:** Mayor Wheeler: after my review of this item and in consultation with the legal team, I support the settlement solely because we as a council are stewards of public -- in the interest to resolve the lawsuit. [roll call vote]

**Speaker:** Aye. The settlement is approved, the ordinance is adopted. Next item.  
763 please.

**Speaker:** K. Mcclymont: accept opconnect, inc. For the charging of a service project for \$3,492,600.

**Speaker:** Mayor Wheeler: in December of 2019 I announced policy commitments that included transitioning from fossil fuel to electric and renewable natural gas vehicles. Electric vehicle charging infrastructure is presented a barrier to this effort due to the cost and the complexity of the equipment, installation and maintenance

required. This report authorizes a contract that provides a turn-key solution by connecting us to vendors who will design, install, manage and maintain and report on all charging infrastructure. This will allow for the transition to all electric vehicles over the next five years and eliminates the need to build staff and maintain its own charging while moving toward meeting the net zero goals. Chief procurement officer Taylor is here to present this report. Welcome.

**Speaker:** Hello, Mr. Mayor. Good morning. As a result of the mayor's proclamation that called for infrastructure facilities recognize it had no existing expertise in installing the electric vehicle charging infrastructure or maintaining the asset base over time. The facility's team went to market for the service. In the intervening year since we launched the work it's been about two years, facilities did not have the staff, capacity or expertise to complete the work in house. Partnered with procurement to publish an r.f.p. To source the expertise. I will give you a timeline on the activities over the last couple years. November 12, 2020, 190196 was passed by City Council. Granting the chief procurement officer authority to facilitate the use and city code for the purchase of charging infrastructure as a service. On December 16th, 2020, a project was created, project 127504 by procurement services and that project was owned by Mark Aressa. On July 21st, 2021, procurement authorized the publishing of r.f.p.0001714 for charging as a service with a closing date of September 8th, 2021. After multiple requests from theaters, we extended that proposal date to September 17th, 2021. Initially we published on July 29, 2021. The bid closed on September 17th, 2021. On September 17th, 2021, 14 proposal responses to the aforementioned r.f.p. were received. Two were covid certified and only awarded is still certified as an emerging small business. Opconnect, l.l.c. is a minority owned although not covid certified currently. The evaluation committee received and reviewed 14 proposals but down selected to a short list of four firms with

partnership from the facility's team. That was completed on October 13th, 2021. I'll give you a brief overview of the down select teams and their rankings. Opconnect was ranked first. Charlie charging I.I.c. Was ranked second. That's a tongue twister. Mobility energy holdings ranked third. And idio non-communications incorporated was ranked fourth. On November 10th, 2021, the evaluation committee made a determination opconnect received a higher score pursuant to the r.f.p. Process and the city began negotiations after the protest period ended without any protest received. On August 8th2020, both parties came to agreement on procurement of charging as a service with options for it city to purchase additional equipment from the contractor. The city attorney reviewed the contract and ready to grant approval as to form on City Council has approved the aforementioned contract. With that, i'll pause for questions.

**Speaker:** Mayor Wheeler: commissioner hardesty has a question.

**Speaker:** Commissioner hardesty: thank you, mayor. And what a pleasure, director taylor, to see you again. Hope you had time off over the summer to prepare for what is coming this fall. Thank you for that very detailed description of the process. I had some questions I appreciated the mayor holding us off for a week so that we could have this information publicly. My understanding is this is a relatively new type of industry. And this r.f.p. Is a new type of r.f.p. That proposes that we're going to have a relationship. And someone is going to transfer our gas-guzzling city vehicles into an electric fleet. Is that actually, a third, three hundred some vehicles are going to be transferred into electric. Is that the gist? Am I reading the r.f.p. Correctly?

**Speaker:** I believe the only caveat, we're not converting vehicles, we're providing infrastructure to charge between 175 and support up to 350 vehicles. So what we're doing is installing infrastructure to support up to 350 vehicles, not necessarily

converting or -- there is no plan to divest the existing diesel or gasoline-fueled vehicles. We're just installing the infrastructure needed to support growth in that area.

**Speaker:** Commissioner hardesty: who will be installing the infrastructure for if in fact not for city fleets? Is this for the private sector? Who are we installing for?

**Speaker:** I believe alan bates is online from that particular office. He can offer commentary.

**Speaker:** Commissioner hardesty: if we're not doing it for city-owned vehicles, who are we building the infrastructure for?

**Speaker:** This is definitely for city-owned vehicles. Hi, this is alan bates, the fleet operations supervisor for city of Portland. And yes, so we are transitioning our vehicles from internal combustion to electric. The first wave of them is estimated to be about 350 vehicles. What I think c.p.o. Biko is buying, this provides the infrastructure we need to power those vehicles but it doesn't include the vehicles themselves. That's what fleet does, that's what we do. So we are, the plan is to have opconnect provide the charging infrastructure that is needed simultaneous we're purchasing electric vehicles and show up hopefully at the same time and we meet the climate goals and the net zero goals for the city.

