



## August 30-31, 2023 Council Agenda

5728

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

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

### Wednesday, August 30, 2023 9:30 am

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**Session Status:** Recessed

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Beth Woodard, Deputy City Attorney; Keelan McClymont, Council Clerk

Item 715 was pulled from the Consent Agenda and on a Y-5 roll call the balance of the Consent Agenda was adopted.

Council recessed at 9:43 a.m. and reconvened at 9:45 a.m.

Council recessed at 11:28 a.m. and reconvened at 11:40 a.m.

Council recessed at 11:54 a.m.

### Communications

709

[Request of Kelly Beiermann to address Council regarding crime in our beloved city](#) (Communication)

**Document number:** 709-2023

**Disposition:** Placed on File

710

[Request of Coleman Gariety to address Council regarding Measure 110](#) (Communication)

**Document number:** 710-2023

**Disposition:** Placed on File

711

[Request of Andre Tokayuk to address Council regarding Portland Police Bureau](#) (Communication)

**Document number:** 711-2023

**Disposition:** Placed on File

712

[Request of Michael Akselrud to address Council regarding illegal fireworks](#) (Communication)

**Document number:** 712-2023

**Disposition:** Placed on File

713

[Request of Ryan Tobias to address Council regarding houselessness](#) (Communication)

**Document number:** 713-2023

**Disposition:** Placed on File

## Time Certain

714

[Unify permitting functions to improve City delivery of development review and permitting services](#) (Resolution)

**Document number:** 37628

**Introduced by:** Commissioner Carmen Rubio; Mayor Ted Wheeler; Commissioner Rene Gonzalez; Commissioner Mingus Mapps; Commissioner Dan Ryan

**Bureau:** Development Services (BDS)

**Time certain:** 9:45 am

**Time requested:** 45 minutes

**Disposition:** Adopted

**Votes:** Commissioner Rene Gonzalez Yea  
Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Yea  
Commissioner Dan Ryan Yea  
Mayor Ted Wheeler Yea

## Consent Agenda

715

[Reappoint Tia Palafox, Joseph Torres Ortiz, Byron Vaughn, and Robin Wisner to the Portland Committee on Community-Engaged Policing for terms to expire August 31, 2025](#) (Report)

**Document number:** 715-2023

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Community Safety Division

**Disposition:** Confirmed

Agenda item 715 was pulled from the Consent Agenda for discussion.  
Motion to accept the report: Moved by Mapps and seconded by Ryan.

**Votes:** Commissioner Rene Gonzalez Yea  
Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Yea  
Commissioner Dan Ryan Yea  
Mayor Ted Wheeler Yea

716

[\\*Revise sewer and stormwater rates, charges and fees in accordance with the FY 2023-24 Sewer User Rate Study \(amend Ordinance 191293 and amend ENB-4.20\)](#) (Emergency Ordinance)

**Document number:** 191431

**Introduced by:** Commissioner Mingus Mapps

**Bureau:** Environmental Services

**Disposition:** Passed

**Votes:** Commissioner Rene Gonzalez Yea  
Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Yea  
Commissioner Dan Ryan Yea  
Mayor Ted Wheeler Yea

717

[\\*Accept grant and authorize Intergovernmental Agreement for \\$1,999,384 with the U.S. Department of Transportation for a Strengthening Mobility and Revolutionizing Transportation Grant and appropriate \\$1,490,712 in FY 2023-24](#) (Emergency Ordinance)

**Document number:** 191432

**Introduced by:** Commissioner Mingus Mapps

**Bureau:** Transportation

**Disposition:** Passed

**Votes:** Commissioner Rene Gonzalez Yea  
Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Yea  
Commissioner Dan Ryan Yea  
Mayor Ted Wheeler Yea

718

[Approve and terminate limited tax exemptions for properties under the Homebuyer Opportunity Limited Tax Exemption Program](#) (Resolution)

**Document number:** 37627

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Housing Bureau

**Disposition:** Adopted

**Votes:** Commissioner Rene Gonzalez Yea  
Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Yea  
Commissioner Dan Ryan Yea  
Mayor Ted Wheeler Yea

719

[Accept and appropriate a grant for \\$352,000 from the U.S. Small Business Administration to research a Legacy Business Preservation Project](#) (Ordinance)

**Document number:** 191437

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Planning and Sustainability (BPS)

**Disposition:** Passed to second reading

Passed to second reading September 6, 2023 at 9:30 a.m.

720

[Consent to the transfer of a residential solid waste, recycling and composting collection franchise from S&C Licensing, LLC to Recology Clackamas Inc.](#) (Ordinance)

**Document number:** 191438

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Planning and Sustainability (BPS)

**Disposition:** Passed to second reading

Passed to second reading September 6, 2023 at 9:30 a.m.

721

[\\*Authorize an emergency price agreement with Rapid Response Bio Clean Inc. for janitorial services at Portland Parks & Recreation downtown restroom sites for September 1, 2023 through June 30, 2024 not to exceed \\$500,000](#) (Emergency Ordinance)

**Document number:** 191433

**Introduced by:** Commissioner Dan Ryan

**Bureau:** Parks & Recreation

**Disposition:** Passed

**Votes:** Commissioner Rene Gonzalez Yea  
Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Yea  
Commissioner Dan Ryan Yea  
Mayor Ted Wheeler Yea

722

[Approve Council Minutes for January 4, 2023 - March 30, 2023](#) (Report)

**Document number:** 722-2023

**Introduced by:** Auditor Simone Rede

**Bureau:** Auditor's Office; Council Clerk

**Disposition:** Approved

**Votes:** Commissioner Rene Gonzalez Yea  
Commissioner Mingus Mapps Yea  
Commissioner Carmen Rubio Yea  
Commissioner Dan Ryan Yea  
Mayor Ted Wheeler Yea

## Regular Agenda

723

[Accept bid of 2KG Contractors Inc. for the Washington Park Hypochlorite Project for \\$1,509,561 \(Procurement Report - ITB 00002122\)](#) (Report)

**Document number:** 723-2023

**Introduced by:** Mayor Ted Wheeler

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

**Time requested:** 15 minutes

**Disposition:** Accepted - Prepare Contract

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

**Votes:** Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

724

[Accept bid of ABC Roofing, a Tecta America Company, LLC for the 1900 Building Roof Improvements Project for \\$1,260,780 \(Procurement Report - ITB 00002149\)](#) (Report)

**Document number:** 724-2023

**Introduced by:** Mayor Ted Wheeler

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

**Time requested:** 15 minutes

**Disposition:** Accepted - Prepare Contract

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

**Votes:** Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

725

[Accept bid of Tice Electric Company for the 1900 Building LED Lighting Upgrade Project for \\$1,283,043 \(Procurement Report - ITB 00002152\)](#) (Report)

**Document number:** 725-2023

**Introduced by:** Mayor Ted Wheeler

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

**Time requested:** 15 minutes

**Disposition:** Accepted - Prepare Contract

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

**Votes:** Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

726

[Authorize Price Agreements with S-2 Contractors, Inc., Brix Paving Northwest, Inc., Granite Construction Company, and Just Bucket Excavating, Inc., for furnishing asphalt speed bumps, milling, and base repair for \\$1 million per agreement \(Procurement Report - ITB 00002074\)](#) (Report)

**Document number:** 726-2023

**Introduced by:** Mayor Ted Wheeler

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

**Time requested:** 15 minutes

**Disposition:** Accepted - Prepare Contract

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

**Votes:** Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

727

[\\*Amend City Employee Benefits Program to reflect necessary plan design changes as recommended by the Labor Management Benefits Committee and as administratively required by the Bureau of Human Resources for the City plan offerings beginning October 1, 2023 through June 30, 2024 \(Emergency Ordinance\)](#)

**Document number:** 191434

**Introduced by:** Mayor Ted Wheeler

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

**Time requested:** 5 minutes

**Disposition:** Passed

**Votes:** Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

728

[Authorize application to the U.S. Department of Justice Bureau of Justice Assistance for the FY 2023 Edward Byrne Memorial Justice Assistance Grant for \\$574,225 to assist the Portland-Metropolitan area law enforcement and criminal justice community to prevent and reduce crime and violence \(Ordinance\)](#)

**Document number:** 191443

**Introduced by:** Mayor Ted Wheeler

**Bureau:** Police

**Time requested:** 15 minutes

**Disposition:** Passed to second reading

Passed to second reading September 6, 2023 at 9:30 a.m.

729

[Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder and provide payment for construction of the Lombard Pump Station and Force Main Upgrade Project E10920 for an estimated amount of \\$10,200,000 \(Ordinance\)](#)

**Document number:** 191444

**Introduced by:** Commissioner Mingus Mapps

**Bureau:** Environmental Services

**Time requested:** 20 minutes

**Disposition:** Passed to second reading

Passed to second reading September 6, 2023 at 9:30 a.m.



## Four-Fifths Agenda

730

[\\*Authorize Chief Human Resources Officer to enter into a five-year contract with Voya Financial for retirement plan administration, investment services, and deferred compensation record keeping services on behalf of the Bureau of Human Resources Benefits Office beginning September 1, 2023 \(Emergency Ordinance\)](#)

**Document number:** 191435

**Introduced by:** Mayor Ted Wheeler

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

**Time requested:** 10 minutes

**Disposition:** Passed

**Votes:** Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

## Wednesday, August 30, 2023 2:00 pm

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**Session Status:** Recessed

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Mayor Wheeler presided.

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

Council recessed at 4:05 p.m. and reconvened at 4:14 p.m.

Council recessed at 4:38 p.m.

## Time Certain

731

[Amend Title 33, Planning and Zoning, and the Zoning Map to reduce the impacts of future flooding on the city and prevent the degradation of floodplain habitat for endangered and threatened fish species \(amend Code Title 33 and the Zoning Map\)](#) (Ordinance)

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Planning and Sustainability (BPS)

**Time certain:** 2:00 pm

**Time requested:** 3 hours (1 of 2)

**Disposition:** Continued

Motion to amend the Title 33 Ordinance package with substantive and technical changes: Moved by Rubio and seconded by Ryan. Vote not called.

Oral record closed. Written record closed September 1, 2023 at 5:00 p.m.

Continued to September 13, 2023 at 2:00 p.m. Time Certain

732

[Amend Flood Hazard Areas Code to comply with Federal Emergency Management Agency National Flood Insurance Program requirements and modify compensatory excavation and removal requirements \(amend Code Chapter 24.50 and 24.10\)](#) (Ordinance)

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Development Services (BDS)

**Time certain:** 2:00 pm

**Time requested:** 3 hours (2 of 2)

**Disposition:** Continued

Oral record closed. Written record closed September 1, 2023 at 5:00 p.m.

Continued to September 13, 2023 at 2:00 p.m. Time Certain

## Thursday, August 31, 2023 2:00 pm

**Session Status:** Adjourned

**Council in Attendance:** Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Commissioner Rubio presided.

Commissioner Gonzalez left at 2:28 p.m.

Officers in attendance: Maja Haium, Senior Deputy City Attorney; Keelan McClymont, Council Clerk

Council adjourned at 2:55 p.m.

## Time Certain

733

[Authorize submission of a boundary change request to the State of Oregon to amend the Portland Enterprise Zone boundary](#) (Resolution)

**Document number:** 37629

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

**Bureau:** Prosper Portland

**Time certain:** 2:00 pm

**Time requested:** 45 minutes (1 of 3)

**Disposition:** Adopted

**Votes:** Commissioner Rene Gonzalez Absent

Commissioner Mingus Mapps Yea

Commissioner Dan Ryan Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Absent

734

[Designate the East Portland Enterprise Zone for electronic commerce](#) (Resolution)

**Document number:** 37630

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

**Bureau:** Prosper Portland

**Time certain:** 2:00 pm

**Time requested:** 45 minutes (2 of 3)

**Disposition:** Adopted

**Votes:** Commissioner Rene Gonzalez Absent

Commissioner Mingus Mapps Yea

Commissioner Dan Ryan Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Absent

735

[Authorize an Oregon Enterprise Zone statutory employment increase waiver for Daimler Truck](#) (Resolution)

**Document number:** 37631

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

**Bureau:** Prosper Portland

**Time certain:** 2:00 pm

**Time requested:** 45 minutes (3 of 3)

**Disposition:** Adopted

**Votes:** Commissioner Rene Gonzalez Absent

Commissioner Mingus Mapps Yea

Commissioner Dan Ryan Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Absent

**Portland City Council Meeting Speaker List**  
**August 30, 2023 - 9:30 a.m.**

<b>Name</b>	<b>Agenda Item</b>
Mayor Ted Wheeler	
Keelan McClymont	
Commissioner Rene Gonzalez	
Commissioner Mingus Mapps	
Commissioner Carmen Rubio	
Commissioner Dan Ryan	
Beth Woodard	
Andre Tokayuk	711
Michael Akselrud	712
Ryan Tobias	713
Andrew Colas	714
Sarah Radcliffe	714
Ryan Nielsen	714
Preston Korst	714
Jamison Loos	714
Christe White	714
George Carillo	714
Jill Cropp	714
Eli Spevak	714
Allison Reynolds	714
Jonathan Clay	714
Rachel Whiteside	714
Christina Dirks	714
Justin Wood	714
John Gibbon	714
Biko Taylor	723-726
Michelle Taylor	727, 730
Nathan Leamy	728
Jennifer Holling	728
Sanga (Demetria) Mkbaklene (Hester)	728
Cyrus Osborn	729
Dori Grabinski	715
Barbara Bochinski	715

**Portland City Council Meeting Speaker List**  
**August 30, 2023 - 2:00 p.m.**

<b>Name</b>	<b>Agenda Item</b>
Mayor Ted Wheeler	
Keelan McClymont	
Commissioner Rene Gonzalez	
Commissioner Mingus Mapps	
Commissioner Carmen Rubio	
Commissioner Dan Ryan	
Lauren King	
Patricia Diefenderfer	731, 732
Jeff Caudill	731, 732
Jason Butler-Brown	731, 732
Bob Sallinger	731, 732
Travis Williams	731, 732
Jan Zuckerman	731, 732
paula dougherty	731, 732
Chelsea Stewart-Fusek	731, 732
Dan Rohlf	731, 732
Sarah Taylor	731, 732
lynn handlin	731, 732
Bonnie McKinlay	731, 732
Jenny O'Connor	731, 732
Catherine Thomasson, MD	731, 732
Brian Posewitz	731, 732
Mary Stites	731, 732
Christe White	731, 732
Chris Frei	731, 732
Paul Fishman	731, 732
Michael Harrison	731, 732
Cassie Cohen	731, 732
Micah Meskel	731, 732
DAVID MOSKOWITZ	731, 732
Sarah Baker	731, 732
Harriet Cooke	731, 732
Andrea Sanchez	731, 732
Scott Shurtleff	731, 732

Dave King	731, 732
Alice Shapiro	731, 732
Howard Shapiro	731, 732
Katy McFaDDEN	731, 732
Emily Polanshek	731, 732
Diane Meisenhelter	731, 732
Cherice Bock	731, 732
Michael Pouncil	731, 732
Peter Finley Fry	731, 732
Zora Hess	731, 732

**Portland City Council Meeting Speaker List  
August 31, 2023 - 2:00 p.m.**

<b>Name</b>	<b>Agenda Item</b>
Commissioner Carmen Rubio	
Keelan McClymont	
Commissioner Rene Gonzalez	
Commissioner Mingus Mapps	
Commissioner Dan Ryan	
Shea Flaherty-Betin	733-735
Andy Reed	733-735
Matt Markstaller	733-735
Nick Poindexter	733-735
Jay Clark	733-735



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

**August 30, 2023 – 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:** By the drowning of a young child that took place on Friday night and it was confirmed that she passed on late on Monday. So I just think it's very important that we hold her and her family in our hearts right now before we do the business at hand. So please join me in a moment of silence. As we come back to the room. Let's keep her and her family in our hearts throughout the day. Thanks

**Speaker:** Thank you. Thank you. Commissioner Ryan. All right. Good, good morning, everyone. This is the Wednesday morning, August 30th, 2023, session of the Portland City Council. Keelan. Good morning. Please call the roll. Good morning, gonzales.

**Speaker:** Here maps here. Rubio here. Ryan here. Wheeler. Here here.

**Speaker:** We'll now hear from legal counsel on the rules of order and decorum. Good morning. Good morning.

**Speaker:** Welcome to the Portland City Council to testify before council in person or virtually. You must sign up in advance on the council agenda at [ww dot Portland.gov/council/agenda](http://ww.gov) for information on engaging with City Council can be found on the council clerk's web page. The presiding officer preserves order and decorum during City Council meetings. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated, a timer will indicate when your time is done. Disruptive conduct such as

shouting, refusing to conclude your testimony when your time is up or interrupting others testimony or council deliberations will not be allowed. If you cause a disruption, a warning will be given. Further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally counsel may take a short recess and reconvene virtually your testimony today should address the matter being considered when testifying. State your name for the record. Your address is not necessary. Disclose if you were a lobbyist. If you are representing an organization, please identify it for testify others joining virtually. Please unmute yourself. Once the council clerk calls your name. Thank you.

**Speaker:** Thank you very much. First up is communications item number 709. First individual. Please request that of kelly behrmann to address council regarding crime in our beloved city.

**Speaker:** Kelly was planning to join us virtually. They haven't arrived yet.

**Speaker:** All right.

**Speaker:** Very good. We'll move to the next person for the time being. Item number 710, please request of coleman garrity to address council regarding measure 110.

**Speaker:** They canceled their request.

**Speaker:** 711. Please recall rest of andre talk to address council regarding Portland police bureau.

**Speaker:** Andre was planning to join in person.

**Speaker:** Are you andre? Andre? Oh, come on up. Yeah, come on up. Thank you for being here. Make yourself at home. Just sit in the middle. Microphone. About six inches away is ideal. And if you could just tell us your name for the record, that'd be.

**Speaker:** Andre gregorek. Takayuki good morning. Council people of Portland. I came here in 1988 with my father seeking freedom from an oppressive regime of the ussr. I was 12. My father is being persecuted and I thought it was a good idea for him to leave and I went with him while here. I can't say we have found a less oppressive regime. We both have really enjoyed our one freedom of speech. But here's what I experienced. You have a for profit, quote unquote justice system that whose business model seems to be to defraud and devalue you, the taxpayers, labor by any legal means necessary. You have a culture of police corruption that rewards crooked cops and does not punish them for perjuries or breaking the law to enforce the law, which doesn't make any sense to me. I mean, if you're breaking a law to enforce a law, you're a criminal. And you should be held accountable. You have zero mechanism to hold these cops accountable at all. I mean, the ipr and the previous commission have done nothing for me. I've had my last eight years ruined by two cops who lied multiple times, whose story changed three times from the original report to the dmv case to the actual court and your public defenders sell their defendants out for a paycheck. And you have complicit judges in this fleecing of the populace like judge henry cantor, who accepted document signed under duress. I never wanted to be rich. I just wanted to be to do what I love, be productive member of society and find a good woman and continue the bloodline of my ancestors. You have shut the door in my face. And all of these which is why I describe Portland as the city where dreams come to die. Having lost my license in 2016, I find myself with less rights than the drug zombies you enable with every one of my tax dollars they can live and drive cars full of trash and I have to bike in the rain, in the gutters, passing for bike lanes just to make you a buck before I can eat. I cannot even take care of my father, who is 77 and is barely fit to drive. I can't take care of a mom who's back in ukraine 78. I'm torn between worlds and I have no

recourse. Basically you have. I've experienced the crooked cops throughout my whole life. I mean, it was always some small victimless crime. I mean, the first my first offense was a measure 11 offense where I tried to get my stack of cds from my ex-girlfriend, and that was like, you know, I went downhill from there. Every time the system touches you, it seems like it's just like a big dump wiped its butt with its hands and just wipes it on you. And you can't wash this stuff off. It never comes off. And I see my only recourse is to go die for ukraine. And I'm. I'm just going to leave your city. I'd love some help, but this is my last cry. And nobody nobody's really helping me. So that's about it.