**Speaker:** Commissioner hardesty: so allen, do we have a sense for what bureaus were -- I mean, I don't know how the -- how deeply spread out this 300 plus vehicles are. Is it a variety of different bureaus? I just want to figure out who is benefiting from this \$3 million investment. And what is the city return on investment for this? And then I have another question after that.

**Speaker:** Well, so we are, it is spread out among various bureaus. We have vehicles at parks and p.b.o.t. And others that we'll be transitioned, mostly light duty to start because those are the easiest vehicles to transition. The return is really that you

know, we're getting cleaner air and that we are meeting our climate change goals. So it's -- and to be clear, you know, the contract overall is the number that, you know, is in there. It's a subscription service so it's as a service. It's not one cap ex expense, it's over the entire five-year period. Essentially we're subscribing to charging. As we decide where charging stations are installed, Mt. Tabor for parks is the first one, our partners will build that infrastructure. We'll order vehicles that will show up at those locations and the transition will occur. All of this is with the goal of net-zero emissions by 2050. This is the first major layer.

**Speaker:** Commissioner Hardesty: Thank you, Allen. That helps me a lot but doesn't answer the fundamental question for me. As I think about the Portland Clean Energy Funds and the opportunity we have as a city to partner on electric infrastructure, especially when it's like all this is new technology. I just feel like this conversation is happening in a back room somewhere and somebody is deciding where to put electric infrastructure and where we're not. And we're not having the conversation as a city that has a statewide invested interest in reducing climate change impacts. Right? I mean, you know, if you were talking to me where we would prioritize putting infrastructure, it may be different than some other bureau. I still don't feel the question is answered for me is who is going to benefit from this infrastructure? You tell me about 300 vehicles. I got way more than that at fire. I'm pretty sure fire is not a beneficiary because we're in the process of buying, we bought our first electric fire truck and we plan to buy more but in a very intentional way. I'm confused about who benefits from this especially when it's a five-year contract with five years to go. And we're just emerging in this technology and I want to make sure we're investing in places where it's less likely people have their own resources to make those initial investments. I don't know how we get this resolved before we send this contract out but it feels like facilities is going down a path that

is not necessarily a path that the council has actually talked about collectively. So I'm a little concerned if we say yes to this that we have actually locked ourselves into a process without a fuller conversation first. That's where I am on this.

**Speaker:** So I'll just point out too that we worked with our utility partners to do a deep analysis of all of our vehicles. So we looked at basically all vehicles that the city has and we did analysis on how far they drive, where they park, you know, sort of the use cases and the needs. And what came out of that was a very detailed, you know, down to the v.i.n. Number down to the vehicle what vehicles were technically and economically feasible to transition. It's very deliberate in terms of the vehicles that are eligible and that make sense from an infrastructure standpoint, from a use-case standpoint. We have that report. And we had be happy to share that report, that's circulated for a few years now. But that's really our roadmap for doing this transition. And you know, again, it comes down to economic and technical feasibility for the types of vehicles, where they park and their use cases.

**Speaker:** Commissioner hardesty: let me just say, alan bates, as you may know, this council is a lot newer than that report is. So it would be helpful for you to make that report available to the council. Because I mean, again, I don't think -- we can argue about the needs for electrification. I want to do it in a way the beneficiaries of the electrification are the less likely to have the resources plugged in. You are telling me this is set up like other utility bill. Great you talked to the utilities in the city of Portland but you didn't talk to parks and you didn't talk to --

**Speaker:** We did. Yeah, we did. We met in very long meetings with all of the bureaus and in fact worked with their fleet coordinators to do the analysis in order for us to do that analysis, we had to get all the information from all of our partners at each bureau. They have been part of the process as well as we've developed this. This is really the first layer. It's a long road to get to where we want to go.

**Speaker:** Commissioner Hardesty: yes.

**Speaker:** We're excited because this gives the opportunity to start it. The fuel is the critical missing piece. We've been building and using liquid fuel infrastructure for 100 years. This is all brand-new. And this really gives us just a first launch pad to be able to lay this foundation of infrastructure that lets us plug these vehicles in, buy them and plug them in.