**Speaker:** Thank you.

**Speaker:** Thank you for being here. Next individual, all seven. One, two, please.

**Speaker:** Request of michael axelrod to address council regarding illegal fireworks.

**Speaker:** Good morning. Thank you for being here.

**Speaker:** I'm mike axelrod. Ladies and gentlemen of the Portland City Council.

**Speaker:** First, I want to express my gratitude for your dedicated efforts in serving our city. Today I stand or sit before you not only as a concerned resident, but also as someone who appreciates the work that you do to enhance the quality of life in our community. Now, I would like to talk about a matter that deserves a bit of attention, and that's the issue of illegal fireworks in our neighborhoods. I must admit that a bit of sizzle and sparkle can be quite exhilarating. During celebrations. However, when my neighbor decided to turn our quiet block into a mini fireworks extravaganza that lasted an entire hour, I couldn't help but feel like we were auditioning for a big budget action movie. As I picked up my phone to report the noise and sparks, I realized I was in for more, a more challenging quest than frodo's journey to mount doom, attempting to call the non-emergency number felt like dialing a secret code to enter an exclusive club in an attempt to address this

concern, I wrote heartfelt complaints to my elected commissioner and the mayor. But I don't believe anything has been done. I don't want to just complain on to start, I propose that a section of the city website be created to allow reporting of specific instances of illegal fireworks. Use this information should be relayed to the police department agents. I further propose that at least a week before the July 4th holiday, a small police detachment visits the reported homes to let the tenants know that they have been reported and are on a list for possible inspection during the holiday. I don't think this should increase any city costs and I believe just a discussion should discourage at least half of those. Talk to fires ignited by fireworks on more than just a visual spectacle. There is a serious threat to our homes, our environment and the safety of the city. The air quality that we all cherish takes a hit causing discomfort and health issues for residents, particularly those with respiratory conditions. As and amidst the chaos, the peace and comfort of our neighbors, including the youngest members in our beloved animals, are undeniably compromised. As we discussed the need for enforcement and communication, let's remember the bigger picture, the flashing lights and booming sounds might offer a moment of exhilaration, but it's our responsible cully to ensure that they don't overshadow the safety, peace and well-being of this community. In closing, I implore you to consider the serious consequences of illegal fireworks, the fires, the air quality concerns, and the discomfort inflicted upon our residents and pets. Your continued dedication to our city's well-being can truly make a difference. By addressing this issue, you can help us all breathe easier, both figuratively and literally. Thank you.

**Speaker:** Thank you. Could I ask you just a question? First of all, I empathize with you completely, just so you're clear on where I stand, is there some reason why you

and your neighbors have not approached this particular neighbor? I did approach them.

**Speaker:** I asked them to stop.

**Speaker:** And what did they say?

**Speaker:** Go pound sand. Really?

**Speaker:** Yes. Is this something we could handle through civic life? The neighborhood association?

**Speaker:** I think it's more than just civic life. I think it would be an all in effort. It would be working with the commissioner Gonzalez. I think we got some really great suggestions from the testimony. It's an example of we have a policy and people are asking for us to have some community opportunity to be a part of the solution and so that we can actually implement the policy that we passed. I look forward to working with all my colleagues on this.

**Speaker:** 4th of July is often a tough day for 911 for sure. And we ask folks not to call 911 for fireworks, but because there's so many instances, it tends to clog up the non-emergency. But I do wonder about three one, one and a website as a potential supplement because it's not often known, but non-emergency are the same call takers as 911. So when one's busy, the other ones get squeezed out as well, unfortunately. But I just think that a lot of the folks that do this are habitual offenders, do it often.

**Speaker:** We know who they are. There is efforts that can be taken prior to the holiday when the lines get congested. That could make an impact. Yeah, I know.

**Speaker:** It's I like the idea and I like the idea of a website that people could submit a form to. I just it's mostly how we navigate it. So let's we'll take back the idea really appreciate it. Sure. Thank you. Thank you. Thank you.

**Speaker:** 713 request of brian tobias to address council regarding houselessness noise Ryan was planning to join in person. Ryan tobias I can't give that.

**Speaker:** All right, i'll go back to the front of the list. Did. Go. Yeah did. Did kelly biermann show up? I don't see kelly.

**Speaker:** Okay.

**Speaker:** Okay. We'll take a two minute recess till our first time. Actually. Let's go to the consent agenda. Let's take care of that. Have any items been pulled from the consent agenda?

**Speaker:** One item has been pulled. Item 715.

**Speaker:** 715 has been pulled from the consent agenda. Please call the roll on the remainder of the consent agenda.

**Speaker:** Gonzalez.

**Speaker:** Hi, maps. Hi

**Speaker:** Rubio hi, Ryan hi.

**Speaker:** Wheeler all right. The consent agenda is adopted. We're in a two minute recess. Seven different organizers, motions managed by five independent commissioners to coordinate despite conflicting priorities and requirements, which was, to say the least, frustrating for our community as well as our own workforce, trying to serve the public. As the recent Oregonian editorial stated that structure quote, forces developers, builders and homeowners to go through permitting processes with multiple bureaus that give conflicting information and show little urgency. We end, quote, simultaneous permitting, employees are reporting several managers who often lack overall responsibility for decision making and or approval. All, of course. Of course, those coordinating challenges are not limited to permitting. And we can all look forward to a city administrator better coordinating the complex activity associated with the delivery of local public services as we await

those structural changes, as the permit improvement task force led by commissioner Ryan and commissioner Mapps, has continued to push forward with remarkable improvement, including a 30% reduction of permit review time. That's real progress that Portlanders can feel. I want to thank my colleagues and the folks who served on the permit improvement task force for your innovative work and your tireless leadership. And still, as our infrastructure bureau director stated in their recent letter to council, we have a ways to go to truly improve the permitting situation in our city. They highlighted a need for customer focused, for customer focused website, a clear central point of contact and a set of code that is both streamlined as well as harmonized. In addition, they suggested that infrastructure bureaus merge under one umbrella. I support all of their recommendations, of course, as do all of my colleagues, which is why council has worked together over to bring this resolution forward today as commissioner Rubio has urged over the last several months, this is our chance to have one unified team placing all permitting functions under one accountable permitting authority. This is how we build on the momentum of this task force. Change will, of course be difficult, but Portlanders want us to do better and we now have a path to do so. With that, i'll hand this off to commissioner Rubio to provide an overview of the resolution as well as to invite or introduce our invited testimony. Commissioner Rubio. Thank you. Thank you, mayor.

**Speaker:** As all of you know, the city of Portland is on the cusp of changing its form of government and that's at the direction of voters and our work on that is well underway. The City Council beginning with the mayor's action earlier this year to create service areas, is going above and beyond that. And we are all actively working within our service areas to break down silos and within the transition team in omf to better organize our city in preparation of our first city administrator. We



want a ready and optimal organized city so that so that that person is set up for success from day one. But there's a larger set of beneficiaries to our reorganization, reorganization efforts as well. And that is of course, the Portlanders that we serve each and every day. And for this resolution, we're talking about those Portlanders and partners who are small business owners, home owners, housing developers, small companies and larger firms that lead redevelopment projects that are coming our way. Also large firms that lead massive redevelopment projects like omsi, albina lloyd and montgomery park, just to name a few. And for far too long, many of these folks and entities who are really our partners in growing and shaping the city have struggled to navigate our permitting system. And in plain language, that means that they've struggled to add that additional additional capacity that they need, like a refrigerator for their restaurant or that additional bathroom for a growing family or a desperately needed affordable multifamily housing project representing future homes for Portlanders and their families. The situation is challenging and has been for decades and as many of you know, the problem in the debates and the discussions about solutions date back to well back into the 90s. Perhaps even prior than that. But 25 plus years is significant enough to underscore that the theme about implementing an ideal structure has been a challenge for the city. And that isn't to say that there haven't been notable efforts along the way. There have been many commissioners before, like commissioner randy leonard and others who have fought for this, and most recently the excellent work of the current task force. In its first two years have been incredibly important in foundational learning and knowledge and sharing so that we could arrive at this point today. And I want to acknowledge the leadership of my colleagues, commissioner Ryan and Mapps, for starting this critical and foundational step and also for terry tyson and her team and their great work and now in this time of government transition, a time when

we're also struggling to recover economically. And we're also asking businesses to double down on Portland and facing an overwhelming housing crisis. Yes, we do need change. And fairly or unfairly, the permitting frustrations remain and have grown both inside and outside of city government. And the backdrop of the multiple challenges only elevates the need for urgency and these are the reasons behind the presentation of this resolution today. It directs us to begin the process of consolidating the city's permitting services within one new entity with one authority and structure by July 1st, 2024, and the vision for the work is this a system that is accessible and predictable for our external partners who are investing their time and treasure into the community, to a system that cultivates a team culture where city employees are supported and working with each other collaboratively, and where we have the ability to untangle conflicting policy approaches for a collective understanding. Ending three a system that employees or technology that the City Council can consistently and independently, dependably invest to retain our valuable and experienced employees and attract new talent as well. Now, I want to be clear that this isn't the only strategy, but structure and authority are a fundamental one that will set a framework or a container to hold all the great processes and collaborative work that is currently happening through the permitting task force. In addition, all of the active work on code development code cleanup, regulatory reform, website improvements and technology investments must continue to. There is no one solution to these shared set of challenges. We need to do it all and the permit task force will be the optimal position to build upon the last few years of foundational work and collaboration on and drive this new work as we move forward. Numerous stakeholders are watching, including our governor, Tina Kotek and members of the state's housing production advisory commission who have expressed publicly and privately private numerous times

their clear support and her clear support for this step today. So after today, we start in earnest to build the permitting team. We need to help the city economically, economically, and to deliver the on the 120,000 homes that we need to build for current and future Portland families. With all the exceptional expertise experience that we have among our employees, I have no doubt the outcome will be incredibly, incredibly significant for our customers and ultimately vulnerable people at the heart of the housing crisis. So with that, I would like now to begin hearing from our invited testimony. And today we have with us i'll just read the quick list and then turn it over to the council clerk to facilitate. No. Okay. I'll read the list and invite them up. We have andrew collis from colas construction. Sarah radcliffe from habitat for humanity, Ryan nielsen from liuna 737 preston course from homebuilders association. Jamison lewis from ethos development and smart growth and christy white of radler white. So we'll start with andrew colas.

**Speaker:** Good morning, mayor. Commissioner Rubio, Rubio and fellow commissioners. My name is andrew colas. I am president of colas construction born and raised in Portland, Oregon. This is my city. This is my state. I love this city and I wanted to come here and say that I fully support this permitting consolidation. I've been in the construction and development industry all my life. My father started our company and I've watched the city grow and I've seen the permitting process not grow at the pace that the city needs. And it's really burdensome to the needs that we have now. And they're more evident than ever. The need for more housing, both affordable housing and market rate housing is very visible when you walk around our city and the fact is the permitting process is delaying that substantially me being able to consolidate this and have one point is going to dramatically help expedite expedite this process. And it's not only housing, which is a critical need that we all have. It's also the development of new drug and

alcohol treatment centers that that we so desperately need in our city. It's new hospital facilities. It's the ability to recruit more commercial commercial residents in the downtown core to be able to fast track this is going to be really critical to our city moving forward in the future. So I just want to say that I strongly support it and there really is a cost impact to our city if we do not support it. The longer these projects go. Staying the permitting process, the more expensive they get. And we need to do our best to drive down the cost of housing in our city so that we can be a more affordable city and continue to grow our city in the way that we all believe it should and can be so again, I want to strongly say that I support this, and I hope that you all vote to support it as well. Thank you very much.

**Speaker:** Thank you, andrew. Next we have sarah radclyffe from habitat. Eight good morning. Morning.

**Speaker:** Good morning. My name is sarah radcliffe, director of government relations with habitat for humanity. Today I'm speaking on behalf of housing Oregon as co-chair of the Portland metro policy council housing Oregon supports today's resolution to unify permitting functions. We believe the steps outlined in this resolution will go a long way towards creating a more easily navigable permitting system that will contribute to faster and increased production of affordable housing in Portland, with over 90 member organizations housing Oregon is a statewide association of affordable housing, community development corporations committing to committed to serving and supporting low income Oregonians across the housing needs spectrum from homeless to homeowner housing. Oregon's Portland metro policy council members voted to support this proposal at their August 9th meeting, housing Oregon members agree we need one permitting team under one authority to create the accessible, predictable system. We need to build affordable housing. The kaleidoscope of bureaus. Our

members must engage with to address normal revisions, adjustments and corrections can take anywhere from 6 to 12 months or more just to get approval to begin building new housing with voter approved charter reforms. We believe that now is the time to consolidate the city's fragmented permitting functions into one entity. This resolution lays out the framework for a plan that can create a singular permitting office with adequate funding to get the job done. Thank you for taking our comments into consideration and for your public service to our community.

**Speaker:** Thank you, sarah. Next, we have Ryan nielsen.

**Speaker:** Good morning, everybody. My name is Ryan nielsen. I'm the political rep for laborers local 737. We are a labor union representing thousands of construction laborers across the state, many of whom live or work in the city of Portland. We're very supportive of this resolution. And, you know, as a union we have an apprenticeship program and when permitting is long and fraught with unpredictability, it frankly just becomes a lot harder for us to predict when and how we're going to provide apprentices on two different construction projects around the city. So when we have a more predictable and streamlined process, this is going to have a real direct impact on getting apprentices on to jobs. And that quite literally translates into getting more women and people of color into long term careers with strong family wages, full family health care, pension and retirement benefits. And that's how we build intergenerational wealth. You know, I just want you all to know that permitting really does impact workers in the trades, even though it's kind of down the hierarchy of the process. And it does have real impacts on equity and what the trades look like. So when we hopefully centralize permitting functions into one bureau and streamline the tools that we're using, this is a great step towards solving our problems and it's a great step towards making our city better for workers. So thank you all so much. Thank you.

**Speaker:** Next, we have preston, horst.

**Speaker:** Good morning, mayor and commissioners. My name is preston horst. I am the director of government affairs for the homebuilding association of greater Portland. I'm here on behalf of our 1200 members working both regionally and within the city of Portland to express our strong support for agenda item 714, the permit unification process. And I want to just first start off by thanking commissioner Rubio and her team for spearheading this effort, as well as commissioner gonzales and mayor Wheeler for bringing it forward today. And I also do want to take a moment to recognize commissioner Ryan and commissioner Mapps for standing up the permanent improvement task force, which no doubt helped us get to where we are today. And improving the system, but also hopefully informing what we do to down the road should council decide to pass this resolution. So as I just sort of think, think aloud here, I'd like to call attention, call your attention to the written testimony that we had submitted just yesterday. I think I was the one that submitted it, but that we had over we had 15, 18 separate organizations signing on to a single letter supporting this effort, which in and of itself, I think is something to commend and sort of recognize the fact that it this proposal has overwhelming consensus and acknowledgment that it will not only improve housing production, but also housing affordability in the long run. So that alone, I think, is a signal to how popular this will be and how how needed it is, because I think builders operating in the city of Portland for too long have recognized the inherent dysfunction that that getting one permit through seven different bureaus can cause. So certainly we are supportive of consolidating this under one roof as many have already mentioned, having a hub of expertise and knowledge and of course, authority will make it easier for builders to have predictability and confidence going forward with constructing the needed housing.

We need in the city. I would also like to just take a moment and if we could, as we move forward, should council approve this? I want to encourage each of you to continue to invest your time and attention to the implementation of this resolution should it pass, as well as recognize the need for continued funding and support that it will no doubt need. It's not going to fix everything right at once, but certainly it will have an outsized impact in supporting more housing in the city of Portland. So thank you. Thank you.

**Speaker:** Thank you.

**Speaker:** Next, we have jamison lewis. Good morning.

**Speaker:** Yeah, jamison lewis, resident of north Portland. I work for ethos development, a local multifamily developer and I'm on the board of Oregon smart growth. I would like to voice my full support for the resolution to consolidate the permitting process and thank City Council for prioritizing these improvements, ensuring timely reviews and predictable overall permit durations are needed. Improvements and just as an antidote, I've experienced firsthand the inefficiencies of having projects shuffled back and forth between different bureaus as ethos is under construction for a co-living project in northeast Portland that will provide units between 50 and 60% ami within weeks of breaking ground, we encountered undocumented phil and had to submit a permit revision. We submitted on August 15th. Last year. We were told that the review would take 2 to 4 weeks. We didn't get a response until November 16th, 2022, with excuse me, we got a response in October and then didn't get the actual approval until November 16th, 2022, with minimal changes to the plan. This was a major blow to the project. This is a kind of work force housing project that has no public subsidy and it was a costly delay turned into a catastrophic delay. We blew through all our contingency and also had to invest additional equity in the project just to keep it going. So my hope is that the

permit consolidation will improve the efficiency of reviews and allow us to develop housing at all income levels across the city. And I just want to voice that Oregon's smart growth members take pride in our city and want to invest in building housing here. We look forward to working with City Council and permitting staff as you implement this consolidation plan and are open for discussion or help on any other process improvements. Yes. Thank you. Thank you.

**Speaker:** Okay. Last we have christy white. Good morning. Good morning.

**Speaker:** Good morning. My name is christy white. I've been working in the land use field in the city of Portland for nearly 30 years and I appreciate this invitation to speak to you about this important project. At first glance, this sounds like one of those kind of bland, unimportant moments in the arc of a bureaucracy. But it is much more important than that, as malcolm gladwell put it, quote, the single most important thing a city can do is to provide a community where interesting, smart and diverse populations want to and can live and work with their families. As we are struggling to build towards that objective, our housing production is down over 80. Our office vacancy he is echoing and our neighborhoods are suffering with increasing crime and houseless populations. People are in great need of our best effort to right this ship. This resolution is one such measure and it is hopeful. It recognizes that by increasing permit efficiency and reducing time to permit, we can build out of our housing crisis at all levels of income, recreate and reimagine our sense of collective community through the built environment and welcome people back into the city to live and work and play with their families. This resolution, importantly, stands for the proposition that a conflict between two bureaus or two codes will no longer occupy the high ground. Instead, those bureaus will be required to resolve that inner conflict in favor of a new high ground, which is to issue a permit to build that next affordable housing project or entertainment venue



or job center. It's going to take us a while to catch up. As you just heard from ethos today, it actually can take 3 to 4 years to get from start of design to final occupancy through our permit process. We just have to move much faster and this resolution helps us do that by aligning the bureaus and requiring that every person responsible for permitting is rowing in the same direction with the same urgency and the same intent is critical to the success of our common purpose. Thank you so much for your leadership on this and in supporting this resolution and in any further and hopefully continuing efforts at regulatory reform. Thank you.

**Speaker:** Thank you. And I was remiss. We have one more invited testifier the george carrillo from latino built. Keelan. He's. Bringing into the room.