**Speaker:** Commissioner Hardesty: we're also transitioning to a cleaner fuel in city vehicles so we're doing both at the same time. I think it's not an either or, it's just what I know you are putting in charging stations, you must have a plan for where to prioritize putting those charging stations in. And again, if we're talking about utilizing city resources, it would make much more sense to me that we would be partnering with Portland Clean Energy Fund to really be intentional about how we invest dollars that are specifically for this purpose and actually putting the agreement that the elected infrastructure in. Especially, you know, and I'll speak for myself, especially in places like 82nd in east Portland who in this generation won't be able to build the infrastructure necessary for electric vehicles. So I do not want the city to be leaders in reinforcing inequity throughout the city. And this project could be a good way for us to start building the infrastructure for the future if we don't screw it up by not actually being intentional about where we make those investments. So thank you.

**Speaker:** Yep. And just to be clear also that this is behind the fence charging. So this is all dedicated exclusively for city vehicles and nothing to do with any public charging or public vehicles or you know, anyone from the community in general. This is very, very specifically for city fleet vehicles.

**Speaker:** Commissioner Hardesty: again, we can take a patchwork approach to that either. This has been a great conversation and I'm grateful the mayor actually

allowed us to have this conversation. Because as we think about really all the things that need to happen simultaneously to address climate change, this is a major piece. As you know, transportation is 75% of the emissions, right, this is a huge piece. And it's important we do this huge piece right from the beginning. My fear with these five-year contracts they can be renewed for another five years, 10 years from now a whole new council, and the assumption is the way we've always done it. Who knows what the council will look like then. Let me just say, that the decisions we make today about this first investment and where we're prioritizing will have a huge impact as we move forward. Thank you.

**Speaker:** Absolutely.

**Speaker:** Mayor Wheeler: thank you, commissioner. Commissioner Mapps.

**Speaker:** Commissioner Mapps: allen, just a question. Do we know or have we decided where these charging stations will be located?

**Speaker:** We have a preliminary understanding of where a number of them will go. We don't have all plans yet because a lot of it requires a lot of planning collaboration with each bureau and each parking lot we park in. We have, if we have three or four locations currently that are on our short list, mt. Tabor is in construction now so that one is well underway. We look to possibly q1 of next year the first stations would be installed assuming everything is approved. Yes, we do generally know where they are going to go but a lot of the details have not been fully fleshed out because of all the things we have to answer.

**Speaker:** Commissioner Mapps: thanks. That's helpful. I'm relatively new to this space but I want to make sure I understand it. Here we're talking about city vehicles. A long time ago I used to work for the office of civic life of a burn side. We had a couple of electric vehicles, you would have program or office space, there



would be electric vehicles at that space and we're talking about being able to plug those vehicles in.

**Speaker:** That is correct. Yep.

**Speaker:** Commissioner Mapps: okay. Very helpful. This will serve 50 vehicles? 350 vehicles?

**Speaker:** That's about the estimate we'll transition from gas to electric.

**Speaker:** Commissioner Mapps: off the top of my head do you know how many tons or pounds of carbon we'll get out of the air by virtue of going down this route?

**Speaker:** I believe our estimate is a thousand tons per year.

**Speaker:** Commissioner Mapps: that is great. Thank you very much, very helpful.

**Speaker:** Mayor Wheeler: thank you. Is there any public testimony on this item?

**Speaker:** K. McClymont: no one sign said up.

**Speaker:** Mayor Wheeler: i'll entertain a motion.

**Speaker:** Commissioner Hardesty: one more question. Allen I appreciate you being here and clearly, you have the technical expertise we need in this conversation. It's my hope as a council, we have a work session on this very issue. Because what the infrastructure we start with is the infrastructure we're stuck with. And if we don't start with the right premise, we will end up with the wrong infrastructure that will not serve our needs today or a decade from now or 20 years from now. So, I think it's really important and I'm not going to do anything to hold this up because it sounds like they have been negotiating for over a year on this one. I do have a question for both you Allen and Director Taylor. I'm concerned that five years is a long time in technology speak. If we learn something different in the first two years, is there an opportunity for us to revote and go off in a different direction?

**Speaker:** The way the contract is structured is that they are upgrading the technology as it is available. So when -- which is the beauty of subscription is that as

things progress and as our technology gets better, those stations can be upgraded either with software or hardware. Yes, the contract does account for that.

**Speaker:** Commissioner hardesty: oh, you just made me think of another question. So the contract also requires the maintenance and up keep paid by the subscription.

**Speaker:** Correct.

**Speaker:** Commissioner hardesty: what you haven't said is the cost of the subscription and is it different based on geography location or can the citywide expect the same rate of subscription costs?

**Speaker:** It will vary slightly by location. But we're going to be working with the bureau as to come up with a fixed-rate fuel model which really accounts for both liquid and electric fuel. So --

**Speaker:** Commissioner hardesty: electric --

**Speaker:** Charging.

**Speaker:** Yeah, charging. Essentially, when it all breaks down to, you know, sort of a single number, it comes in at a roughly \$100 per port, per month. But that -- there is a lot of wiggle room in terms of the location, where power comes from, the retirements, what the utility is providing. Working with Portland general electric and pacific power to subsidize the cost of the make ready.