**Speaker:** George toscano yeah. Thank you.

**Speaker:** Welcome, george.

**Speaker:** Hello. Can you see me and hear me?

**Speaker:** Yes, we can hear you. Awesome

**Speaker:** Well, thank you, everybody. Thank you, mayor and city commissioners, on behalf of latino build, we would like to express our strong support for the city's consolidation of permitting functions. We believe that the creation of a singular and efficient permitting office will streamline the process, allowing for increase economic development and providing opportunities for affordable housing for all. As you know, Portland has experienced significant growth in population over the past decade, and while there have been policy changes and investments to support new housing, the permitting process has remained fragmented and insufficient. Builders and developers have faced numerous challenges, including lengthy processing times, consistencies and confusion due to a kaleidoscope of bureaus, regulations and varying codes. This is why we strongly support the consolidation of permitting functions into one office with adequate funding and uniform technology

by simplifying the process and creating an authority to resolve disputes. We believe that Portland can foster a more equitable and productive building industry with fewer barriers. Latino built represents businesses and workers in the construction industry, many of whom have faced these challenges firsthand. We believe that the creation of a singular permitting office will not only benefit the builders and developers in our industry, but also benefit the entire community. It will create new job opportunities, promote economic vibrancy and improve housing affordability by streamlining the time consuming and costly process of building homes. We also recognize that the permitting processes is complicated and we applaud the city's efforts through ongoing regulatory improvement code amendment projects. However we believe that a fundamental overhaul of the current system is necessary to achieve lasting improvements. We urge the City Council to move forward with a plan that creates a unified permitting office. The construction industry stands ready to support and contribute our expertise in various ways to aid this critical effort. We ask that you approve to make this efficient for everyone and also acknowledge the fact that we as builders and developers, we need this reform. But most importantly, Portlanders need this reform. They need housing and at affordable rates. And we must continue to ask ourselves what is the purpose of government? If government is in the way, by creating too many barriers, then we must create the reform to make it function for all individual goals, not just for the sector of construction, but for the home owner itself. So we ask that you move this forward today. Thank you very much and thank you for your time. Thank you, george.

**Speaker:** Mayor, we'll turn it back to you. Very good.

**Speaker:** Thank you. Thanks for everybody. You provided testimony. Do you have public testimony today?

**Speaker:** We have eight people signed up. First up is jill krop. Good morning.

**Speaker:** Good morning. My name is jill krop.

**Speaker:** I'm an architect who's been working in Portland since 2021. And these days I'm the owner of studio krop architecture, where I focus on new residential construction of mostly middle housing infill projects in Portland. And I'm also a member of drac. I've been doing that for about a year and a half, where I represent home the home builder stakeholder group. But today I'm just speaking on behalf of myself as a professional building professional and as a proud native. Portlander I had a whole speech prepared, but I must say that commissioner Rubio and mayor Wheeler and the previous speakers have covered a lot of the kind of high level stuff that I was going to cover. So I just want to say that I'm a I run a lot of permits, so I'm in the weeds every day and I'm also really involved in a lot of the technology changes that have happened with how we're doing permitting and initially the beginning of the pandemic, it was messy and frustrating. But I will say after three years, I think we've seen really big improvements and I've seen the preview of what's coming to make a lot of the permits, submittal and correction submittal will be even better. So I'm excited about that. The problems that I still see are a lot of these kind of nitpicky administrative processes that are different between the bureaus and it causes delays even a week or two delay for the size of projects that I do can make a really big impact on the overall cost of the project. And so I don't see how a lot of those problems are going to get solved until we're all under one bureau for permitting. So I didn't say that, but I do wholeheartedly support this proposal to bring permitting under one umbrella and also to support, sort and fund the permitting task force, the transition team, the technology and continuous process team and all the website plans that we have coming up. I'm really excited to

see the council is so unified on this issue. So thank you very much. Thanks for being here.

**Speaker:** Next up, we have eli spivak. Good morning. Good morning.

**Speaker:** Good morning. Mayor and commissioners. My name is eli spivak and I'm here in support of this resolution. I'm a builder through my company, orange splot, and I serve on drak around the planning commission or represented where I also serve. But this ceremony is for me as an individual. I've been taking projects through Portland's permit system since the mid 90s back then, I wasn't aware of the 97 audit recommendations centralized permit review functions, but it was clearly needed then and definitely needed now. I've heard some explanations over the years for why Portland's permit processes are slow and challenging compared with other jurisdictions I've worked in gresham, in clark county and have that experience myself, despite what seems to be solid staffing by folks trying to do a good job. Some seem credible. The explanations, such as complexity of regulations or permit volume. But the underlying issue clearly stems from the decentralized reviews process, with different reviewers ultimately reporting to different bosses all the way up to different city commissioners. When I develop projects mostly in the 44 to 20 unit range, I usually run them through the permit process personally, partly because I'm a glutton for punishment, but mostly to see how the system works from the ground. So I don't rely on reports from other builders saying hair raising stories of how bad things went. Right now I'm building middle housing, a three plex, I've got six plex. They just picked up permits for and another one in pre issuance. And I've had my share of hair raising stories and their pain. But overall I'd say the Portland permitting staff have done the best they can despite the fragmented multi bureau structure. So I appreciate this resolution will change that. One place of potential concern I could imagine, is that a reviewer outside of water

or biz or transportation or forestry might miss critical issues because they're not in the bureau with field expertise and regulatory expertise. But I think that there's a solution to this. And I think back to the code I know the most, which is the zoning code is developed by planners or it's implemented by staff. It has been for years. And I know when I get my check sheets from zoning, they're almost always right, which means somehow the staff are implementing someone else's code correctly. I think that can be done with the other bureaus as well. So there's still some definitely some items that need fixing. Independent of this resolution, like the way check sheet responses are uploaded. It's a pain in the neck. It takes a long time and more predictability around off site costs to projects and the process to design off site improvement. S but they're already on the to do list. I hope they can happen concurrently. So lastly, I'm excited. This proposal is going forward. I hope that drac will be seen as a resource in the process and as the chinese proverb sort of goes, the best time to follow in order the best time to follow audit recommendations was 20 years ago. The second best time is now. Thank you. Thank you.

**Speaker:** Next up, we have allison reynolds online.

**Speaker:** Good morning.

**Speaker:** Good morning, councilors. I'm allison reynolds. I'm a land use attorney with stoel rives and I'm also here today as a member of Oregon. Smart growth. I want to first thank all of you for bringing this resolution forward and I also want to recognize all the work by your offices and the bureau staff members to try to get to the root of the issue. And figure out what we can do to address this, this kind of thorny and multifaceted program. I work with developers and owners who want to invest in Portland and create new housing here. Unfortunately, the current permitting system is unpredictable and often lengthy, which leads to higher costs and some of the firms that I speak with deciding that they want to build their

projects in neighboring jurisdictions where these delays happen less often, or where predictions about how long things will take can be more accurate under the city's current system, projects can get caught up in unexpected conflicts between bureau regulations, and this is obviously frustrating for the development teams. But I think it's also frustrating for city staff who are trying to do their jobs but are separated into silos under the current system and so I strongly support this resolution as a first step to try to address the systemic issues that lead to these unnecessary delays and thank you all for your leadership on this issue. Thanks. Thank you.

**Speaker:** Next up, we have jonathan clay in person. Good morning. Good morning.

**Speaker:** I, uh, commissioners and mayor Wheeler, I'm jonathan clay testifying on behalf of multifamily northwest.

**Speaker:** We are the leading membership organization in representing owners, operators, developers of rental housing in Oregon, and we currently operate to or represent 275,000 rental units and we wholeheartedly support the city permitting reform outlining outlined today and council item 714 this bold plan represents a breath of fresh air promising to fuel sustainable development, bolster economic vitality and enhance the overall quality of life for our for our residents. It's as we've heard many examples of already, this, this, this morning Portland Portland's permitting rules have often been criticized from all sides for their complexity, their red tape and delay by simplifying this maze, this plan aims to facilitate the construction of new housing units, which in turn will help alleviate the mounting pressure on Portland's housing. Portland's housing market. We believe this approach represents a real chance to be more collaborative and produce and be more collaborative and a productive release between the public and private sectors. And this plan's emphasis on affordable housing units and workforce

housing also ensures that economic progress is accessible to all members of the of the community. So thank you very much, mayor Wheeler and the Portland city commissioners for bringing this proposal forward. As leaders of the rental housing industry, multifamily, northwest is grateful for this solution or or for this solution oriented approach to this long standing problem. So thank you.

**Speaker:** Thank you. Thanks for being here.

**Speaker:** Uh, next up, we have rachel whiteside. Hi, rachel. Good morning.

**Speaker:** Good morning, commissioners.

**Speaker:** And mayor Wheeler. I'm here on behalf of protect 17 members. They are the body of members that do the majority of the permit review, whether it's for the bureau of development services or their interagency partners across the city. And I'd like to start by acknowledging that our members. Absolutely agree that we are in the midst of a housing crisis. But we don't believe that an expedited consolidation is the hope for magic bullet and fails to focus on the real obstacles as they are experienced by our members. That includes understaffing within review groups, overly complex codes that don't adequately address what to do in the event of a conflict. Inexperienced management teams and the separate burden of permit reviewers from those who are authorized to make decisions. Not just this council but councils before have intentionally and systematically placed the burden of paying for permit review to on developers as opposed to making it a service of this city. And I think that has contributed to and this resolution often doesn't address adequately the funding needed to have proper staffing. Um, it also so I think fails to recognize that when you separate the permit reviewers from the policy writers that that either leads to further disconnect or potentially the doubling up of review staff in order to make code fixes. And I can speak from personal experience at the bureau of development services that when land use review was separated from the

bureau of planning, while we're still in implementing that code, we have to be a part of every policy change or every code. Writing project and that takes away from the focus of actually reviewing and issue doing permits. Let's see. Additionally, the public works bureau's pbot vs water bureau, they operate under a different mandate and they are permitting assets that are in the public right of way that will be owned and maintained by the city. And our members have great concern that moving the permitting teams out of these bureaus will break those links between the reviewers and the people that are responsible for constructing and maintaining these publicly owned assets. This could lead to increased costs for the city long term. I have way more comments from members than clearly I have time. I guess what my direct ask is I think this resolution is going to come with a large financial cost at a time when there's too much change happening over the next year with the larger, larger, larger charter transition to give this proposed consolidation the attention and resources required for it to result in the desired efficiencies. We think the weight of this body would be better used to support increased staffing, simplified and clarification of codes, training and performance improvement for managers and setting expectations on how non permitting staff within the interagency bureaus coordinate with permitting staff.

**Speaker:** Thank you. Thanks, rachel.

**Speaker:** Next up, we have christina dirks on line.

**Speaker:** Good morning, mayor Wheeler. Morning, commissioners. My name is christina dirks. I'm the director of policy and planning at home forward, which is the public housing authority for Multnomah County. I'm here to testify in support of today's permit consolidation resolution as you all likely know, homes forward mission is to ensure that our community is sheltered. We serve over 15,500 low income households in Multnomah County each month through affordable housing



and administering rent assistance. We currently have 563 additional units under construction right now in the city and within the next three years we'll have an additional 492 units under development in the city of Portland. We know from firsthand experience that the city's current permitting system is in desperate need of reform. At best, the current system is confusing, cumbersome and causes unneeded delays. And at worst, the bureaus are working at odds, creating contradictory requirements and stifling development. At home forward is in full support of this long overdue step towards permit consolidation in order to advance housing production, we support the proposed structure of a single permitting agency with a single decision maker. We believe this structure is key as it would allow for consistent policies and practices. The streamlining and acceleration of process improvements and holistic decision making around staffing and budgeting in addition, we think this structure will increase transparency by more clearly holding accountable the city for the customer experience as well as the advancement of the city's racial equity goals and strategies. We do ask, as part of this permit consolidation for the continuation and expansion of the fast track permitting process for affordable housing development that was recommended and adopted as a pilot by the government. Accountability, transparency results workgroup. However, under the current fast tracking model, only affordable housing that receives city of Portland money is eligible. And we know that the need for affordable housing is great and it remains highest amongst our communities of color. So we are asking that we expand this fast tracking for the development and preservation of all affordable housing in the city, regardless of whether it includes city funding. And finally, we're thrilled that the council is committed to act with the speed and the resources commiserate with the need and are happy to see that July 1st, 2024, implementation date. And we thank you for your commitment to this

reform and we know the future work that will go in to making it a reality. And home forward looks forward to the continuation of being a partner with the city and addressing housing access and housing stability for our low income neighbors.

Thanks. Thank you.

**Speaker:** Next up, we have Justin Wood online.

**Speaker:** Morning. Good morning. Can you hear me?

**Speaker:** Yep, loud and clear.

**Speaker:** Well, good morning, Mr. Mayor and commissioners. My name is Justin Wood. I'm with Fish Construction, Northwest and I've been building in the Portland area for over 20 years. I am a former chair of the Development Review Advisory Committee, was served on track and I was the chair a few years ago. This is nothing new. This is something we've been dealing with for many years. One of the common complaints that we heard when I was on track was trying to figure out how to streamline the permitting process and trying to figure out how to make this flow better. Currently I am a member of the Governor's Housing Production Advisory Council. I've been appointed to that and have been serving on that. And we've been hearing from jurisdictions and builders and developers from across the state trying to figure out ways to make this better. These comments are my own. They're not officially from the council, but one of the things I have heard from cities is that there is no magic bullet to solving our housing issues. But one of the things that we can do is try to figure out where cities can remove roadblocks and inefficiencies and costs. And I'm here to say that in the 20 years that I've been building in Portland, our current permitting system is adding a lot of delays and a lot of costs to actually getting permits out the door. When I started building in 2000, the city of Portland, it wasn't uncommon for me to be able to get a single family building permit out within 4 to 6 weeks. Now it generally takes

me 6 to 9 months in that same range. It's just the amount of different people looking at it and the amount of different delays and projects that it takes. It's just become very cumbersome and delaying and especially when at this day and age when we're seeing interest rates where they're at a delay of a month or two, as somebody alluded to earlier, can add thousands of dollars in delays to a cost of a project. And that's just something that we can that we can fix if we can figure out how to get rid of the inefficiencies. I want to be careful because it seems like the bureau of development services a lot of times gets the negative attention when there's permit delays. But it's been my experience that it's actually the other bureaus as a part of the permit process that where we've seen more of the delays and those those those delays are not things that are directly controlled by the bureau of development services. We recently had a permit where one of the other bureaus needed to do a fairly simple review on a permit, and it took them four months to actually get to that review and do that release on the permit when none of the other bureaus could actually sign off on that permit. So there's so it having one person who's the point of contact on this and one person who can help shepherd these through the process. And one bureau would be a huge help to us in the development community. And it would hopefully align with what we're trying to do on the housing production advisory council. So thank you and I wholeheartedly support this. Thank you. Uh, next up, we have john gibbon online.

**Speaker:** Welcome, john.

**Speaker:** John, you're muted.

**Speaker:** Hi, I'm john gibbon. Um I live in quail park. Um, it's one of the examples that I have to point to. To say that while I'm in support of this, because I believe that housing should be treated with yet, but with a yes but with conditions as standard for getting things done inside the city of Portland, I'm concerned quail park isn't an

absolute example. Commissioner Ryan and the mayor will remember that three years ago the 95 houses in quail park had to form an id to build a new water system with the help of the city of Portland, because building permits were given out when a temporary line was put in in the 1970s and we had 9005 homes sitting with an inadequate water line. And, uh, with only one connection to the city water system. Those are the kind of things that cannot be excused under this new program. But realistically, I've appeared before this council since. Since 1976 and worked in the housing industry. Since 1980. And I will tell you that when I went to work for the randall company at that point, what I was stunned about was I could go to the city of beaverton. And the first meeting I had with the city of beaverton was in a facilities review meeting where the infrastructure bureaus were there, signing off on telling people what they had to get done with project and I'd the only time I saw that happen in the city of Portland was when bts had a guy named mike. I call him mike k because I I'm terrible with last names and I think it was mike kurahashi at bts took charge of the subdivision and land division process in the 1990s late in the 90s when some of this stuff was discussed and he made people come to meetings and drug fire bureau people in and water, not so much water bureau people and kicking and screaming, but the fire guys didn't really want to be there and mike made them sign off early in the process and that's the real problem here. Those conditions are not set down. The you don't make sure the facilities get done. The guys over at the bts are good people, but they just keep issuing permits when they need to know the facilities are there and that's the concern I have with this, is I hope it doesn't work out that way. We're so far behind on housing that we need to get it fixed, but don't blow the infrastructure for part of this component with this program. Thank you.

**Speaker:** Thank you. Appreciate it.

**Speaker:** That completes testimony.

**Speaker:** All right. Very good. Colleagues discussion. This is a resolution, so we will be taking a vote. Call the roll, Gonzalez simply put, we aren't producing enough housing and are drawing enough capital to the city.

**Speaker:** We signed. This simultaneously undermines our ability to produce sufficient housing and to generate family wage jobs. Permit unification, sends a clear signal Portland is open for business. I spent a good time of my early career in real estate development across the country, certain extent across borders. At the time, Portland had some good reputation and some bad reputation nationally, the rules were somewhat transparent at the time. You could look them up online and this was a good thing. But the process was long and slow and required multiple sign offs and then you get run into arbitrary decision making in different parts of the process. That's unpredictable. All developers, investors need predictable city. Portland is often lacked that. I will say that there is no simple solution option to push through more permits. We need to have accountability. That's what unification does. But there's still a lot of work under the hood. That's going to be required. Unifying systems in development is but one significant issue that we're going to have to pay very close attention to in this process. It's a repeat concern for the city of Portland. You go to one bureau with one technological interface and a different bureau with a different one. So that's something that we just need to pay attention as we go through this. But but I do want to call out that this the work done on on on permit unification in some ways is a reflection of both the weaknesses and the strengths of the soon to be done commission form of government. Our problems in permitting largely derive from having different commissioners oversee different bureaus. That is a contributing factor to this issue. But I will say the way in which we came to a unified committee as a council here,

frankly, quite promptly, he is good news and I hope that it will have more of these instances between now and the end of next year. So I am a strong yes on this.

Thank you very much. Maps.

**Speaker:** I'm colleagues, I am proud to join you in co-sponsoring this resolution to reform Portland's face troubled permitting system. Now, this resolution is a compromise, but it is a compromise that gets several things right. First, this resolution continues the work of the permits task force, a group that commissioner Ryan and I started over two years ago thanks to the work of that task force. And the last 18 months, the city of Portland has reduced the amount of time it takes to process permits for new home construction by 75. I want to congratulate the members of the permits task force on that amazing accomplishment and a job well done and I want to remind the members of that permit task force that our work is not done. The resolution before us today charges the permit task force would delivering some common sense and transformational reforms like building a new customer focused website for permitting, streamlining the rules and procedures that govern permitting. In the city of Portland and eliminating conflict in code. Now here's another thing. The permit reform proposal before council gets right. The resolution before us today integrates our permitting reform efforts into the city's larger efforts to implement a new charter in 16 months. The form of government Portland has used for the last 111 years will go away and a new form of government led by a 12 member council, a mayor and a city administrator will take its place. Now now, that's a good thing. However for implementing charter reform also presents some challenges. For example, one of obvious flaw with the permit reform efforts that commissioner Ryan and I led was the fact that our efforts to improve Portland's permitting system were not coordinated with our parallel efforts to implement a new city charter. The resolution before us today fixes that

flaw. There is a third thing about this resolution in which I would like to praise this resolution directs the city to prepare for the consolidation of development review and permitting staff into one entity by July first, 2024. Now let the historic record be clear. This is an important moment in Portland's history and commissioner Rubio deserves credit for making a consolidated permitting authority a reality here in Portland. And now I will wrap up my comments today by thanking permit staff and the members of the permit task force for their service to our city. I also have a plea, please don't quit on us now as we embark on the next chapter in our efforts to make Portland a great place to start and grow a family and business, we need your expertise and your innovation. Now more than ever for these reasons and more, I vote. I Rubio I want to first thank the mayor.

**Speaker:** Our discussions on this topic dates back to January of this year. And for you, I know it's been several years before that and I sincerely appreciate your leadership and your partnership and the great work of your team and also to the numerous stakeholder who have been for years alerting us to your challenges. You have shared story after story and for many years. And not only that, you've offered solution as and as I said in my remarks, consolidation is one big piece, but it is not the only piece. The ongoing code development code cleanup regulatory reform form et cetera is to come, some of which will be at council before the end of the year. I want to thank my colleagues again, commissioner dan Ryan and mingus Mapps for setting up the latest task force work. Two years ago, that foundational work was incredibly important to getting us here today as well as to all our conversations. And I also want to especially lift up commissioner Ryan for our numerous conversations over the last two and a half years and for calling out early the need for collaborative systems change. I also want to appreciate commissioner gonzales and the thoughtful perspective and feedback in our discussions about

these needed changes. Thank you for your partnership in this as well and thanks to the task force team led by terry tyson. I want to express my appreciation for your work to date and the important work ahead and gratitude also to director rebecca esau and her team. Rebecca, you are invaluable leader and it's a pleasure to get to work with you and your team every day. And also as elected officials. I think I want to acknowledge our collective council staff for all their great work. And also in particular, I want to give a big thank you to my chief of staff, jillian shoni, for her tireless work over the last multiple months. Thank you, jillian, so much. And finally, much appreciation to all of the involved bureau directors. Permit staff and employees who work hard every single day on behalf of our city. I hear the comments and I agree with newman s comments about funding and ensuring that we have stable and constant funding to ensure that we retain our excellent expertise. That exists in our current staff. And I will do everything in my power and I know my colleagues will too, to make sure that that is a reality permitting consolidation in the larger reorganization effort is one big and significant leadership opportunity. And I know that each one of these folks wants what is best for Portland and our city government, and we have ten months to deliver on this first piece with only 15 months to deliver on all the other pieces is so we have our work cut out for us. But I know that working together and with all of the experts at the table, I'm confident that we can get there happy to vote. I Ryan, thank you for all the compelling testimony this morning.

**Speaker:** And I hope all of you remain engaged as we partner to continue the improvement of this extremely important permitting system that has received all in council attention for, well over two years. Allow me to set some context here. As I was a commissioner overseeing bts for the community from September 2020 until reassigned by mayor Wheeler. In the end of this last year, December 2022. So first



things first. I don't do history lessons too often, so just bear with me. We had to protect for the collapse that occurred during the great recession of 2008. Bds is a fee for service revenue bureau and we need the bureau whole. As we were navigating the challenges of working with customers during the early days of covid with the support of drac, the council came together and supported my proposal for the 2122 budget. So we avoided the dramatic layoffs from 2008. After reviewing the critical audit of early 2021, I recruited an all in effort to get to the bottom of our permitting challenges that have been plaguing our city for decades. Our multi bureau system was not only was not only made up of seven active bureaus and relentless code clutter that drives many of our most skilled and resource customers nuts. And for our residents and small businesses, they are left in shock with this complexity. I then asked commissioner Mapps to co-chair with me the building of a first ever task force that actually brought together all of the permitting bureaus. Past efforts were singular and focused only on bds. Those efforts are often top down and seldom get the votes to move forward as such. Thank you, commissioner matz, for saying yes to this collective impact, continuous improvement project that underscores the slogan if you want to go far, go together. If you want to go fast, go alone. And what is implied there is you won't go very far. As such, it was necessary to keep all political offices engaged and as we had consistent attendance at task force meetings where we did the following. For one, we got to know each other. It was fascinating to witness people who had been working in permitting for years who finally met one another, albeit through a zoom meeting. We established a datasets and quickly moved the data driven culture that we've been needing for some time. And I want to thank bts and the many, many hours of putting together those data sets. So we don't wait for a ten year report from the auditor to tell us it's messed up. We actually had real time data. It's very key. We conducted customer

service, professional development, and those really went over well. For example, after two emails, maybe you shouldn't keep emailing back and forth, pick up the phone. We included two customer service surveys that included industries big, small, affordable housing, etcetera, and we got their feedback and we did that consistently for two years. We hired a team with actual job descriptions to implement this work, beginning with the hiring of terry tyson in the 2122 budget, and we added two more continuous improvement professionals in 22 and 23 who constantly stay focused on practices and implementation. And that's why we have momentum. We actually hired people to do the implement work changing culture and building a team was a priority. That is the soil work. And now we must continue to move forward and harvest these rewards. And that is that necessary. Foundation work has improved culture and engagement and results. Thank you to the hard working permitting teams who have been working together across bureaus like never before. You have been empowered to identify gaps, set goals for reducing timelines which have been accomplished and improving customer service. Thank you. It's really been an honor and a blessing to observe that taking place over the last two years as policy makers, we can further support this momentum by ensuring that the current work is resourced and continues as we must remain united in this vision in using data driven solutions and measurement, we are also prioritizing this essential city service by asking that the chief administrative officer incorporate how we organize this service by identifying the single permitting authority. My experience tells me that organizational charts rarely solve issues that creates barriers to success. However, identifying a single decision maker is key, and that has been the barrier that has been addressed for decades and has been a product of our ongoing ing form of government. We also need to continue to support what we know is needed throughout technology website, improve its

support for the recruitment and retention of skilled staff. It takes up to a year for permitting staff to really get their bearings and have the capabilities to perform and continue to focus on the coding clutter that has been a pain for many, many years. As we address the confusion and volume and complexity, we can now support staff and customer in a clear point of authority, no longer leaving it to staff to sort out while customers try to predict the outcomes as predictability. As mentioned by many of the testimony, is the best practice. I do want to stress that we are proposing today is complicated. It might take a few years to really experience the deep dive. How we need to fund and staff this service so let's continue to stay engaged, all of our offices as we implement this. No one can do this alone. As leaders, we need to be persistent and patient and supporting the staff to see these changes through final. Please remember unification begins and ends with all of us on the council. Our conflicts do not support the momentum that is currently in motion and the past couple of months have been rough on the culture. And so I hope today is also a refresh as we move forward as a united team. So yes, to getting back on track to support our professionals, to serve our residents, our builders, our developers, to invigorate our economy and accelerate the building of more homes. This is important work. This is about implementation now. And we are all accountable to that practice does eat policy for lunch because that is what Portlanders experience. Let's support this work. I vote i.

**Speaker:** Wheeler thank you, everybody who provided testimony today.

**Speaker:** I think it's notable and fantastic that the City Council is moving this forward. Collective unanimously today. And I want to thank director Jordan and his staff for continuing to do the good work. I vote I and the resolution is adopted to you. The regular agenda. Seven two, three, please accept bed of two contra factors incorporated for the Washington park perchlorate project. For \$1,509,561.

Colleagues, the Portland water bureau is Washington park hypochlorite facility was construct in 1981 and due to poor conditions, it's not currently operational. This item authorizes the Washington park hypochlorite project to replace the hypochlorite system to meet operation and flow conditions to add a necessary ammonia system and upgrade the facility to meet current codes. Once refurbished, the facility will chlorinate two Washington park reservoir pools and provide secondary water quality treatment for downtown. The northwest, industrial and southwest waterfront districts and surrounding neighborhoods and business. As i'll hand this back to chief procurement officer biko taylor to present the report. Good morning, biko how are you?

**Speaker:** Good morning, mayor Wheeler. Thank you. Good morning to City Council. For the record, my name is biko taylor. I'm the chief procurement officer. On February 8th, 2023, City Council approved ordinance 191168 for the completion of this project. At that time, the engineering estimate was 1.85 million and the confidence level was high procurement services issued the invitation to bid on may 25th, 2023, and the due date was June 29th, 2023. In total, we received two bids for the for the project at two contractors, inc. It was the low bidder and is the recommended award. Their bid totaled. 1.5 million, which is roughly 18% below the engineering estimate. The city standard 20% aspirational goal applies to this solicited option and the following is a breakdown of the utilization on that two contract letters inc. Submitted to the procurement team. They will perform 74.3% of the of contract. 22% will be performed by certified cobid subcontractors and 3.6% will be performed by non certified contractors of note. We have leland llc, which is a certified woman owned business and taurus power and controls, which is a certified minority business, asian pacific male owned to is located here in Portland, Oregon, and is not a state cobid certified contractor. They do have a

current city of Portland business tax registration and are in full compliance with all of the city's contracting requirements. If there are any requests, if there are any additional questions about the procurement process, I'm happy to answer those and also if you have questions about the projects in particular, we have chief engineer jodie inman in attendance as well. If not, I recommend that council accept this report and authorize the execution of the contract immediately.

**Speaker:** Very good. Thank you. Colleagues. Any questions for director taylor? At this point, do we have public testimony?

**Speaker:** No one signed up.

**Speaker:** All right, i'll entertain a motion to accept the report.

**Speaker:** So moved.

**Speaker:** Commissioner Mapps moves. Can I get a second? Second? Commissioner Gonzalez seconds. Any further discussion? Seeing none, please call the roll.

**Speaker:** Gonzalez Mapps Rubio. Hi, Ryan Wheeler.

**Speaker:** Hi. The report is accepted. Item 724. Also report. Please accept bid of abc roofing a tecta America company llc for the 1900 building roof improvements project. For \$1,260,780. The facilities team within the office of management and finance oversees the 1900 building roof replaced project, which I think you're all pretty familiar with at this point. The roof is beyond the 20 year warranty period and resulting in installation failure and leaks that have caused damage to the office spaces below. This item authorizes various improvements, including the replacement of the existing roof membrane system inspection of the existing damage, exterior wall repair as well as necessary safety modifications. As director taylor.

**Speaker:** Thank you. Mayor Wheeler. On March 15th, 2023, City Council approved ordinance 191205 for the completion of the roof project. The engineering estimate

was 1.5 million, with a high confidence level procurement services issued the invitation to bid on June 14th, 2023, with a due date of July 6th, 2023. In total, we received two bids abc roofing, which is a tecta American company, was the low bidder and is a recommended awardee. Their proposal totaled 1.6 1.26 million, which is 19% under the original engineering estimate. The city standard 20. 20. Aspirational goal does apply to the solicitation and is a follow in the following is a breakdown of that utilization 94% of this project will be self performed by abc roofing and 5% will be completed by cobid subcontractors. So for the record, we did fall below the aspirational goal on this project the winning bidder decided to put together a plan where they are self performing. The vast majority of the work. Abc roofing is located here in Portland, Portland, Oregon. Sorry, and it's not a state cobid certified contract. They have a current city of Portland business tax registration and are in full compliance with all of the city's contracting requirements at this point, I will take any questions on the procurement process. Questions public testimony.

**Speaker:** No one signed up. I'll accept a motion so moved commissioner Mapps moves. Second, commissioner Gonzalez seconds. Any further discussion seeing none, please call the roll.

**Speaker:** Gonzalez hi maps. Hi, Rubio. Hi, Ryan Wheeler hi.

**Speaker:** The report is accepted. 725, please. Also report. Accept bid of tice electric company for the 1900 building lead lighting upgrade project for \$1,283,043. So also related to the 1900 building. This is a seven floor urban center. Condaminea that's home to the bureau of development services is the Portland housing bureau, as well as the hearings office. The building's existing fluorescent lighting and control systems are past their recommended life and need to be replaced. This item authorizes the replacement of the failing existing fluorescent lighting with new

energy efficient led fixtures and modern controls to operate the new system.

Director Taylor.

**Speaker:** Thank you, Mayor Wheeler.

**Speaker:** On June 29th, 2022, council approved ordinance 190900 to replace the lighting in the 1900 building. The engineering estimate at the time was 1.726 million and the confidence level in an estimate was high. Procurement services issued a bid, an invitation to bid on June 15th, 2023, with the due date of July 13th, 2023. In total, we received four bids for the project. Tice Electric Company is the low bidder. Their proposal came in at 1.283 million, which was 25% below the engineering estimate, substantially lower than some of their competitors. Most of the project is electrical work, with little to no subcontracting requirements, and the materials are also inclusive. Here so I just want to let you know, whoever won the bid probably would have provided them materials and also the services as a package deal. The city standard 20% aspirational goals apply. And the following is a breakdown in lieu of the type of work Tice has elected to complete 100% of the project and I believe that's probably applicable. The competitive price that we received here on the bid. Tice Electric is located here in Portland, Oregon, and is not a state certified contractor. They have a current city of Portland business tax and are in full compliance with all of the city's contracting requirements. It's if there are any questions about the procurement process, I'm happy to answer those. Now, colleagues, public testimony.

**Speaker:** No one signed up.

**Speaker:** This is a report. I'll entertain a motion. So moved Commissioner Mapps moves second. Commissioner Ryan seconds any further discussion? Seeing none, please call the roll.

**Speaker:** Gonzalez Mapps Rubio. Hi Ryan Wheeler.

**Speaker:** Hi.

**Speaker:** Report is accepted. Item 726. A report authorized price agreements with s2 contractors inc. Bricks paving northwest inc. Granite construction company and just bucket excavating inc. For furnishing asphalt speed bumps, milling and base repair for \$1 million per agreement.

**Speaker:** Colleagues, this is related to the bureau of transportation.

**Speaker:** They utilize on call construction and contracting to deliver ongoing traffic calming projects within the quick build delivery program. The scope of the work covered by these price agreements is limited to specialty areas such as asphalt signing and striping, as well as ada ramps and we have director taylor still here.

**Speaker:** Good morning again.

**Speaker:** Thank you. Mayor whalen.

**Speaker:** On January 18th, 2023, City Council approved an exemption ordinance. That ordinance was 1911399 and subsequently amended on August 23rd, 2023. So the final ordinance to that approve the go ahead. Was 191426. The engineering estimate for this project was 1 million per year for a total of five years, which has a not to exceed value of \$20 million. And the confidence level of that estimate was high procure services issued an invitation to bid on may 16th, 2023 with a due date of June 8th, 2023. In total, we received four bids. The recommended awardees are those that responded to the proposal that was two contractors incorporated bricks paving north west granite construction company and just bucket excavating. I have a few remarks about a price agreement. Bear with me. Price agreements were on call. Construction services are intended to be used for projects whose specific scope and budget are not predetermined. Work performed under these price agreements will be authorized via written task orders when projects are identified, the city's equity and contracting aspirational goal did apply for 20% of the hart



construction costs for subcontractor and supplier utilization of firms certified by the state certification office for business inclusion and diversity and diversity. And that those stipulations do apply to these price agreements. Each task order will be negotiated to subcontract with covid certified firms to the maximum I'm sorry, the maximum extent possible, and to give you a summary as to bricks, granite and just bucket will you all have a first year allocate of 1 million per firm with a maximum of 5 million per firm over five years? If the demand warrants that. So in total, 25% of this award will be allocated to under and historically underutilized business, which is just bucket excavating all for our Oregon company. With the exception of granite construction in which is located in Vancouver. And they all have current city of business tax registrations and are in full compliance with all of the city's contract and requirements. If there are any questions about the procurement process, I'm happy to answer those. Now seeing none public testimony, no one signed up.

**Speaker:** Very good. I'll entertain a motion to accept the report. So moved commissioner Mapps moves. Second, commissioner Gonzalez seconds. Any further discussion? Seeing none, please call the roll.

**Speaker:** Gonzalez. Hi maps. Hi Rubio. Hi, Ryan. Hi Wheeler.

**Speaker:** Hi. The report is accepted. Item 7 to 7 and emergency ordinance amend city employee benefits program to reflect necessary plan design changes as recommend by the labor management benefits committee and as administered required by the bureau of human resources for the city plan offerings beginning October 1st, 2023 through June 30th, 2024.

**Speaker:** Colleagues, the city's labor management benefits committee reviews the employee benefits program and it provides recommendation options for any necessary changes as due to the off cycle effective date of Oregon's paid leave program, which begins on September third.

**Speaker:** It's necessary for us to make additional changes outside of the normal schedule. This ordinance approves changes to the fiscal year 2023 2024. Benefit plan documents to address recommendations that were made by the labor management benefits committee before efforts manager michelle taylor with the bureau of human resources is here to present the ordinance and walk us through the recommendations. Good morning, michelle.

**Speaker:** Good morning, mayor Wheeler and commissioners. My name is michelle taylor. I'm here representing writing the bureau of human resources as the benefit manager and I'm presenting an ordinance for your approval this morning.

Ordinance 727 authorizes changes to the health plan document beginning October one, 2023. Generally we our plan document comes to you once per year, but we're bringing forth a change that we need sooner. We're recommending this change take effect October 1st, 2023. In response to the state's paid leave Oregon program going live September 3rd, paid leave. Oregon is a state required income replacement tool, which provides employees access to 12 to 14 weeks of family leave, personal medical leave and safe leave. Benefits are set to pay out beginning next week, but required employee and employer contributions started in January of this year. Paid leave Oregon is a generous benefit. Paying lower wage earners, a higher percentage of salary with a sliding scale for higher income earners and includes expanded leave events and covers family members and close affinity. The city also has a short term disability plan, which requires bureaus to pay for the base plan of 40, and employees can voluntarily purchase a buyout plan at 20. Short term disability is also an income replacement tool, providing employees up to that 60% of their base wages. With lower caps on salary than paid leave. Oregon short term disability is just for the employees own serious illness or injury and can last up to 90 days in the coming days, the city and our employees will be covered and paying for

two similar income replacement tools. Our short term disability plan will treat paid leave. Oregon benefit payments as deductible income and will reduce someone's expected short term disability payout. Essentially we're over insuring on and after September 3rd, I really want to thank our partners within the labor management benefit committee who recognize the urgency to come together off season to address the duplication of benefits and bring these recommendations to you today, the bcc recommends options include removal of the base and the buy up short term disability policy. The second change would be to include enhancements to our long term disability policy, which supports employees who have exhausted their short, shorter term options, such as paid leave Oregon, but still need continued income replacement to help recover from a serious illness or injury through our long standing partnership with standard insurance, we're able to increase the base coverage for long term disability from 40% to 50, giving more income replacement to our employees. Additionally, those who currently have the buy up coverage would see their premium decrease as the buy up coverage would move from 20% to 10, while still maintaining the overall 60% total coverage. This means we can offer more coverage to employees for less cost out of their paycheck for those employees without the buy up coverage currently in place, we're able to offer a one time enrollment period where folks can add the extra 10% of coverage without having it be subject to approval or medical history. So that means employees who have been denied for the long term disability by up coverage in the past can add it during our one time enrollment period that will start September 8th and end at 9 p.m. On September 25th. This is something we haven't historically been able to do and we're really excited to share the news with employees. If this moves forward. In summary, you're proving the removal of our short term disability policy and approving enhancements to our long term disability policy effective October 1st.

While the plan document represents the legal requirements of our health plan by approving this ordinance, this, you are also approving the plan design changes recommended by the labor management benefit committee and for administrative requirements which bhr and benefits office are responsible to fulfill. These changes are cost neutral to the city as bureau costs previously associated with the short term disability will be shifted over to cover the enhanced long term disability plan. In addition to thanking the labor management benefit committee for coming together, I also want to thank our benefit team who's having to take on an additional enrollment period. If this is approved after just having gone through one. Ensuring that employees have access to cost effective and beneficial income replacement tools. This concludes my remarks and I appreciate your support in authorizing this ordinance, and I'm happy to answer any questions you might have.

**Speaker:** Very good colleagues. Any questions? Do we have public testimony on this item?

**Speaker:** No one signed up as an emergency ordinance.

**Speaker:** Please call the roll.

**Speaker:** Gonzalez. I am Mapps. Hi, Rubio. Hi, Ryan.

**Speaker:** Great work. Michelle how about i?

**Speaker:** Wheeler thank you.

**Speaker:** I vote i. The ordinance is adopted. Thank you. 7 to 8. This is a non emergency ordinance.

**Speaker:** Authorize application to the us department of justice. Bureau of justice assistance for the fy 2023. Edward byrne memorial justice assisting grant. For \$574,225 to assist the Portland metropolitan area law enforcement and criminal justice community to prevent and reduce crime and violence.

**Speaker:** Colleagues, this item seeks authorization for the Portland police bureau to join in a department of justice grant application in with both Multnomah County as well as the city of gresham here today to present the ppb's proposed application are nathan lamey from the community safety division, as well as jennifer halling, the records division manager at the Portland police bureau. Welcome

**Speaker:** Thank you so much for the introduction. I'll share my screen and walk you through a little bit about this application process.