**Speaker:** Commissioner hardesty: see, ding, ding, ding, that's where you start making me nervous. If we have the Portland clean energy fund and the ability to make our own investments and creating a clean infrastructure, it's good having partner but you are not only partners, partners are investing in the areas that have lack of investment. So that's where I get nervous because we have outside partners who rethink are going to help us with a clean energy future. I'm not as convinced as you are that those are the right partners to have at the table. I think it's really

important we continue this conversation. Maybe I should stop now and say, let us have a work session on the feature of climate change and how the city bureaus are actually prioritizing it as we move forward. Because honestly, I can find nothing wrong with allen's premise but I'm terrified we're going down a path that we will not be able to change if in fact we have it written in the contract some escape clauses that allow us to benefit from the changes in technology regardless of the partner utilities think it's a good idea. The city should be off -- honestly, the city shouldn't pay a penny interest electricity. We should have solar panels on everything. So again, I don't think just partnering with the people we've always partnered with is going to give the solutions and outcomes we're looking for. I love this topic as you can tell. I'm sorry. This is helpful.

**Speaker:** . Good.

**Speaker:** Mayor Wheeler: I move acceptance of the report. Commissioner hardesty seconds. Any further discussion? Good conversation. Thank you. Please call the roll.  
[roll call vote]

**Speaker:** K. McClymont: hardesty.

**Speaker:** Commissioner hardesty: thank you director taylor and alan bates for vital information. I think what we've done today is probably raise more questions than answers. But I look forward to working with you and director taylor as we move forward to both make sure that as a council we're all in sync about how we're addressing climate change and how we're prioritizing communities who are severely impacted. I look forward to continuing this conversation. This is the beginning, not the end. Clearly if it's taken a year so far to keep negotiating, clearly the universe is moving as we're talking about this contra. I see this as a positive. I vote aye. Mapps.

**Speaker:** Commissioner Mapps: I want to thank you the mayor. I appreciate the testimony from director taylor and allen. This represents an important step forward to electrify the fleet. I'm happy to vote aye on this item.

**Speaker:** K. McClymont: Rubio.

**Speaker:** Commissioner Rubio: I want to thank the presenters for being here. And I think it was a good conversation to have. And I look forward to a broader conversation about how our city is moving forward through the transition. And I'm happy to vote aye.

**Speaker:** K. McClymont: Ryan.

**Speaker:** Commissioner Ryan: thank you, director taylor and alan bates for your good work. This is the right investment at the right time to build necessary infrastructure for our city's fleet. I vote aye.

**Speaker:** K. McClymont: Wheeler.

**Speaker:** Mayor Wheeler: aye. The ordinance is adopted. Thank you, everybody. Thank you, allen and biko. Appreciate your hard work. Next up 764. This is an emergency ordinance.

**Speaker:** K. McClymont: authorize bureau of transportation to acquire certain permanent and temporary rights necessary for construction of the 82nd avenue crossing, klickitat-lambert, northeast southeast project through the exercise of the city's eminent domain authority.

**Speaker:** Mayor Wheeler: commissioner hardesty.

**Speaker:** Commissioner hardesty: thank you, mayor and colleagues. I'm happy to present this ordinance in front of you today from the established p.b.o.t. Staff. I have ashley mcclay and I have nicole pierce. And who is going to go first? Looks like nicole. Ashley. All right, ashley, take it away.

**Speaker:** My name is ashley [off mic] group. This morning our item is for the authority to change right-of-way for the 82ndavenue crossings project.

**Speaker:** Commissioner hardesty: excuse me, ashley, do you have a visual you think we're looking at?

**Speaker:** I'll finish it but my screen sharing has been disabled.

**Speaker:** Commissioner hardesty: do you want to just talk or can nicole help you? Either is fine.

**Speaker:** To the clerk.

**Speaker:** Commissioner hardesty: okay.

**Speaker:** K. Mcclymont: okay, ashley.

**Speaker:** Okay. Thank you. 123450 there we go.

**Speaker:** Mayor Wheeler: there we go.

**Speaker:** Right-of-way p.b.o.t. This is for the 82ndavenue crossings project. The item gives authority to acquire permanent needed for the construction and also give the ability to exercise eminent domain if needed. Joined by nicole pierce who will give background about the project.