**Speaker:** Our hope today is to cover for the grant itself and background on it. Then talk through the application that we have put forward this year. Background on the justice systems grant. This is a grant program that the department of justice established in 2005. It's the primary provider for federal criminal justice funding to local governments. The city of Portland has received this every year since 2005. In many ways, it's effectively a subsidy. This ordinance and bringing this to council meets the required governing body review as well as the public comment period required by the grant in general, this grant can be used for hiring and retaining personnel purchasing non prohibited equipment, training and information systems. City of Portland is the primary recipient of this grant, but there is a formula that is based on d.o.j. Criminal justice statistics that defines how much money will go to local governments. The city of Portland retains about 50% of these funds and then acts as the fiscal agent for Multnomah County as well as gresham. This year, Multnomah County will be putting its dollars towards a deputy district attorney. The city of gresham will be putting its dollars towards the expansion of mobile, a computer aided dispatch system, to provide more details on what the police bureau plans to spend these dollars on, i'll invite jennifer over to speak up.

**Speaker:** Good morning. I'm jennifer halling. I'm the records division manager with the Portland police bureau. What we're proposing to use these grant funds for this

year is to hire a full time police record supervisor position for about 22 months. The supervisor position will be focusing on hiring, training and succession planning efforts for the records division during a time when we've had quite significant staffing changes, the position will supervise a team of record staff, provide some strategic direction for our training program and participate in hiring and onboarding, collaborating with other partners and bureau staff, developing solutions for addressing existing backlog, low morale and improving workflow and productivity. That's that's quite a feat to plan for upcoming retirements. This position will bridge the gap between current supervisors who are planning to retire and provide some leadership stability for the records division. Next slide. The records division operates 24 hours a day, 365 days a year. We provide essential services to internal and external stakeholders, including processing police reports, entering data into law enforcement databases, releasing towed vehicles to the public and responding to public records requests. Since 2020, we've seen a sharp decline in our staffing. We've lost about we've actually lost about 50% of our staff, but we have hired back about 20. Our workload has increased and our backlogs have increased. We have seen a significant increase in stolen and recovered vehicle reports, as well as an increase in public records requests. There's been a big push to hire, so we've been hiring a lot of positions and since 2021 excuse me, 2022, we've hired 21 of our current police records special fill and filled other vacant positions within the division next slide. Currently, we stand at 76% staffed. That's 60.5 fte out of 79 positions as these vacancies are being filled. The goal would be to add this police record supervisor position to address some critical needs in terms of redistributing workload with the existing supervisor users, onboarding and training new staff, addressing some expected attrition and providing leadership, stability and continuity, and then also providing better services to members of the public

and addressing our existing backlog and finally, this is just a visual representation of where we currently stand in terms of our staffing. The position that we're asking to add would be a full participant in hiring these vacant positions and completing training for our probationary trainees. All right. Thank you. Any questions?

**Speaker:** Very good colleagues questions on this item.

**Speaker:** Nathan, could you remind me how this this is a long standing grant when did it start.

**Speaker:** I started in 2005. The city of Portland received the award every year. Thank you. It's not quite a subsidy, but is generally treated as such.

**Speaker:** Very good. Thank you. And and how? When we apply in conjunction with, as you say, Multnomah County and the city of Gresham, what does that mean exactly? Does that mean we either all get it or we all don't get it? But what does that mean?

**Speaker:** Yeah, there's a formula that the federal government puts out that sort of lays some minimum expectations. Generally, the award goes to the largest jurisdiction in a geographic area. So in that case, it's the city of Portland and the award is split based on crime statistics and the rates of crime. In addition, the city of Portland has a sort of handshake agreement with the county where we actually go above and beyond what would be legally required for us to share with them based on that sort of long standing agreement. And could you just elaborate on that long standing agreement for me, just so I'm familiar with it, why are we going beyond the basic terms of the agreement, the politics around it? I will leave to council, but there has been funding released for the past five years going towards 0.68 fte of a deputy district attorney for the justice integrity unit and there have not been moves to change that thus far. Okay.

**Speaker:** No, it's jogging my memory. Thank you, commissioner. Ryan. Yeah mayor.

**Speaker:** Thanks. This could be a stretch, but last week we had the report out about looking at the work that took place in 2020 and beyond, and they really spoke to the need for better coordination with our local jurisdictions. Maybe this is a stretch, but is this an example of building that system?

**Speaker:** Yeah, I would say so.

**Speaker:** I'm sure the people at police recall that report that was delivered last week.

**Speaker:** Good. Thanks. I guess that was a statement.

**Speaker:** So Jennifer and Nathan don't have any comments on that.

**Speaker:** I was not in attendance for last week's council meeting, so I don't. Okay

**Speaker:** Well, just FYI, they really spoke to the need for us always building better coordination amongst our different jurisdictions and community safety in regards to our first responders and police. So this just looked like an elegant solution and example of how we can keep improving upon that. That's all. Thanks for listening.

**Speaker:** Yeah, point well taken.

**Speaker:** Public testimony.

**Speaker:** We have one person signed up Sangha, Demetria McBeth, Lynn Hester, three minutes each please name for the record. My name is Colonial name is Demetria Hester and my African name is Sangha McLachlan I'm here to oppose the money that you're giving to your goon squad and as we call them, because you're the police commission.

**Speaker:** So you know what you do with your money. And as he just said, you have all the what they say. So of where the money goes. This happens all the time, y'all have the last say. So of everything. But all of y'all are crooked. All of y'all put the



money in your pocket and does not give any to the community. The police who murdered Quintus Hayes, who just beat one of his family members, are there getting any of this money? No. But you're lining your pockets with the money and the police are lining their guns with bullets to kill us, with you okaying it, this is what you do. You. This is what our city does. This is what y'all have done. Being sitting in the office saying that you're helping our people. You're helping the black community, but you're not helping anyone but yourself and the police that you put out as your goons to kill us, to murder us, to beat us in the street. In the last month, how many police have killed black children and black people that you gave the okay to the mayor and the commissioners? Y'all give the okay for us to die in the street while you lie about what you're doing with the money. We just heard about what you're going to so-call do with the money. But every time I'm anybody that y'all put in any position in investigates anything thing you do a horrible job and then you give each other kudos about how well all your staff and y'all are doing good for the black and bipoc indigenous people when we're on stolen land, but yet we still hear all the time that y'all have the say. So of where the money goes. And it does not benefit the families that you've killed, the parents that that have to live with. The fact that your police target them, patrol them, watch them, make sure that they're know that you're watching, and that if we get out of line, you're going to sing your police out. But this stops here and this stops today. We demand that money to be given to the black community that wants to heal from the torture that you and your comrades do to us every single day, every single one of you need to resign, and your day is numbered. Uluru means freedom. Any other public testimony?

**Speaker:** Testimony.

**Speaker:** Very good. This is a first reading of a non emergency ordinance. It moves to second reading. All right, why don't. Well, let's do one more here and then we'll take a break. If you'll remind me to do that. Item number 7 to 9, please.

**Speaker:** Non-emergency, competitive solicitation and contract with the lowest responsive and responsible bidder.

**Speaker:** And provide payment for construction of the lombard pump station in force main upgrade project e10920 for an estimated amount of \$10,200,000.

**Speaker:** Commissioner Mapps.

**Speaker:** Thank you, mr. Mayor. Colleagues, this item comes to us from the bureau of environmental services. This ordinance authorizes environmental services to conduct a competitive solicitation to upgrade the lombard pump station and force main in north Portland. Both the pump station and the force main have exceeded their anticipate useful life in addition, the force main and pump station roof have experienced failures and leaks in recent years. This project will improve reliable safety and resiliency and will reduce the risk of pump station failure. The total project cost, including design and overhead, will be approximately \$14 million. This ordinance covers construction costs. Construction is scheduled to begin on 2024 and will conclude in the year 2026. Here to tell us more about this ordinance, we have cyrus osborne, a project manager with environmental services. And I believe we also have of bhargavi and our a division manager with environmental services. I'll turn it over to staff now.

**Speaker:** Good morning. Give me just one second to ensure that I'm sharing properly. Have I frozen up?

**Speaker:** I'm not seeing your presentation quite yet.

**Speaker:** Okay, let's just give it a sharing. But that's it.

**Speaker:** Well, cyrus, the rule here at council is if it doesn't come up, you have to act it out.

**Speaker:** There you go.

**Speaker:** Oh, okay. This is. I'm up for some interpretation here, some interpretive stylings. Okay I think I might finally be catching up here. All right. Can you all see my screen?

**Speaker:** Not yet, no. Keelan what if he emails it to you? Then can you share it?

**Speaker:** Cyrus, would you like us to bring it up?

**Speaker:** Sure. You've got the pdf.

**Speaker:** Great. There it is. I see it now.

**Speaker:** Okay. And i'll just let you know when I'm. When I'm switching slides. All right?

**Speaker:** Yep. That works. Thanks.

**Speaker:** All right. Thank you, everybody, for your patience through that. So thank you, commissioner Mapps. Good morning, mayor Wheeler. Members of council. I am cyrus osborne and I'm an engineer at the bureau of environmental services. I'm here today to request council approval of an ordinance to authorize solicitation, contract and payment for the construction of lombard pump station and forcemain upgrade project. Lombard pump station was constructed between north lombard street and the columbia slough in 1983, with a firm capacity of 9 million gallons per day. And it has exceeded its designed and anticipated useful life. The basic requirements of the project are to bring the station into conformance with current standards for operation reliability, safety and resiliency to ensure that it can continue to serve the surrounding area of north Portland for decades to come and help reduce time to reestablish service. After a seismic event regarding the force main, which is the pumped wastewater line coming out of the pump station, it's

oversize sized and in December of 2017, it experienced a failure necessitating emergency repairs shortly thereafter, resizing and replacement of the force main became a project requirement on screen to get us oriented. The pump station is at the extreme northeast end of north columbia boulevard, where it used to transition into being named north lombard street. From there, the forcemain runs under columbia boulevard and eventually under chimney and pier parks where we have our discharge manholes top right. We have a reminder of what four year old infrastructure looks like in the drywell. And at the bottom right, we have an action shot of the emerging repairs which again took place in 2017. Next slide, please. So the project objectives for the pump station include direct replacement and upgrade of many of the components at the current pump station. This includes all mechanical and electrical components such as the pipes or excuse me, such as the pumps and the motor control center. All instrumentation and communications equipment, architecture and structural improvements, including a new green roof with fall protection and upgraded bathroom and improved wet. Well and dry well access, including a larger code compliant spiral staircase. We'll also provide upgraded site security features, including a taller perimeter fence and remote operated access gate. So on screen we've got a photo of the drywell and pumps in their current condition showing obvious where juxtaposed with the 3d rendering of the upgraded pumps, valves and appurtenances in the drywell. The new pumps will be smaller and we anticipate increased energy efficiency. The project. Next slide, please. The project also includes adding new features to the pump station to bring it into conformance with current standards. Those features are an on site standby generator and automatic transfer switch. A flow meter and flow meter vault, a force main inspection and cleaning tool launching station, an onsite air release valve and include influent control manifold influent. Excuse me. Influent control, maintenance

hole and deep soil. Mixing ground improvements to protect the pump station in case of a seismic event. Next slide, please. The resizing and replacement of the 4800 foot long force main will mainly be accomplished by slip lining a new 18 inch high density polyethylene pipe into the existing mixed material 30 inch force main. Additionally 100ft of the force main nearest the pump station will be replaced with earthquake resistant ductile iron pipe to air release valves and vaults are to be installed in the force main and the discharge maintenance hole structures in pier park will be upgraded. So on screen we have a detail for the slip lining. It's a pipe within a pipe and a plan sheet showing the location of one of the 14 force main access pits. We anticipate the contractor using to access the existing force main and perform the slip lining. We've secured street opening permit from the Portland bureau of transportation for excavation of the access pits in columbia boulevard right away. And we're working closely with parks to finalize our non parks use permit for the work in chimney and pier parks. Next slide, please. The total project budget is 14 million and the current engineer's estimate of probable construction costs is 10.2 million. If contractor bids exceed the amount currently budgeted for construction contract in the project budget, additional funds are available in the pump station. Shell in terms of schedule, we're very near the end of design and we anticipate being in construction in spring of 2024. Next slide please. Again I'm here today to request council approval of an ordinance to authorize solicitation contract and payment for the construction of the lombard force main and pump station upgrade project at. Thank you for your time and I'm happy to take any questions. Very good colleagues.

**Speaker:** Any questions at this particular juncture. Do we have public testimony on this?

**Speaker:** No one signed up.

**Speaker:** This is a first reading of an emergency ordinance. It moves to second reading. Thank you very much. Appreciate it. Why don't we go ahead and take a ten minute break at this particular juncture? It is now 1130. We'll reconvene at 1140. We're in recess. For consent item. Before we get to the 4/5, we'll do item 715 from the consent agenda. Please reappoint to palafox joseph torres ortiz, byron vaughn and robin weisner to the Portland committee on community engaged policing for terms to expire August 31st, 2025 colleagues this item reappoint several of our existing Portland committee on community engaged policing or pccp members who've opted to renew their terms. Before we begin, I do want to note that we will have new member appointments, new members coming to council in the next 2 to 3 weeks and will at that point again have a full piece up membership, which is exciting with this. Today's program manager dory grabinski and samir kunal, both of the community safety division to tell us about the reappointments that are up for discussion today. Good morning.

**Speaker:** Good morning. Good afternoon. Mayor and commissioners. For the record, my name is dory grabinski and I'm the project manager of the Portland committee on community engaged policing, also known as sub as you know, is a mayoral committee tasked with ensuring that community voice is represented in the ongoing implementation of the city's settlement agreement with the department of justice. Sub also offers community members a chance to give input on a broad range of issues related to policing in Portland and makes recommendations to the mayor and chief of police. I am here today to request the reappointment of for ongoing pccp members tia palafox, byron vaughn, robin weisner and joseph torres ortiz. These members have been instrumental to piece up success over the past year as we've worked to restore internal function and culture. We look forward to their continued leadership over the next term. As pccp

turns its focus to deeper community engagement and bringing more Portlanders into the policymaking process. I'm happy to read bios for these members at your request, but otherwise, this concludes my presentation on.

**Speaker:** Very good to have public testimony on this item.

**Speaker:** We have one person signed up with barbara buczynski.

**Speaker:** Why don't we hear from barbara first? Hi, barbara. Barbara you're muted.

**Speaker:** Okay. There you are.

**Speaker:** Okay. Thank you. Good morning, mayor Wheeler and members of City Council. I'm barbara bochenski, a member of Portland copwatch. We have no concerns about the individuals being reappointed today. We would like to thank anne campbell for her tenure here on the committee and for standing up for community voices and to for gloria hanson for bringing her vast experience to the group. As was noted by the compliance officer in their last report on the d.o.j. Settlement agreement. The cep does not have anyone filling its youth seats. It also appears nobody has played. Oh, and now you guess you are replacing those people. So the people. But now there's only ten people and so we that can happen in the future. So we've been we are wanting that. I'll get to that later, wanting to have a different quorum number. We've been pleased to see the piece up with the help of city staff be so active in the past year holding important community forums on crowd control, gun detection technology and the settlement agreement. The mayor's office could take note about its ability to turn out people at these forums hold them on regular zoom calls rather than as webinars and publicizing them well in advance. The city has been promising for around two years to put the piece up in the city code. This will help ensure that it will last beyond the end of the settlement agreement. As mayor Wheeler said, he wants to do when he spoke to the group

earlier in August, Portland copwatch is hoping this codification will happen sooner than later. We strongly urge the City Council to set quorum to be a majority of seated members instead of a majority of the 13 seats. That would mean that right now they could meet with just six members present rather than seven. The code could set a low cutoff to be sure that the cep never has a quorum lower than a certain number, which we suggest would be five people. That way, if the membership falls below ten, the quorum of five would allow them to meet and we have to think ahead. Mean the given the administration right now might be on top of it, but we don't know what happens down the road. So the county's charter review commission was required in the county charter to have 16 members when one person stepped down, they changed their quorum from 9 to 8. We've heard this was because there was no provision to replace the members that supports our reading of the state meetings handbook and the ruling that cited about vacancies. We believe the ruling states that the body that creates a board or commission can set the quorum in law code or policy. The statement that vacancies don't matter when it comes to a quorum is a citation from a ruling on a 1989 case regarding the board of public safety and training, as it was called then the ruling stated that the bpf could not ignore vacancies when it comes to quorum because the law establishing their board set their membership at 14. Thus we believe that if council sets up membership at 13, but their quorum is a majority of seated members, it will meet the state standard. When Portland copwatch called the state authority on this matter, they said they could not offer advice unless we worked for municipalities and we're asking them to review a proposed piece of legislation. Thus, we urge City Council to write the sliding scale quorum into the up code and ask the state to rule on this. Then you won't have to hear from us again on this. Thank you for listening. Thank you.



**Speaker:** And barbara, could I just thank you. We appreciate your testimony today. And I know this issue is come forward. Previously mark and dan regularly raised this issue. And I just want you to hear what I'm thinking on it and maybe you could react to it. Obviously, a committee like this requires legitimacy in the eyes of the public in the eyes of those who are overseen by this process. And we know that the public is divided on issues related to public safety. And one concern on one concern that I would have by lessening the quorum rules is that you potentially end up with an unfair, balanced committee in other words, unbalanced perspectives making key decisions about accountability and oversight. And that would strike me as a blow to the legitimacy of this committee. It seems to me that the better solution often is to do what we're doing, which is work very, very diligently with our staff to make sure that those seats are filled. And as you just heard, we're reappointing four people with which I think is a strong statement of support from those who are currently on the committee, that they believe this committee matters, that it's working, that it's doing what it's supposed to be doing, and that their time as volunteers is well spent. And in addition to that, a couple of weeks we're going to have a full slate of individuals as we appoint new members to this committee. So why isn't that a better strategy e.g. Than reducing the quorum rules to the point where potentially the committee no longer represents a broad array of interests but in fact represents a narrow range of interests that that could potentially harm the legitimacy of this oversight panel.

**Speaker:** I see your point. I can see your point that that could happen. Um, we're concerned because in the past and possibly in the future, you know, down the road, a few years, um, maybe I mean, think the best strategy obviously is to keep a full, full board. That's definitely the best strategy. Sometimes it's hard to find volunteers.

Sometimes it, you know, takes time to get them on board. And so that would this would be a stopgap.

**Speaker:** Okay. Well, and I appreciate could I respond to barbara as well? Sure. Yeah. We're having barbara, as always.

**Speaker:** I really appreciate your thoughtful feedback. I think staff has also thought a lot about this question and in particular where we have some hesitation about the equity impacts that reducing the quorum would have. I think if you consider in particular for who is most available, most of the time to attend every meeting and the likely impacts that adjusting the quorum down might have in terms of who would most often be casting the votes. So that's something that we have considered as well. And so there's no perfect solution. But but we do tend to think that the efforts we're making towards recruitment and we did have a robust one this time. We're encouraged by that. We're hoping that that will be a better long term solution.

**Speaker:** Okay. Thank you. Yeah

**Speaker:** Dory, thank thank you for that perspective. Good. All right. Well, barbara, thank you for being here. And sharing your perspective. This is a good conversation. Is there any other public testimony? No that completes on this item very good. Colleagues, any thoughts or comments on this item? This this was an emergency? No it's a report. I'll entertain a motion to accept the report. So moved commissioner Mapps moves. Can I get a second? Second? Commissioner Ryan seconds. Any further discussion? Seeing none, please call the roll.