**Speaker:** Thank you, ashley. Good morning mayor and commissioners. My name is for the record is nicole pierce, a capital project manager with p.b.o.t. And I'm also the 82ndavenue project delivery program manager. So I think this is the third 82ndavenue presentation that you will have seen in the last few months. In April, the p.b.o.t. 82ndavenue team came to you to accept the jurisdictional transfer of 82ndfrom o.d.o.t. To p.b.o.t. And to accept the \$80 million in American rescue plan act funds. But in June, the team was back to have you authorize an a. And e contract for design and planning. So today I'm actually here on behalf of a projected that our in-house engineering staff is designing. Not under that design contract that you authorized in June. And we're doing this project in house design effort in order

to get some improvements on the ground as soon as possible because they are much needed out there. It's part of a near-term critical fixes. Next slide. Yeah, and so julia in her June report kind of summarized the near-term critical fixes, one of which was crossings. Go ahead, next slide, please. And julia indicated we had 12 to 15 million kind of set aside of that \$80 million of a.r.p.a. Funding for these crossings. Next slide. So the project that we're talk about today includes four crossings at northeast klickitat, northeast schuyler, southeast clinton and southeast schiller. Signalized crossings with median islands, also upgrading corners to mead a.d.a. Standards and planting trees in the medians. This project would be constructed in 2023. We have been in communication with all of the property owners who will be impacted by the project. And people have generally been very supportive. So but in order to construct the corners and install some of that signal equipment, we'll need temporary construction easements and some permanent right-of-way. With that, I will turn it back to ashley mcclay to talk more about the right-of-way process.

**Speaker:** So this agenda item 764 gives authority for p.b.o.t. To compensate property owners for rights we need for 82ndproject. Permanent rights needed from 14 property in order owners to construct the project. Used for a.d.a. Ramps and sidewalks. [indiscernible] used for general construction support from all the property owners who will be affected by this project we'll nod -- invited to this reading. That concludes our presentation. This project website to learn more. And we're happy to answer any questions.

**Speaker:** Commissioner hardesty: well done, ashley and nicole. Ashley, let me say your smile through every presentation you give to council is cool, no matter what you are talking about, you have this big smile on your face and I just love it. So thank you for both the information and the joy under which you present it. Very

grateful. And just so that my colleagues remember, this is not the big major state-funded 82nd avenue improvements. These were improvements that were on the radar on our to-do list before we did the transfer but they compliment the transfer very much. So thank you, p.b.o.t. Happy to answer any questions folks may have.

**Speaker:** Mayor Wheeler: colleagues, any questions? Any public testimony on this item?

**Speaker:** K. McClymont: no one signed up.

**Speaker:** Mayor Wheeler: very good. This is an emergency ordinance. Call the control. [roll call vote].

**Speaker:** K. McClymont: hardesty.

**Speaker:** Commissioner hardesty: thank you, ashley and nicole and getting us to a yes when it comes to right-of-way. Appreciate the hard work. Happy to vote aye.

**Speaker:** K. McClymont: Mapps.

**Speaker:** Commissioner Mapps: aye.

**Speaker:** K. McClymont: Rubio.

**Speaker:** Commissioner Rubio: thank you, ashley and nicole for the presentation and thank you, commissioner hardesty for bringing this forward. I look forward to this changes. I vote aye.

**Speaker:** K. McClymont: Ryan.

**Speaker:** Commissioner Ryan: I vote aye.

**Speaker:** Mayor Wheeler: thanks everybody. I vote aye. The ordinance is adopted. Next item, 765.

**Speaker:** K. McClymont: amend erosion code for clarity, consistency and administration and adopting the enforcement fee schedule for noncompliance.

**Speaker:** Mayor Wheeler: this is a nonemergency ordinance, commissioner Ryan.

**Speaker:** Commissioner Ryan: title 10, as you know the city helps maintain the water quality of streams and rivers by controlling dirt, debris and pollution that flows into them. One way is through permits under the clean water act. These were recently reissued and required changes to city code and policy documents, including title 10. The purpose of title 10 is to ensure the debris and settlement generated during construction don't get into the water or sewer system or waterways, this amended 10 to move details to the settlement and erosion control manual or erosion and sediment control administrative rule. And escalating enforcement fees and compliance to the b.d.s. Schedule. Here are professionals from b.d.s. Starting with jason butler brown, nancy and b.d.s. Please take it away, jason.

**Speaker:** Thank you, commissioner Ryan. Nancy, I'm going to start this we switched our order. Jason and I will present. I'm nancy with the services. Thank you, all for waiting through the whole agenda for this. We have mike, who is our site inspection supervisor. [indiscernible] with deputy directors to answer any questions. I'm going to see if I can get my screen -- screen share. We have a slide presentation. Can everybody see that?