**Speaker:** Gonzales. Hi maps. Hi, Rubio hi, Ryan Wheeler. Hi. Reports accepted last but not least, the 4/5 agenda.

**Speaker:** Item number 730, please authorize chief human resources officer to enter into a five year contract with voya financial for retirement plan administration

investment services and deferred compensation recordkeeping services on behalf of the bureau of human resources benefits office beginning September 1st, 2023 colleagues, this ordinance authorizes a new contract with our current vendor voya financial to provide retirement as well as plan administration investment and deferred compensation, record keeping services on behalf of the benefits office within the bureau of human resources as we have benefits manager michelle taylor from the bureau of human resources to present the ordinance. Welcome

**Speaker:** Hello again. Good morning, mayor Wheeler and commissioners. I'm michelle taylor, representing the bureau of human resources as the benefit manager, presenting ordinance 730 to you, which authorizes the chief human resources officer to enter into a five year contract with voya financial. Providing retirement plan administration investment services and deferred compensation record keeping services on behalf of the bureau of human resources office beginning September 1st, 2023, our current contract with voya financial is set to end August 31st. So we competed completed a competitive request for proposal process utilizing the special procurement rules for benefit contract. A selection committee comprised of city employees, labor representatives and an outside deferred compensation consultant reviewed the proposals and selected the most advantageous after thorough analysis of multiple responses and interviewing the finalists, voya was awarded the contract contracting with a deferred compensation record, keeping group ensures the city has a specialized group to manage our deferred compensation plan and investments on behalf of plan participants. Voya financial will continue to be responsible for overall plan, administration and investment services and record keeping while protecting the city's plan in a fiscally responsible way. With this new contract, it lower fees were negotiated and the voya fixed account will see a higher interest rate return preserving plan participant

contributions with this new contract, we will also expand access to employee education and group enrollment sessions and targeted outreach for plan participants and those who have yet to elect employees will be able to enroll, change contribution amounts and update beneficiaries from their phones rather than having to enroll from a city device which will remove barriers to accessing these important financial services. We have 60 to 65% at any given time of our employees actively enrolled in a voluntary deferred compensation program. Our plan has over 1 billion in assets. It's important for us to build programs that are meaningful, all accessible and relevant. The deferred compensation budget within the general fund has sufficient appropriation in support of the benefit contract communicated today. This concludes my remarks and I'm happy to answer any questions you all might have very good colleagues.

**Speaker:** Any questions on on this ordinance? Do we have public testimony? No one signed up. Very good. Call the roll.

**Speaker:** Gonzalez Mapps hi, Rubio. Hi, Ryan. Hi, Wheeler. In important service.

**Speaker:** Thank you for bringing it forward and thanks for your continued diligence. I vote i. The ordinance is adopted and we're adjourned. See you all at two. Thank you.

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

**August 30, 2023 – 2:00 p.m.**

This file was produced through the closed captioning process for the televised city Council broadcast and should not be considered a verbatim transcript. The official vote counts, motions, and names of speakers are included in the official minutes.

**Speaker:** From. Who are with us today in council chambers.

**Speaker:** Okay, i'll take it away.

**Speaker:** Isn't there a translator or translator?

**Speaker:** Simultaneous?

**Speaker:** Yes, it is happening.

**Speaker:** It's happening.

**Speaker:** Oh, okay. Good is that you? Who does it? Yes. Okay, great. Thank you.

Thank you.

**Speaker:** I'm simultaneously interpreting. Are you doing it simultaneously?

**Speaker:** Okay. Good. Things have improved since I was here. Okay. Thank you.

And I want to welcome you, madam translator to the table, and i'll now pass this to commissioner Ryan. Thank you, mayor.

**Speaker:** I do have a question. So do I have to? I've failed miserably at this before when I've had a translator because I go on too long. So do i. Still pause with this advancement in technology?

**Speaker:** Okay, I can.

**Speaker:** Based on their reactions, it's in real time. Got it. Okay, i'll still pause now and then. All right. Got it. Well, good afternoon. I want to welcome members from the japan intercultural academy of municipalities to the city of Portland. I'm so

proud that Portland supports diploma ac with other countries because these relationships provide mutual benefits. Got it. Not only does it promote solidarity between different communities, but it also is an opportunity to exchange ideas that create solutions for our residents and. And strong relations with other countries are important. More important than ever. Our world is becoming increasingly interconnected through the emerging technologies migration, immigration, environmental considerations such as cleaner energy, modified food sources, and our changing climate.

**Speaker:** Our technology for multiple years, Portland has welcomed an exchange ideas with gm or. Or in this year, gm is particularly interested in learning more from the office of community and civic life's neighborhood program and immigration and refugee program.

**Speaker:** After this, they will meet with civic staff to learn about their civic engagement work. Or service.

**Speaker:** A one of our city's core values is collaborate and we remain committed to the idea that we are better together.

**Speaker:** Let's continue committing to collaboration with different communities and showcasing cultural humility with the city. Mission collaboration. Please join me in welcoming the members of gm, and I welcome professor kawakatsu to say a few words on behalf of the delegation. Welcome back to Portland. I just learned that you were at Portland state just recently. Welcome. Visiting professor. Hi. Nice.

**Speaker:** Yes. Well, thank you so much for welcoming us to this chamber.

**Speaker:** A very special place. In Portland.

**Speaker:** And we're here to learn from Portland, where our community members led the effort to build sustainable city and community or in fact, I once was a community member here in Portland. And so Portland. And I'm still proud that I

used to be a member here and I admire all the people who are involved in community development in Portland. Portland. Tanoshimi although our visit is very short here, we look forward to interact with as many people as possible in Portland and experiencing the values that the Portland is cherish.

**Speaker:** Thank you so much for taking your time.

**Speaker:** Thank you.

**Speaker:** Thank you.

**Speaker:** Colleagues, did anybody else want to say anything? Very good. Do you have time for a photo?

**Speaker:** Of course.

**Speaker:** Commissioner organizes. All right.

**Speaker:** I don't know if we have a camera. That's so good.

**Speaker:** Yeah. Thank you. Appreciate it. Okay. My.

**Speaker:** Are you going to choreograph ? Yeah, we're together. Professor good. Professor? Yes.

**Speaker:** How do you want to do this?

**Speaker:** I'm really tall, so. Mayor

**Speaker:** Mayor. Here.

**Speaker:** Thank you very much. Thank you so much. Thank you for watching. Oh, yes. Yeah. I

**Speaker:** Yeah, we're problematic. Mingus. Yeah. Here, you have to shrink here because you're too tall.

**Speaker:** Okay, we need some guidance here.

**Speaker:** Right there.

**Speaker:** Perfect. Just behind this. This way. Over

**Speaker:** Just a little bit. Yes

**Speaker:** Maps me. Yeah, it's just a little bit. I wanted to get you in the, like, right back here. Keep going.

**Speaker:** Yes, right there.

**Speaker:** Haiku. Make sure the space behind you can be seen.

**Speaker:** There you go. I just want to be make sure everyone's seen so I think we're on to something.

**Speaker:** Here we go, everyone.

**Speaker:** Look.

**Speaker:** Three, two, one. And we got it.

**Speaker:** Thank you. Thank you so much. Thank you. It's

**Speaker:** Thank you. Yes thank you. Thank you. Thank you.

**Speaker:** Thank you. Japanese from slovenia.

**Speaker:** Oh, thank you. Yeah

**Speaker:** You can share always. Oh, terrific family members.

**Speaker:** Yes, we'll share it.

**Speaker:** Thank you. Appreciate it. Yeah

**Speaker:** Thank you. This is japanese pikachu.

**Speaker:** Oh, wonderful. Yeah

**Speaker:** Thank you. That's very kind. Anyway, thank you very much. Thank you. All enjoy the rest of your stay.

**Speaker:** Thank you very much. Thank you.

**Speaker:** Thank you, everyone in the chamber for welcoming our delegation from japan. Okay.

**Speaker:** All right. Good afternoon, everybody. This is the Wednesday, August 30th, 2023 afternoon session of the Portland City Council. Keelan. Good afternoon. Please call the roll.



**Speaker:** Good afternoon, Gonzales here, Maps here. Rubio here. Ryan here. Wheeler here.

**Speaker:** We'll now hear from legal council on the rules of order and decorum. Good afternoon. Good afternoon. Welcome to the Portland City Council to testify before council in person or virtually.

**Speaker:** You must sign up in advance on the council agenda at [www.portland.gov/council/agenda](http://www.portland.gov/council/agenda) information on engaging with City Council can be found on the council clerk's web page. The presiding officer preserves order and decorum during City Council meetings. Presiding officer determines the length of testimony individuals generally have three minutes to testify unless otherwise stated. A timer will indicate when your time is done. Destroy active conduct such as shouting, refusing to conclude your testimony when your time is up or interrupting others testimony or council deliberations will not be allowed. If you cause a disruption, a warning will be given. Further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally, the council may take a short recess and reconvene virtually. Your testimony should today should address the matter being considered when testifying. State your name for the record. Your address is not necessary disclosed. If you are a lobbyist, if you're representing an organization, please identify it for testifiers. Joining virtually. Please unmute yourself once the council clerk calls your name. Thank you. Thank you.

**Speaker:** We have two items this afternoon 731 and 732 to be read together. Both are non-emergent ordinances, item 731 amend title 33 planning and zoning and the zoning map to reduce the impacts of future flooding on the city and prevent the degradation of floodplain habitat for endangered and threatened fish species.

**Speaker:** Item 732 amend flood hazard areas code to comply with federal emergency management agency, national flood insurance program requirements and modify compensatory excavation and removal requirements. Colleagues today we're holding one hearing on two related agenda items.

**Speaker:** They both update regulations that apply to development in the city's flood plain. These two related ordinances are being brought to us by the bureaus of planning and sustainability and the development and development services. Just as a reminder, these are not emergency ordinances, meaning we will not be voting today. We will be taking public testimony. I'll now pass it to commissioner Rubio to kick off today's presentation. Good afternoon, commissioner Rubio thank you, mayor.

**Speaker:** The proposal in front of us today are the result of many years of conversations between multiple bureaus and stakeholders about an incredibly complex topic. And I want to be clear consensus was hard. The decision is complicated and the expertise lies within bureau leadership and their staff. So what you have before you today is staff's final recommendation to this elected body. And as you will hear in a few moments, city staff from several bureaus have been working on a long term program to manage the city's flood plains and update regulations for new development in the flood plain and in central city and other areas. These changes are important to bring Portland's regulation into compliance with evolving federal regulations related to fish habitat to advance the city's climate resiliency goals, and to ensure that properties in the floodplain remain eligible for federal flood insurance. The staff recommendation before us and the public today aims to balance the needs to address these issues, while also recognizing the importance of building housing and future economic development in the existing areas that allow for development. I want to thank the bureau directors and staff

that have been digging into these issues and who have been working together to bring this forward to us today. It has truly been a team effort and I'm grateful that they have come up with a recommendation that I support. In a moment, staff will walk us through two ordinances. One addresses, development regulations, actions in the city's zoning code and the other addresses, development regulations in the city's building code. But before that, I'd like to introduce a few amendments to the legislation. On all of these amendments were shared with your offices last week and were available to the public on Friday. They were also published on the project website for the past two weeks. We won't vote on these amendments today, but need to introduce them so that we can hear public testimony on them today as well. I'd like to welcome the staff from bureau of planning and sustainability to share a quick summary of the amendments and the team will cover them again later on as a part of their presentation. I will turn it over to you.

**Speaker:** Good afternoon, mayor. Commissioner patricia diefenderfer, bureau of planning and sustainability chief planner. We're just teeing up the presentation here really quickly. There's a couple of slides we'd like to show that, summarize the amendments.

**Speaker:** While you're getting that teed up. Could I just remind people we have a lot of people who are interested in testifying today. We're going to hear from all of you today. But please be prepared to keep your remarks succinct at two minutes each. Thank you.

**Speaker:** So thank you, mayor. So once the slide is up, we will I will move to amend. It to close down for some reason.

**Speaker:** Has to join. I got logged out so just a minute, please.

**Speaker:** Never fails.

**Speaker:** Just my luck. Make sure not to join with the audio. Is muted.

**Speaker:** Okay. There we go. Got it. Okay

**Speaker:** Okay. With with that I move to amend item 731. The title 33 ordinance package as shown in the August 16th memo to council.

**Speaker:** I'll second we have a motion from commissioner Rubio and a second from commissioner Ryan to accept the amendment.

**Speaker:** Speak up. I can't hear.

**Speaker:** Oh, I'm sorry, my microphone was off. Thank you. If that happens again, let me know. We have a motion from commissioner Rubio and a second from commissioner Ryan to accept the amendment memo. So it's on the table.

**Speaker:** Would you like us to describe them briefly? Summarize them?

**Speaker:** Mayor commissioners. My name is jeff cottle. I'm an environmental planner and I'm managing the floodplain resilience plan from the bureau of planning sustainability. I just thought we'd go through each of these. So we've separated. As you can see from the memo, we've separated the amendments into three main substantive amendments. More significant amendments. And then we have some other technical clarifications owns and we'll just go to each through each of these and we can answer questions if they come up the first amendment amendment number one is simply aimed at extending the expiration period for land use approvals for those projects that are larger, multiple buildings and phased projects. Right now, the land use approval expires in three years. We're proposing to extend that to seven years, recognizing that these larger multi development, multiple phase buildings often can be challenging to be done in three years. The second amendment is to allow for minor changes to an approved river review to. And so currently any changes to an approved river review require an applicant to go through a type two review review and kind of and be subject to the regulations in effect at that time. Um, this allows for some minor changes to an approved river

review within the established parameters and, and any additional impacts will be mitigated through a more simple type one x process process. And then also it will maintain the project to be vested in the code that was in effect at the original river review approval, the land use review approval will finally number three is we've been working with with our partners at the bureau of environmental services. They have a number of different pump station and other utility improvements that they need, renovations and upgrades that they need to be doing over the next number of years. So after working with them, this amendment maintains an exemption as long as those utilities, utilities in general do not expand, they will still be exempted from city approval so they don't have to come to the city for approval if they're going to expand, they would need to go to come to city approval and then along the willamette, there are a few pump stations existing pump stations that are actually within the river setback as we have it right now. And so this amendment allows for some expansion of those those pump stations to meet future demand as long as those developments don't go any closer to the river. So those are the three substantive of. And then I will quickly go to the other technical amendments which really are just sort of minor updates. There's some clarification to the what is required for expanding, I mean, for modifying a river overlay boundary along the willamette river. Just a few things that we neglected to include in these approval criteria as a part of the river plan south reach. And then the other three items are really just updating six, five, six and seven are really just updating our plan. The main the bulk of the beginning of the plan to just represent current information related to mitigation banks and our action plan. And then the seventh is really adding those zoning maps to where someone can see the proposed existing and proposed changes for any zoning for the environmental zoning and happy to answer any questions on those.

**Speaker:** So just for the record, so we'll take these are now on the table. We'll take testing any on these amendments. Is there a proposed day today and then we'll vote on them when they come back to council for consideration on September 13th. Colleagues, any questions?

**Speaker:** We already moved and seconded all of them. They've been moved in second. So we did.

**Speaker:** Yeah, they came as a collective memo. Okay good.

**Speaker:** Okay, so now we'll just go ahead and go into the presentation. Okay. Thank you. Once again, for the record. Patricia diefenderfer I'm just going to make a few opening remarks and then staff will present the specifics of the proposal. So the proposed project before you today, as was mentioned, includes both zoning code amendments and building code updates that apply to development in the floodplain and will reduce flood risk and improve habitat for endangered and threatened species. Advancing a number of city resiliency goals, as the city does a lot currently to regulate development in and manage the floodplain. And these proposed regulations are an evolution in the city's approach to managing the floodplains. The proposed regulations also respond to current as well as evolving federal regulations. The proposed regulatory changes generally consist of two types of changes. One is more minor technical and procedural changes, some of which are required by the federal emergency management agency or fema that will ensure the Portland residents and business owners continue to have access to federally backed flood insurance and disaster assistance funding. They also streamline and simplify regulations by bringing regulations and procedures across geographies into consistency so that they are easier to implement and to comply with and then more substantial changes that will bring the city's floodplain regulations us into compliance with future federal requirements that respond to a

2016 biological opinion known as the fema, by which concluded that the national flood insurance program reduces floodplain habitat and harms a number of fish species in this project, the more substantive changes such attentive changes predominantly affect the central reach of the willamette river in the central city. But other amendments will also affect floodplains elsewhere in the city. As it relates to the central city zoning code changes similar regulations were adopted for the south reach of the willamette river in in 2020 and the south reach plan. Future phases of this work will similarly develop context sensitive regulations for other areas of the city, including industrial areas or industrial lands within the city's floodplain. So fema has not yet finalized updated regulation options, but has provided interim guidance on a regulatory approach that would comply with the by op. The proposed changes are responsive to this interim guidance. Final rules are anticipated in March of 2025 with a compliance deadline expected in early 2027. As noted, the proposal before the City Council today is one phase in a larger multi year work plan that was developed by a number of partner bureaus in response to the biological opinion and that aim to bring all the city's floodplains into compliance by the anticipated 2027 deadline. In general, the regulations aim to increase trees and vegetation in the floodplain, limit the removal of trees and add vegetation without city approval, require new development in the central reach of the willamette to make habitat improvement to the banks of the river. That have a beneficial effect on river function in and fish habitat and the number and the number of areas increase. The amount of excavation or soil removal required to compensate for any placement of soil or structure adjacent to the river. This improves flood storage capacity and avoids the displacement of flood waters to adjacent properties as proposed, the more minor changes would go into effect in the near term. In March 2024, and the more substantial changes would go into effect on October. In

October 2025, after after fema is expected to release its final rules. This proposed project is citywide and looks at many of the city's floodplain areas, but does not address all the areas. Also, not all of the proposed regulations apply everywhere. There are differences across various geographies which will be described in further detail in the presentation. And finally, the proposed regulatory changes aimed to balance environmental goals and the city's goals for housing and economic development and economic revitalize mission in the central city. So with that, I will go ahead and turn it over to jeff cordell and jason butler brown, who will complete the presentation.

**Speaker:** So let's get back to this as so we're just going to provide a little bit of background to sort of give a little bit of context for this work and then from there, we'll talk about our specific proposals a little bit more detail compared to what patricia just shared.

**Speaker:** So a key piece of this as patricia mentioned, in 2016, the national marine fisheries service released a biological opinion on the national flood insurance program. Fema's national flood insurance program, and that determined that it impacts salmon and steelhead threatened endangered salmon and steelhead species. Since then, the city has been working in a in a multi bureau kind of core team on this effort. And through that collaboration in 2019, we had developed a five year work plan that was signed by the bureau directors of eight bureaus, all involved in planning and development within the city. You can see the list there, that 2019 work plan in response added specifically to the director and the biological opinion and really covered three three main areas regulatory updates, floodplain restoration. As a general sort of activity within the city. And then mitigation banks as an alternative for on site mitigation and what the city can do evaluation with the city can do to support those mitigation banks. As you see there in the slide, the



overarching goals of this whole work plan is to, one, allow us to continue to have access to the national flood insurance program, because we do need to we will be required to comply with these new requirements and that also results in the ability to get disaster relief funds in case of a of a flood to reduce future flood risk, of course. And then also, like we've said, to improve habitat for those threatened endangered species. So this work today is really a key step in the continued implementation of our work plan. And as you'll see, we have a future projects that we will be working on too. So just a little bit about our flood hazard areas. This map shows the six waterways that are that are subject to the national flood insurance program requirements. The biological and the biological opinion. So this shows the combination of what is the fema 100 year floodplain, which most people are most familiar with and is directly the purview of fema. And then it also shows it's combined with the 1996 flood inundation area, which is a metro regional government. They have a map that estimate and really looked at the boundaries of the February 1996 flood. The most recent significant flood we've had in the city. And we regulate that. Both of these different flood flood areas. So there's as we've said, there's zoning and building regulations. So title 33 is the zoning code, title 24 is the building regulations. And so it's a combination of proposals in both of these in both, both these codes and the proposals for the different areas vary by the portion where we are in the city, the different parts of the city and the different rivers. And we'll go through rivers and waterways and we'll go through that as as patricia mentioned, as you'll see, the this project does not propose anything for the columbia slough and the industrial lands in the columbia corridor and the willamette river north reach, which will be part of a future future work. I'll be revisiting this map to sort of highlight the different proposals and the different areas. So this graphic shows generally our overall work plan and the components of

our work plan in relation to fema's timeline. So as you can see there, we started 2016 with the biological opinion. Right now, fema is in the middle of the national their national environmental policy act review. They've completed scoping. They are required to have that what is called nepa review completed by early 2025. As we've talked about in March of 2025. And then the expectation is that jurisdictions will have 18 to 24 months to come into compliance. And so given our different regulatory structures, we're taking this stepwise approach, which you can see in the graphic at the bottom, all of the orange arrows are our zoning code updates. So regulations of different portions of the city. As we said, December 2020, we adopted the river plan south reach. We're now at the floodplain resilience plan and we'll go through the details of that in the future. We've already started working on the columbia corridor with the as a part of the economic economic opportunities analysis to make sure that both the concerns related to the economic opportunities and economic development portion are also balanced and take into consideration any additional environmental regulations. And then same with the with the river plan north reach. And then finally, there is one other area, which is johnson creek, and we have separated that out because they have different types of flooding, different regulations, and really do warrant their own kind of approach in terms of a project throughout this whole process, as we'll say, we have building code proposals that we will talk about today and then those subsequent phases both in the corridor and river in the north reach and in johnson creek, will also have components that will address that will be addressed through the building code updates. And as we said, throughout this whole period, we're really looking at both restoration and mitigation banking as options and ways in which to contribute to compliance for the city. So just very quickly, a little bit about the floodplain resilience plan. We're happy to answer any questions to get into more detail. But so

in general, these the zoning code updates, look at three main things. The first thing is raising the mitigation requirements, increasing mitigation requirements for development that is nearest the river in the central in the central reach, and we'll talk about that specifically. That's related to what we call we are terming the riparian buffer area was in the biological opinion, was referred to as riparian buffer zone. And I can tell you a little bit more about that in just a moment. Uh, beyond that, that's the most significant change. Beyond that, the other changes are really looking at raising the minimum tree and vegetation management requirements. So replacement of trees and ensuring that over time that throughout the city and primarily in this case, we're talking about it through the environmental zones which apply outside to everywhere else except the willamette river, that we are raising those minimum tree management requirements. And we can talk about that. And then in some cases, there's a little bit of expansion of the environmental overlay zone, and that's in the fanno creek and tryon creek area, mostly in the fanno and tryon. And that's just to encompass undeveloped floodplains. So where we still have vegetated floodplain to make sure that those protections are applied, there. And all of these are drawing directly from the biological opinion. So just a little bit about, you know, we wanted to highlight the willamette river specific because of the proposals here. So the central reach as we talked about, the proposed amendments add new requirements for mitigation into that area. That my riparian buffer area and i'll talk a little bit more about that in a second. In the south waterfront, we aren't the only thing we're really doing there because there's already a 100 foot setback and we don't we have a good amount of protection and separation from development from the river there. We're really just doing that same thing we're raising the tree and vegetation management and replacement requirements. There another piece, a key update in the south waterfront is to

change the land, use approval in south waterfront for a greenway overlay zone overlay. Greenway review excuse me to type two, which is more consistent with what we do elsewhere in the city for environmental reviews. Right now, the requirement is a type three review, which can be onerous if you're just doing the greenway, a greenway review, so it'll bring it back consistent with the requirements elsewhere in the city, in the south, in the south, reach, we were we basically we have been working the bureau environmental services has been working with the us army corps of engineers on a new model for the lower willamette river for a 1996 like flood. For us to understand and given current development patterns and topography and river characteristics where we would expect flooding as a result of 1996 flood because we expect the 1996 flood will be more likely. And so we are just incorporating the results of that model into our requirements in the south reach where before we had used the metro 1996 map and we think that the model is more accurate and more accurate estimate of where flooding will happen. In addition, in the south reach, we're removing outside of the riparian buffer area and areas near the water, we're removing the river environmental overlay zone from the developed floodplain because in further conversations with bureau development services, they determined that that probably isn't an effective way to get additional habitat. Et-cetera on on those areas. And so and that will be more consistent with what we do elsewhere in the city, in the south, reach in the river and south reach. We had applied it to the entire floodplain. So just a little bit about the riparian buffer. And as I said, this was specifically identified as key, key habitat for threatened endangered species in the biological opinion. So it's 170ft from ordinary high water. So not the top of bank. So often the ordinary high water mark is closer to the river, but still it can extend that 170ft can extend beyond the river setback or that 50 foot setback that we have in the central city. And just to note that

it only goes out to the floodplain, it does not extend. So if the floodplain only extends 60ft, it stops at the 60 foot mark for the riparian buffer area requirements. So it is not a no build zone. It's not like the setback, it is just an area that would be required to have a little bit more mitigation beyond what we currently require and we'll talk a little bit about that. So that would basically be additional vegetation or trees, maybe removal in a sort of more limited impacts on the riparian buffer area might be removal of hardscape or that sort of thing. And planting. Otherwise it could be something more significant, which i'll give some examples here, but it's important to note that this could be addressed either onsite or offsite and we'll talk a little bit about those options later in in the powerpoint. And as I said, the required permits will vary depending on the extent and the type of impact on the riparian buffer area. So a couple of examples that we just to sort of illustrate, it's really I think when you think about what the riparian buffer area is trying to do is just trying to make it to where that river bank is more has a more natural kind of condition. So things like removing of riprap or existing structures, which there are a good amount of those in the central city. So really creating habitat for fish species adjacent to the to the river and also so in a case of a flood, there is habitat there and that fish can get back to the river when it when it happens. So this is really what we call kind of laying back the bank. This is kind of an example of both from river place here and also south waterfront, which of course south waterfront does have that larger setback. So it's a little bit easier to accommodate these things. But that's really this gives you the flavor of what the proposals are or what the strategies might be. And I just want to note also for the riparian buffer area, that would not it would have no effect on existing development. It's only if you were doing development in that area either for a full redevelopment. We've been really looking at where those areas where are, you know, on the buildable lands inventory that

might redevelop, but really it's only for new development and nothing would change for people for projects or for buildings that are already in the riparian buffer area so quickly. The last few things in terms of our proposals so as I said here, fanno and tryon creek, small increases in the environmental overlay zone. So environmental conservation again, that doesn't limit development, it just requires mitigation and of impacts. And then for the rest of the city, for all of these, for columbia river and johnson creek, it's really about an existing environmental overlay zones raising that tree replacement and vegetation management standards sort of standard just raising the bottom sort of threshold, just out quickly a little bit about our public engagement process. And we have been to the planning sustainability commission as we as all projects do. So yeah, this the original draft that was available for public review for three months goes back to November of 2021. In the fall of 2022, we were at the planning sustainability commission. Just a little bit about the themes that we heard was probably similar to what it is similar. What we're hearing, what you'll hear here today, I'm sure the, you know, importance of climate change, which I think one big one, you know, expediting the work to address industrial areas and completing the fast. For a key one was to bring title 24 changes and the zoning code changes to council together. And that's why we're here today. And that's why we've been working the last six months or so to get ready for this. And then we, the planning sustainability commission, only really had very targeted, limited. They were in support of the project but had really targeted amendments, really focused on kind of mapping, technical mapping and zoning code proposals. So pretty limited changes there. So we've already talked about these amendments. Just a reminder, there's two groups. The substantive and the technical. And we can answer any questions related to that if you have them. And then finally, before I hand it over to jason, we as as patricia mentioned, we

have these different code changes broken out into two packages. One that would go into effect in March of 2024. Most of the items would go into effect in March of 2024. But the proposals in the central city would have that two year delay to go into implementation at 2025. So each of these are really focused on that tree minimum tree replacement across the city as we talked about incorporation of the 1996 model into the south reach. And then there's another miscellaneous, just sort of minor code and again, kind of technical updates that we have worked with, primarily the bureau of development services on that would go into effect in March. And with that, i'll hand it over to jason.

**Speaker:** Thank you, jeff. Good afternoon. I'm jason butler. Brown I'm an engineering supervisor with the bureau of development services and I use he him pronouns the following slides speak to the proposed amendments to the city's building code regulations for development within flood hazard areas. Sure sure. Thank you. The amendments are presented as to exhibits, exhibit a and exhibit b. Exhibit a adopts regulatory changes that are required to maintain compliance with fema's national flood insurance program, or nfip and adopts a new map of the February 1996 flood inundation area developed by the city that jeff described. Exhibit b amendments are in response to the fema by and are primarily addressed flood storage compensation requirements. A recent review by fema of the city's floodplain development regulations identified several changes that are required in order for the city to remain in compliance with the national flood insurance program. The exhibit a amendments align the city's code with the state of Oregon national flood insurance program model ordinance. These amendments include additional definitions, additional clarity on permits, submittal and inspection requirements. They require a development permit for structures that are in the floodplain that are current exempt from building permit. Under our

current code and in some cases a covenant will be required. Limiting the use of new or improved buildings that create enclosed spaces below the flood elevation. In addition, the exhibit a amendments adopt a new city of Portland composite 1996 flood inundation area map. The composite map is a combination of the February 1996 flood inundation area shown on the metro title three map and the results of the recently completed model of the willamette river. The 1996 flood inundation area that jeff described the metro title three map is a boundary map of the flood inundation area, developed from aerial imagery following the February 1996 floods. The model 1996 flood inundation area is the result of a collaborative effort between the bureau of environmental services and the us army corps of engineers. The model is based on recent river bathymetry, upland topography and development patterns and uses a 1996 like flood flow in order to model the extents and elevation version of that flood. And we're applying that modeled result within the central and south reach of the willamette river to the metro title. I'm sorry, the map, the composite map maintains the current metro title three exemption of south waterfront. This exemption has been in place since the adoption of the metro title three maps in 2000 and the model does not apply to the industrial lands, which we will discuss shortly. We. The exhibit b amendments are focused on updating flood storage compensation requirements within certain areas of the fema 100 year floodplain. In response to the fema biological opinion. These changes are not required to maintain compliance with the national flood insurance program. Minimum requirements. However, like jeff indicated, we expect that they will be required once fema's implementation plan is formally released, as described in the timeline slide. The expectation is that the implementation plan will be released around March of 2025, and that jurisdictions will be given about 18 to 24 months to update their floodplain regulations and be in compliance. And sometime in 2027,



the city's current flood or the city's current code requires balanced cut and fill within the majority of the city's flood hazard areas. When fill is placed below the flood elevation, an equal volume of soil removal or compensating excavation is required in order to reduce impacts of development on the floodplain, such as increasing elevations of flood water up or downstream of the development. This cartoon illustrates the placement of fill and the corresponding removal of soil to maintain that balance, balanced cut and fill is not a requirement of the national flood insurance program. It is considered a higher regulatory standard. And in part by regulating to this higher standard, Portlanders are eligible for a 25% discount on their flood insurance premiums. The exhibit b amendments require flood storage compensation for new fill and structure, including additions to existing structures within certain areas of the fema 100 year floodplain. An flood storage compensation will include the removal of soil, rock or permanent structure that displaces flood water. The volume of flood storage compensation is based on the location of the development relative to the river. The high hazard area, which is shown in this area, depicts an area with the highest or most sensitive area and requires a compensation ratio of 2 to 1 for every cubic yard of flood storage displaced to cubic yards of storage would be required to be created within 50ft of the top of bank as defined in the zoning code. The ratio would be one and a half to one, and within the remainder of the fema 100 year floodplain plan, the ratio would be 1 to 1 for both fill and structure. The amendments will allow for the use of flood storage mitigation banks within the same flood area rather than creating flood storage on site and they will allow certain land use approvals to vest permits in the flood storage requirements. In effect, at the time, a complete land use application is received. In addition, the exhibit b amendments maintain retain the current balanced cut and fill requirements within the February 1996 flood inundation area.

So that will apply to the placement of fill at a ratio of 1 to 1. In addition, given the increased storage requirements do not apply to the industrial zone, land, which includes the heavy industrial general industrial to and general employment to zones. Again, the exhibit a fema regulatory requirements or updates apply to all flood hazard areas within the city unless specifically identified otherwise. The exhibit b buy up related amendments will apply to the columbia river flood zones. Willamette river, central and south reach flood zones and the fanno creek flood zones as depicted on this map. So in summary, the exhibit a amendments are required to maintain compliance with the national flood insurance program and adopts the composite February 1996 flood inundation area map. These amendments would take effect on March 1st of 2024. The exhibit b amendments are changes to flood storage compensation requirements in response to the fema biological opinion and would go into effect on October 1st of 2025. This slide provides a summary of public outreach that bureau of development services and bureau of planning and sustainability took on this summer. The purpose of the outreach was to raise awareness and seek feedback on the proposed amendment. Its public presentations were given that summarized both the building code changes and provided an overview of the title 33 amendments. In addition, a copy or a draft copy of the proposed amendments were published for public review and comment, which was open from July 10th through August 1st. The feedback we received was primarily from environmental stakeholders and included requests to remove the south waterfront exemption to not allow land use cases to vest projects in current cut and fill requirements, and to not delay implementation and to adopt the rules for the industrial lands. Sooner or now. We also received comments in support of the proposed amendment to maintain the south waterfront exemption, allow for vesting at and in support of the implementation implementation

timelines. And with that, I will hand it back over to jeff to talk about development considerations and costs.

**Speaker:** Thanks, jason. So yeah, we have also, of course, been looking to see what we think the implications of these proposals would be on development, especially within central city. And so first, we wanted to just start with a little bit about what mitigation banks as the option for offsite mitigation and the importance of that as a potential way in which future projects could meet the requirement that we're talking about. So we do know there are two existing mitigation banks, both primarily serving the superfund site, the Portland harbor superfund site, but through some discussions and negotiations with the national marine fisheries service, they have the ability to sell flood storage capacity credits to meet the requirements that jason was just discussing. And so there is a mitigation bank that used to be the lynnwood linton plywood site by store cap that has roughly around 16, as we understand, around 16,000yd<sup>3</sup> of flood storage that would be available. Pg harberton, which isn't too far from that. That restore cap mitigation bank has what we understand to be around 57,000yd<sup>3</sup> of flood storage. The only difference between these two is that pg harberton has expressed an interest in selling those in bulk, potentially rather than in smaller amounts. And then, as many of you know, the city has been doing city staff has been looking into the potential for a future mitigation bank at east bank crescent, which is just to the south on the east side of the hawthorne bridge and based on current conceptions of that of that mitigation bank, we expect it to be about 10,000yd<sup>3</sup> of flood storage. But one thing to note about the difference between the two existing mitigation banks and that east bank crescent mitigation bank is that that is currently being envisioned as having both habitat and flood storage credits kind of stacked together as a bundle. And so this is beneficial for a project because they can they can meet all of their local and state

and federal with one purchase of a credit as compared to these other two are really just specifically to flood storage on the right side of this table, we've just done some estimates of what we think the demand is in the central city on sort of private development sites that are on the buildable lands inventory. And those those projects are those that we expect to occur in the next 20 years. And so we estimate around 27,000yd<sup>3</sup>. So clearly with the combination of the two, we have more capacity in mitigation banks. But really the one that we know for sure is restore caps. So there is a difference there. There's also on the habitat side, well, I guess the public projects play well potentially also have demand for the future mitigation bank or other mitigation, the east bank crescent or other mitigation banks, and then an analysis by the bureau of environmental services back in 2019 looked at a lot of the permits in the greenway overlay zone. So along the willamette river and determined that roughly about half of those projects might would have benefited from off site mitigation as an option. So again, to dig a little bit deeper into what we're just sort of looking at, at a really hypothetical level, what we think the implications are in terms of cost implications for these the proposals here. We looked at a what we consider to be sort of a typical central city project. So around two and a half acres, at least a waterfront, typical waterfront, central city project, about two and a half acres zoned x, which really allows for full development out of the site and, and the baseline project that we looked at in terms of costs that would be that not in the floodplain was around \$205 million for such a project at so in the first hypothetical, we really were looking at a redevelopment site which is most relevant in the central city because pretty much all of the sites along the river or most of the sites are already developed. So in this scenario, really looking at on site, you would meet the habitat requirements, the zoning code requirements and meet the cut fill requirements, compensatory excavation requirements off site through

the purchase of those credits. One thing to note is that those credits would need to address the net change in structure. So given there's sort of a there's a positive that is that they have the building already and so you get kind of credit for that. And so it's a relatively it would be about the increase on the development that would need to be offset for the cut, the compensatory excavation. So those two the combination of those two, as you can see, clearly already development in the in along the willamette river has a greenway trail requirement and landscaping along along the water. So we included that existing flood proofing estimate on the project like this is about \$10 million. In addition to the base 205 million. And then these new requirements combination of the on site habitat, which would be more the mitigation strategies that I presented, those pictures where you would do removal of structures or riprap, that sort of thing. The combination of the two, the mitigation in habitat mitigation on site and off site flood stores, about \$1.4 million or basically I think it's about 0.6% of the total construction costs. As we understand it. The other hypothetical we've been looking at is really looking at the benefits of having that east bank crescent like mitigation bank, where you'd be able to do a one stop shop for all of your mitigation requirements. And that would would this hypothetical looks at is all of your natural resource impacts again a lot of the sites in the central city don't have a lot of natural resources outside of the river bank itself. And the setback. But nonetheless, we've been looking at kind of what the total cost. And again, they're still clearly the greenway trail and those types of things. But looking at an estimate of those off site, completely through a mitigation bank like east bank crescent, it's roughly \$2.3 million. So a little bit more than the other option. But again, you get you would be able to address the entirety of your impact. And that's roughly about just 1.

**Speaker:** Question while we're on this page. So the existing flood proofing requirements of 10 million, has that source been identified, died?

**Speaker:** That has been we have worked with our economic planners at the bureau planning sustainability, and they've been working with contacts that they have to get an estimate. I mean, it's rough. Clearly all of these are just sort of trying to get a sense of.

**Speaker:** But that's and I understand that. But is has a source been identified once you settle on the existing requirements and you add to it the new requirements has a source been identified?

**Speaker:** I mean, we have just been working with our economic planners to try to get these rough estimates.

**Speaker:** Yeah. And so assuming we agree to this, this would be a requirement of the council, correct? We would be committing to this.

**Speaker:** Patricia diefenderfer for the record, just to clarify, the flood proofing, for example, is an existing regulation. It already exists. So we were just trying to contextualize these additional regulations in their cost out. So you can see there's a there is cost to doing a development in the floodplain. Currently and these regulations represent an incremental increase in that cost and do you have a sense of who bears that cost and what the source of the financing would be for those costs?

**Speaker:** Either the existing regulations or the proposed the it's part of the financing of a development project.

**Speaker:** So all of these costs would be embedded in the pro formas of projects and so it would be borne by those who are seeking development.

**Speaker:** Yes, it would be borne.

**Speaker:** All of this would be borne by those seeking development. Yes. Pardon me.

**Speaker:** Very good. Thank you. That's helpful.

**Speaker:** And just for the note, so the building the flood proofing requirements, Jason, could answer more about that because that's part of the title 24 requirements. And basically anywhere below the flood elevation needs to be flood proofed. And that's what that's trying to capture full context.