**Speaker:** Commissioner Ryan: yes.

**Speaker:** To start with, to give you a little bit of context. This is the proposed amendments to title 10 require a larger suite of changes to comply with the most recent permit with department of environmental quality. The ms4 permit under the clean water act commissioner Ryan described that outlines to maintain the local quality of the waterways like the willamette river. The other documents include the erosion and sediment control manual, that addresses requirements from settlement [indiscernible] during construction [indiscernible] b.d.s. Is also adopting new enforcement rule that will have escalating fines and penalties for



noncompliance with the manual and b.d.s. Is updating the storm water management plan. We did just want to clarify that the original control manual and enforcement manual are attached to the ordinance as exhibits for your reference. But we're not -- that's not part of the ordinance, we just wanted to give you the context. Those will go through a separate administrative rule-making process. The both the manual and enforcement rule have gone through expensive public comment -- extensive public comment, last October, along with the draft of proposed changes to title 10 that are reporting now. We presented these to the development review advisory committee. B.d.s. Have conducted a lunch and learn last year. And we also provided an opportunity for [indiscernible] to comment during the tribal summit last year. We haven't received any substantive comments other than staff that have been addressed. We're in the last 30 days of the manual and enforcement rule and so far haven't received comment said. Why are these changes necessary? We're basically for two reasons. We need to update the manual to comply with the m.s.4 permit. The manual is where the details of the erosion settlement control program are and the title 10 changes support that. Secondly, we're moving many details currently in title 10 of the manual because it helps reduce the inconsistency between the two if you change one, you don't have to worry about changing the other. With that I turn it over to Jason Butler to talk a little bit about the program itself.

**Speaker:** Thank you, Nancy. Good morning, Mayor Wheeler and commissioners. My name is Jason Butler Brown. I use he/him pronouns and supervisor the site at Bureau Development Services. Title 10 is the city's code that regulates ground-disturbing activities on the private property and public right-of-way. Like Commissioner Ryan summarized, the purpose of the code is to reduce erosion and discharge pollutants from ground-disturbing activities related to construction and

other uses. Title 10 seeks to reduce the settlement and contained caused by construction and development. Reduce the amount of sediment entering storm and drainage systems and surface waters from all ground disturbing activity. Reduce erosion placing dirt and mud on the public right-of-way and private properties during construction and development and reduce the amount of soil and dust placed into the air during ground-disturbing activities. Yeah, thank you. The title 10 applies to ground-disturbing activities on private property and within the public right-of-way, applies to public and private projects. And erosion control plan view and inspections are required foreground disturbing activities that require permit and five hundred square feet or more in area or located within special sites as defined in the erosion and sediment control manual. The principles of erosion and sediment control include implementation of best management practices to prevent discharge of sediment and site pollutants from leaving a site. Excise site planning and erosion prevention. Focus on inspection and maintenance of erosion and sediment control measures, particularly after heavy rains so they have effective. And to manage construction site pollutants such as those generated through equipment, operations, concrete, and trash and debris, et cetera. And to focus on permanent site stabilization and project completion.

**Speaker:** Thanks, Jason. That gives you context. This slides provides a summary of the changes, basically we're moving the details regarding the minimum requirements to erosion control manual as I stated before for consistency. We're clarifying the bureaus can adopt their own enforcement. There are several bureaus not just b.d.s. But p.b.o.t. And others that have a hand in erosion sediment control. It just allows them to do that. We're amending the enforcement fee and penalty schedule to align with some new fees and fines for noncompliance and deleting references to review boards, that we don't use. We have other mechanisms in title

24 for administrative appeals. So these are duplicative. We're adding escalating fines and penalties for noncompliance. And that's part of a requirement for the new m.s.4 permit. Timeline is basically because the m.s.4 permit requires the changes are replaced by November 1, they have to be effective, the ordinance after the second reading rather than the October 1st or March 1st deadlines that we've been trying to shoot for in development services. And as noted before, the administrative rules are out for public comment and will be finished the end of the month and finalized. Finally, we're adding an enforcement administrative rule. This is, we're putting all the enforcement most of it into one place and also adding some escalating fines. And as shared earlier, title 10 is amended to clarify that the bureau is responsible for the enforcement of erosion sediment control can adopt their own rules. We're proposing this new rule through its separate rule-making process. This new rule will align with construction permit processes with fees and fines, based on the finding and extent and occurrence of initial or repeat violations. Streamline the enforcement process to provide customers with correction options to address sited violations to keep the construction activities moving forward. Sets fees and fines based on nature of violation and escalated fees enforcement response based on the concurrent of the violation. And as with all b.d.s. Course of actions, the sited erosion control violations are -- [indiscernible] and administrative review process if there are contested sited violations.

**Speaker:** Mayor Wheeler: nancy, can I ask a question on that slide? My timing was perfect. Is there some connection between what you just told us about enforcement and fines in the photograph we're looking at?

**Speaker:** Yeah, that's -- so if something were to come down that stream and go into there, it's pretty clogged. And not doing its job, which is to keep stuff out of the -- [indiscernible] storm water system.

**Speaker:** Mayor Wheeler: so I see a little bit of litter. And I think we can all agree on that but I also see leaves. Whose responsibility is that?

**Speaker:** I'm going to turn that over to mike.

**Speaker:** Good morning. This is mike, I supervisor our site inspections team. And I don't have an answer for the leaves. Leaf pickup is done by maintenance, transportation, there is private property ownership responsibilities. Essentially the picture is trying to depict a sediment. Dirt moving toward the storm drain system.

**Speaker:** Mayor Wheeler: don't we proactively particularly before the winter comes and starts to rain and we last several years we've had these torrential storms sometimes called an atmospheric river, I think there is a new name for them now, I forget what it is. It seems this would be part of our regular maintenance? Commissioner Mapps may know the answer. Commissioner Mapps? Why don't you go first and then i'll --

**Speaker:** Commissioner Mapps: I have a question for caitlin, do you know the answer to this?

**Speaker:** I do actually. We have a separate street sweeping requirement under the m.s.4 permit. We don't have to do it for all the streets but we certainly implement in a way that is trying to protect our highest risk areas. So part of this is that the leaves can entrap the soils and the dirt coming through and that carries a number of pollutants we're concerned about. So we're trying to address all of the different sources into our storm water system from roads, from weather, from construction and our permit has different requirements for each of those.

**Speaker:** Commissioner Mapps: caitlin, maybe to sharpen the mayor's, I'm going to guess what he's thinking. Is it e.e.s.'s responsibility to get the leaves out of the grate or p.b.o.t.'s? Or does it vary.

**Speaker:** It's a combination they work closely together under the m.s.4 permit they have different responsibilities they oversee. The bureau maintenance does the street sweeping but it is something that is negotiated in conjunction with the e. E.s.

**Speaker:** Commissioner Mapps: mr. Mayor, was that responsive?

**Speaker:** Mayor Wheeler: no, but it starts the conversation. I appreciate it. We don't need to resolve that here. A slight aside. Since the photograph, was there a presentation, I thought I would ask the question. But we're going to be doing our fall leaf cleaning soon, right? I know there is a big annual push to sweep the streets and make sure the storm drains are clear. And I guess I would like more information on that and how often it happens and whether it happens everywhere or certain identified areas and who does it. That would be helpful for my own edification. Thank you. Commissioner Hardesty.

**Speaker:** Commissioner Hardesty: commissioner Mapps, you are trying to answer the mayor's question. Do you have other questions before we move on?

**Speaker:** Commissioner Mapps: I did actually. And I can be brief. Caitlin, this one is for you. I apologize, I should have reached out. I was trying to before we got to this moment. This particular ordinance obviously has a lot of implications for b.d.s. Can you reframe it to tell me what it means for b.b.s.?

**Speaker:** Sure, this is an effort b.e.s. Has been working with b.d.s. To strengthen enforcement rules. We rely on title 10 to implement the sediment management controls necessary under the permit and b.d.s. To enforce those as well. From a 2013 audits, e.p.a. Audit we had they identified erosion control as an area we needed to increase our efforts under. So this is a reflection of that.

**Speaker:** Commissioner Mapps: great. Thank you.

**Speaker:** Commissioner Hardesty: thank you, mayor. So my question is really do we currently have an enforcement on our b.d.s.?

**Speaker:** On b.d.s.? Or b.e.s.?

**Speaker:** Commissioner hardesty: b.e.s., I guess is what we're referring to. That's what you are asking for, right? Authority to create?

**Speaker:** Well, no, I apologize for the misunderstanding. So under what m.s.4 permit, the new one, they want us to add escalating fees and fines. So we created a separate admin rule and just so that everything was in one place. And it adds those fines into it and I'm going to let mike talk a little bit more about the purpose of that. But it is, this administrative rule is b.d.s.

**Speaker:** Commissioner hardesty: is b.d.s.

**Speaker:** Yes, so --

**Speaker:** Commissioner hardesty: my question --

**Speaker:** And it's the city's, you know, erosion sediment control title. And then, there are different pieces that are underneath that. You know, like the erosion sediment control manual that is part of this package that just so you can see it. And that's construction activities onsite, erosion and sediment control and then our administrative rule that's going to go with that. And then b.e.s. Has its where it's responsible for enforcing erosion sediment control, that's under the storm water manual I'm going to make -- I'm not a subject matter expert on that. Caitlin is and she can talk about that. And mike is our enforcement person from b.d.s. So does that help with structurally?

**Speaker:** Commissioner hardesty: yes, it does help a bit. So we are addressing the m.s.4 permit process. And this will allow us to actually both raise the fees for folks who are violating title 10. As well as to do an enforcement. What I'm trying to understand is do we do enforcement today?

**Speaker:** Yes.

**Speaker:** Commissioner Hardesty: and what has been the result of enforcement say in the last few years?

**Speaker:** I'll turn it over to Mike.

**Speaker:** Commissioner Hardesty: turn it over to who?

**Speaker:** Mike.

**Speaker:** Hello. Mike, B.D.S. Site inspection supervisor. So this changing with the new admin rule is really to refine the mechanisms that we're able to use when there are areas of noncompliance during a construction project. It closely aligns with the building permit process which our customers are familiar with. Provides immediate response and quick timing for correction. Our current mechanisms are somewhat outdated. They are retroactive. So they take weeks to get a letter when the project is already moved on. So we're trying to align the response to that action that we're seeing out in the field based on our inspection, trying to get them a quick correction notice starts with a warning and a small fine and escalates up. We're also trying to introduce a reset of the program to help educate our customers that erosion control measures are preventive in nature. Meaning, we need them to install these measures before they start the ground disturbing work. That's something we'll have to do a lot of education to reset our customers that that's the way it should work. And the bureau is communicating very intentionally that that is the expectation and we're adopting this fee and fine matrix to cement that. Over time we do expect them to understand that that is the new expectation and hopefully increase compliance.

**Speaker:** Commissioner Hardesty: [off mic] what is the fee increase, which I'm trying hard to find and I can't. Paying what to people now paying what?

**Speaker:** Our current fee structure we're primarily using reinspection fees as an incentive to get them to make the corrections. So this mirrors the reinspection fees

and also adds onto it. The m.s.4 permit requires us to have an escalated permit fee schedule. Starting with a courtesy inspection, moving to a \$200 fee for noncompliance under certain categories that closely mirrors the reinspection fees. Subsequent reinspection fees will increase. Another failure to 600. Trying to increase the incentive so we don't have to be enforcement. We still maintain the current authority to do civil penalties up to a thousand dollars for each violation. The mechanism is retroactive, doesn't working very well. We would still continue that authority. But this new fee matrix, it aligns well with the building permit process. It would be attached to the building permit that they are using to call an inspections and it's going to have immediate impacts.

**Speaker:** Commissioner hardesty: thank you for that, michael. I guess the question is there a difference in this fee schedule, say for a commercial developer versus a homeowner?

**Speaker:** I don't believe there is a difference because the fee schedule is set up based on the types of violations. And for those types of violations they are going to be the same between residential and commercial. So we're talking about the elimination of discharges from a site. And both sites are going to have thing same potential for the discharge so they are treated the same. Again, they start out small and escalate. The goal is if people can understand the correction they wouldn't actually receive enforcement but if they are unwilling to make the corrections or minimum compliance, then we would introduce the escalated fee schedule.

**Speaker:** Commissioner hardesty: thank you very much, michael. Everybody doesn't have access to the same bank loan opportunities to be able to repair their property. Everybody doesn't have a development commission actually giving them money to develop something or other. And so, I would want you to be mindful of the fact that as low-income community members are being economically



challenged, we do not want the cities to be an added burden to people struggling and survive in our community. So I just need to know that we have a plan to be able to address if in fact they are finding that people that are currently out of compliance or in violation there is other issues that need to be unpacked. So I'm curious as to how you are taking that into account as we continue to increase fees and penalties when everybody doesn't have the same access to resources.

**Speaker:** --

**Speaker:** Commissioner Hardesty: Michael, that was for you.

**Speaker:** Okay. I just wanted to make sure. So everyone starts off with courtesy inspections. And we start there. But when we do have repeat offenders, we have other mechanisms in place to deal with those. The fees can double. We also have civil penalties we would use, if there is an economic benefit for noncompliance, we would go down that route where we have reoccurrence and folks aren't choosing to follow the rules. But we're starting out with the understanding that people have obtained a permit from the bureau, they know what the expectations are for compliance with that permitted work. When we do those inspections, there is no problem for not meeting the requirements at that first inspection, that is an education component. As long as people are working towards correcting the violations or compliance, they will, they shouldn't receive fees and fines. Only if we have come and done an inspection, let them know which has to be corrected, if they meet those, there shouldn't be fees and fines. If they are unable to, we would escalate. The permit requires compliance, the m.s.4 permit requires compliance and we're specifically required to have this type of fee and fine structure to gain compliance.

**Speaker:** Mayor Wheeler: all right. Any further questions on this item? Any public testimony?

**Speaker:** K. McClymont: no one signed up.

**Speaker:** Mayor Wheeler: very good. This is a first reading of a nonemergency ordinance. Moves to second reading. And we are adjourned.