**Speaker:** I appreciate that.

**Speaker:** So the last few slides and then we'll open it up for questions and hear from folks the testimony. So just, you know, we have received testimony through the map app. We have a map app for the floodplain resilience plan, which I think basically most people have been using to provide comment on both of these these projects. It's these proposals. But there is one also for the chapter 22, title 24 requirements. We have the full record. We have the record available for people to review. Of course, we'll be adding it as we go through the City Council process. Et cetera. So there's a link there. And then we also have materials on our floodplain and resilience plan website that will also go into the record. And then so we just wanted to quickly lay out the next steps as as we are working through here on with the hearing and future amendments and discussions and deliberations for the potential adoption. Of course, just highlighting again the first package of code requirements, the proposal would be that those would go into effect in March 2024 between now and 2027 after this was adopted, we would continue to work on the implementation of our work plan and those again would address industrial lands north, reach Santa Creek and then again the March of 2025 is when we would expect to have the final determination from FEMA in terms of what they're we have a good sense of what they're where they're headed. But to have the final direction

on all of how these requirements will be translated to the nfip requirements. And then October 20th, 25 is the second package of code updates as and I think that is it.

**Speaker:** All right. Very good. Colleagues. Any questions at this juncture? All right. Let's jump into public testimony. I know we have a number of people signed up again, you can either testify online or you can testify here at the table. If you come up to the table, we think about six inches is probably right. Microphone moves around. You don't need to turn it on or turn it off. And if you could just state your name for the record, you don't need to tell us your address or anything else like that. But obviously if you are a city of Portland lobbyist, we need to hear that as well.

**Speaker:** Keelan thank you, mayor. I'll call the first three who are in person, bob salinger. Travis williams and jan zuckerman.

**Speaker:** Welcome. Thank you for being here. Know for me.

**Speaker:** Yeah.

**Speaker:** Hello, mayor Wheeler. And members of the Portland City Council. Thank you for the opportunity to testify today on behalf on the Portland floodplain resilience plan. For the record, my name is travis williams and I'm executive director of willamette riverkeeper. I'll provide some general context for this plan. And then willamette riverkeeper urban conservation director bob sallinger will outline some specific concerns. You also have a letter from multiple conservation groups and community groups that goes into greater detail. A floodplain is, by definition, a high hazard flood area that's subject to periodic inundation. These are locations that are so hazardous that private insurance companies will not insure development in these locations and the federal government has had to step in and provide the taxpayer subsidized national flood insurance program, which, due to recent flood



disasters across the united states, is now more than 22 billion in debt. Night after night, we can turn on the news and see one flood disaster after another from new orleans to houston to southern california and onward, closer to home, we have seen major flood events in Portland, and we're currently acknowledging the 75th anniversary of the tragic vanport. Flood floodplains are also very productive areas biologically and freshwater systems. The floodplain resilience plan is first and foremost a direct response to a biological opinion. As we've heard issued in 2016 by the national marine fisheries service, which found that irresponsible floodplain development in Oregon is jeopardizing the continued existence of salmon and southern resident killer whales that depend on salmon for food. These are listed under the federal endangered species act. Jeopardy decisions are extremely rare and indicative of how serious this situation is. As the national marine fisheries service issued six reasonable and prudent alternatives to guide communities as to what they needed to do to protect salmon, to avoid continuing to violate the esa. This included things like updating flood maps, increasing protections for floodplains and establishing strong mitigation policies to address impacts when development does occur in floodplains. Portland has a particularly high responsibility to step up to this challenge. The Portland stretch of the willamette is the most developed and heavily degraded stretch of the river in Oregon. Every salmon that uses 187 mile long willamette river system in much of the lower columbia river system must pass through Portland in order to comply with the byop and to do our part to recover salmon, we must significantly improve floodplain protection and mitigation in Portland. I very much appreciate your consideration. Thank you. Thanks, charles.

**Speaker:** Good afternoon, mayor and members of City Council. For the record, my name is bob salinger. I'm the urban conservation director for willamette riverkeeper. I've been involved in this issue since 2009. We were one of the original

plaintiffs back in 2009 that led us to this point today. We are also currently suing FEMA for its failure to respond in a timely manner to meet statutory deadlines for its part in this effort. This is an opportunity, an incredible opportunity for the city to step up and walk its talk on climate change and set a state and national standard for protecting floodplains in urban environments. This plan seemed to be on track up until about a year ago, when suddenly we began seeing significant weakening of key provisions. We no longer believe that the plan is sufficient to comply with the Endangered Species Act, let alone to protect human health and safety. We believe this failure will put the city in projects that it permits at significant risk of legal challenge under section nine of the Endangered Species Act, so we submitted detailed comments on behalf of several organizations that go into our concern, but I'll hit a few of the highlights here. First, this plan does not cover significant portions of the city, including the North Reach Columbia Corridor and Johnson Creek. It also exempts industry lands. We've been hearing about a lack of an EOA for over a decade and as an excuse for not advancing environmental protections on industrial lands. It exempts South Waterfront where some of the most significant projects will occur in the floodplain. This plan will not be implemented for two years, allowing some of the biggest projects to come in and get vested before the regulations go into effect. And it gives them up to seven years, meaning that projects nine years out may not be subject to this plan. The list is long. We've heard that this is about balancing. In fact, this is about putting the interests of developers ahead of the health and safety of our community and our environment. Tonight, these changes appear targeted toward one goal, and that is making sure that as few properties as possible will actually ever have to comply with these regulations. It covers a tiny area of the city and the vast majority of projects that occur in the floodplain will not have to follow these regulations. If all

of these changes are included. And again, we think this will violate the endangered species act, put these projects at real legal jeopardy of being challenged. We look forward to working with you in the next couple of weeks to try and amend this plan to actually make it compliant with the endangered species act. Thank you. Thank you. Thanks bob.

**Speaker:** Thanks, travis. Thank you for the opportunity to testify today. For the record, my name is jan zuckerman. Many, many of us have listened to your impassioned speeches about your committing to serve the people of Portland. You shared that as a farm laborer, you have deep connection to land. You've shared that you care about family and community safety, that you've been called to serve and love. North Portland, your home. You've demonstrated a common sense, data driven approach and you've shared that you understand the importance of taking deliberate steps to confront the climate crisis. How do these values play out in weakening a floodplain plan that, by all accounts, needs to be stronger than ever? How does exempt industry and kicking the can down the road ignore what science and experts tell us must be dealt with today, not tomorrow? Protect the land, our communities, our salmon and our economy. These amendments weaken protection zones and put us all at risk at a time where we have been witnessing the compound effects of environmental degradation and climate catastrophe all over the globe. Sadly, Portland is not immune to this. According to mark rip, adaptation program director of the georgetown climate center in Washington, the challenge that hawaii and all states are facing is the ways in which climate change is upending the assumptions that underline the best thought out plan. What happens when our city can't even do this because we are too busy kowtowing to developers? We cannot not allow short sighted greed of some to take precedence over the safety and well-being of all. I'm a retired school teacher, a mother and a grandmother. I

spent hours daily trying to mitigate the harm that amendments like this create and honestly, I'm sick of it. And I'm sick in my heart when I look at my grandbabies because I know we've let them down. Our city has declared a climate emergency. We have resolution after resolution promising action on a flood, a strong floodplain resiliency plan is exactly that action. All sections of the river included. No exemptions, no extensions, no loopholes. You get to decide today what kind of future we will have. Please strengthen then not weaken this plan. Thank you. Thank you.

**Speaker:** Next up, we have paula doherty and chelsea stewart fucic and dan rolf. Good afternoon. Good afternoon.

**Speaker:** And again, I would ask people to do your level best to keep it at two minutes. I obviously won't cut you off right at two minutes, but if you could wrap it up at two minutes, we'd appreciate it. Thank you.

**Speaker:** All right.

**Speaker:** Good afternoon, mayor Wheeler and members of the council. My name is paula doherty. As a teacher of grade six with Portland public school system, I accompanied my students to outdoor school where they learned about the rights of nature to exist, thrive and regenerate. I'm here to advocate for the right of nature to be free of development. Went on floodplains or the north reach of the willamette river, an area known as the critical energy infrastructure with over 600 fuel storage tanks, sits on a floodplain that was once a braided river. Now it's a big oil sacrifice zone, an area our city leaders failed to protect in the past and fail to protect it today. Why so big oil can make lots of money? It's cheaper for it to be there than on solid ground. And today, big business developers are chomping at the bit to make money by developing our urban floodplain. Will you protect the floodplains? Is I mean, why build on flood prone land at all? Again, the answer is many developers

can charge a premium for building near the water and remember that when water absorbing lowlands are paved and developed, there's absolutely nowhere for excess water to go. Flooding is the result. It's a problem that's getting worse as the planet warms, bringing super charged storms, rising oceans and devastating floods. Commissioners will you allow yourselves to be bullied to cave in as you did with big oil? Zenith or will you adopt a floodplain resilience plan that protects the right of nature from big businesses and insatiable hunger for more. Thank you.

**Speaker:** Hello, I'm Chelsea Stewart and I'm an attorney at the Center for Biological Diversity. Portland has known since 2016 that to come into compliance with the Endangered Species Act, it must implement the measures outlined in the biological opinion. Yet now in 2023, seven years later, the city is proposing a plan that does not comport with those measures. This plan is riddled with delays, loopholes and exemptions that will make developers wealthier at the expense of ecosystems and the safety of Portlanders. And this is unacceptable. FEMA's failure to act does not mean that the city of Portland should or can, under the law, delay implementation of the clearly articulated measures in the bill. As it stands, FEMA's implementation of the National Flood Insurance Program in Oregon is not shielded from liability under the Endangered Species Act. This means that participating communities who receive NFIP insurance such as Portland are also not shielded from liability under the Endangered Species Act. Right now, as it stands, it also opens up new development that occurs under these proposed regulations. Two legal challenges we urge the city to adopt a much faster approach to implementing all of the measures recommended by NIMFS and where it has not already done so. We urge the city to adopt all interim measures contained in Element Two of the Reasonable and Prudent Alternative until permanent protections can be put in place. Those measures require that adverse effects of floodplain development be fully mitigated

and with no net loss of habitat function, they were to be in effect by 2021. But here we are in 2023. The exemptions allowed by this plan are unacceptable and the interim measures should be applied to saltwater front as soon as possible. The city is doing a disservice to the people who live there, the businesses that operate there, as it places them in danger of life and property losses, and to developers who would be subject to liability should they build there under these regulations, the city should also strongly reconsider any development at centennial mills as climate change causes storms of unprecedented magnitude, causing billions in damage and lives lost, Portland must take a proactive approach to flood resiliency. We need intact floodplains to deal with these storms. It would be a waste of the taxpayers money to go through with an inadequate plan that will end up having to be challenged due to its noncompliance with the endangered species act. I would also like to remind the city that floodplain damage is often permanent and extinction is forever. Thank you. Thank you both.

**Speaker:** Please go ahead. Dan thank you.

**Speaker:** I'm dan ralph. I'm on the faculty at lewis and clark law school. And one of my roles here is as an attorney with the law school's environmental law clinic. And in that capacity, I've been involved in flood floodplain conservation issues here in Oregon for at least 15 years. And i'll be testifying in that capacity. The legal bottom line to expand a little bit on what chelsea just said is that, according to the expert, determined portions of the national marine fisheries fisheries service development of floodplains in Oregon kills and injures threatened and endangered salmon and steelhead section nine of the endangered species act makes it illegal to kill or injure, threatened, endangered salmon and steelhead. The marine fisheries service and its 2016 biological opinion and incidental take statement clearly spells out the conditions for regulating development in floodplains that will minimize death and

injury to salmon and are thus permitted under the endangered species act. The cities latest proposal for its floodplain resilience plan, however, includes important elements, including exceptions to provisions designed to protect sea salmon and their habitat and delay in applying those provisions, which are clearly inconsistent with the conditions set forward by nims. As a result, city approval of development that falls in these exceptions will violate federal law developers carrying out these projects will also violate federal law. Both the city and developers could face enforcement actions by either federal regulators or citizen plaintiffs. S call me old fashioned, but I submit that it is ill advised to adopt a plan that will cause violations of federal law. It also seems an inconsistent design for a city government that has repeatedly emphasized the importance of recovery for salmon and a city that ironically inserted tified as salmon safe. Thank you.

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

**Speaker:** Next up next up, we have sarah taylor, lynn hanlon and bonnie mckinley. Welcome. Hi, everyone.

**Speaker:** Okay, did they say my name?

**Speaker:** Yes.

**Speaker:** Hi. Hi, everybody. My name is sarah taylor and I'm very familiar with these issues. And I've worked with jeff and given some of you tours down by the river, so you know, I know that, you know, I care a lot. So I brought you a present. And I also was a former teacher and also a midwife in Portland. And I'm going to give this to you as a present. And this is a picture of the willamette river. So I'm a little confused when I look at jeff's maps because it's just not how I have been taught that a floodplain looks, you know, I live up in forest park and the creeks flood and the river floods and as you can see, it is more complex than the map that we've been given. So this is a beautiful picture. And I'm going to give it to all of you

to hang somewhere in your in your building to remind you that the willamette river is a very complex structure and as you know, it was a braided river, it was lakes, it was creeks. And we just built on top of it. And it's all still there, I guess that's what amazes me is that just because we build something on top of a creek or on top of a lake, it doesn't disappear. It's still there. And I don't think like somebody asked the question, who pays as well? I can tell you we all pay. There is no greenway trail on the west side of the river. There's no access to the willamette river for 22 miles. So we all are paying and the mitigation site at the linton plywood mill is disgraceful. Full. I mean, so that should never be seen as a model. They dug pcs up and put them next to a daycare center that's not a model of floodplain resiliency. So even if nothing else, don't do that anymore. So so i'll stop now. Thanks thank you. Hi my name is lynn handlin.

**Speaker:** Thanks for the opportunity to testify today. Now now is the time for stronger floodplain management, not weaker. The reckless development of urban floodplains in Portland has long put people and property at risk, destroying habitat, harming threatened salmon and other wildlife. I've often seen the damage done in in outer southeast Portland because of some of this development, continued reckless development of floodplains will not solve the housing crisis, but it will put people and wildlife at risk of losses due to flooding. This will only get worse as climate change continues to increase the flooding in the city. You all know climate change is a thing. I'm pretty sure you've said that the city needs to apply floodplain protections to areas of the city that are not covered by this plan, including north reach of the willamette columbia corridor and johnson creek. The changes made to this plan to make to the changes made to this plan in to make your developer or friends happy must be removed, including no exemption for south waterfront floodplain protections. Industrial land should not be exempted. Why would you do



that? Is industry somehow immune from flooding hazards? Is no two year delay. You all need to act now, not two years from now. No reason to wait. No seven year vesting for existing projects. This is this pretty much throws the whole thing out the window. Remove loopholes for existing building and floodplains when they're substantially modify and they should comply. Apply the highest floodplain standards to centennial mills. See City Council members, including the mayor, are elected by and work for the people of Portland and not developers and not zenith energy effects. Some of you or all of you seem to have forgotten the proposed floodplain resilience plan has been weakened because of your influence by developer friends. The era of damaging backroom deals between the City Council members and industry leaders must end now. This is your chance to get it right. Do the right thing for our communities. Strengthen the flood plan. Resilience plan. Do it to protect the people. Do it to protect wild salmon and not violate endangered species act. Do it to show you care or at least do it because you want to be reelected someday. Thank you.

**Speaker:** Next up, bonnie mckinley. Not seeing my image, but that's okay.

**Speaker:** I'm bonnie mckinley. I'm here. Thank you. We are rattled. We are rattled by weather reports with the descriptors. Record breaking largest catastrophic. What happened.

**Speaker:** Let's go on to the next person. We'll get her back on. She must have disconnected by accident.

**Speaker:** Next up, we have jenny o'connor.

**Speaker:** Oh, wait, bonnie, reconnect. Jenny, go ahead and have a seat. Bonnie, are you back?

**Speaker:** I'm back. Sorry okay. Start over yet? No no, just start from where you are.

**Speaker:** We are rattled.

**Speaker:** We are rattled by weather reports with the descriptors. Record breaking, largest, most catastrophic, unprecedented portal and must take all steps to develop a plan that protects the river environment from extreme flooding events for the people and the creatures who thrive on the river. It is clear that Portland requires an updated and unbreachable flood plain resilience plan. Officials must utilize science based not developer approved flood plain planning officials must strengthen flood plain policies. Officials must allow no special exemptions, no delays. Officials must insist, based on 100% compliance and keep us from being rattled by news of future flooding disasters on our waterways help Portland become unpressed identified in its capacity to protect its people, its river life, its river ecosystem, its river vitality. Thank you. Thanks, bonnie.

**Speaker:** For the record, my name is jenny o'connor.

**Speaker:** Um, I can't help but wonder if all of you understand all of the components that your staff just reviewed. I've been looking at this for three days, and I still can't make sense of it. So you're the policy makers. Do you understand? Do you understand all those things? Anyway my comment after going through all this, uh, is that the floodplain resilience plan is inadequate, and if you pass it as it is now, then you're opening, probably opening up the city for legal action. And that's this is, you know, this has been said by previous people. Another thing that bob said, for example, the plan exempts the south waterfront. It excludes the north reach of columbia or the columbia quarter and johnson creek. A copy apprehensive flood plan includes narrates the whole area. And that's not that's not happening here. You know, you're taking one area and you're saying, we're going to take this one and we're going to wait on this one. And there's really not any logic to it. I mean, I did speak with your staff and he explained why you're doing it. But again, it's not going to comply with the it's it doesn't meet the obligations of the

endangered species act. Bottom line. I mean, if you look at it, I went through it and I was trying to find out where are things you know, lined up with the, you know, lined up with the endangered species act and incorporated it. I couldn't find anything, you know, and I feel like it's your responsibility to go through all this yourselves like I did. And so, you know you know, you know what the consequences are. Um, I guess I'm asking you, are you willing to take the risk to pass it as it is, or are you going to go back to the drawing board and ask your staff to put together a comprehensive plan? You know, that that puts all the pieces together and considers how this affects this and this affects this. It's not there right now. So that's my ask of you as as our responsible city policy makers. Thank you. Thank

**Speaker:** Next up, we have kathy lynn thompson in person. Welcome. Thank you.

**Speaker:** Good afternoon on commissioners and mayor Wheeler. My name is dr. Katherine thompson and I'm speaking as chair of the Multnomah County democrats climate action team. Superstorm sandy flooded the new york subway and homes and buildings. It was a wake up call. People died, trapped in elevators or unable to get to the ground floor to get out. Sea level rise and tidal incursion is happening. We need to be prepared, aired and protected. Now the overall plan seems inadequate based on all that I've been hearing and what I've read, I'm really be concerned that climate deniers and just the ill informed who put profit before human health and safety from an inevitable flood have sway and have convince that this ongoing exemption of areas of the city from implementation in since we have been under an order since 2016 and develop to develop a reasonable plan as well to protect our salmon. The city should adopt the floodplain protections as described by nymphs until permanent protections can be in place as flooding industrial areas and dumping more pollutants into our river is not protected. An we must not delay the inclusion of these areas that we've been hearing about here.

This means going back to the drawing board and including them as soon as possible and then when the plan is finalized to have it go into immediate effect, because the developers and others who need to know for certain what's going to happen have been hearing about this plan for quite some time. To make it worse, the current floodplain maps are not including the most recent climate change and impact models. I'm really glad they've included nearly 30 year old maps from the 1996 flood and we should be working on a plan to move development out above ground and not just adding to it in the current river areas. So I really appreciate the opportunity to testify and hope we can move forward. Thank you.

**Speaker:** Thanks for being here.

**Speaker:** Our next up, we have brian ritz online followed by mary steitz and christy white.

**Speaker:** Hi, everybody. Mayor Wheeler, members of the council, thank you for the chance to testify today. My name is brian posewitz. I am here on behalf of humane voters, Oregon humane voters. Oregon is an Oregon only nonprofit working in Oregon's political process and elections to promote the humane treatment of animals, which includes fish and wildlife. We support better protection and restoration of Portland's floodplains as because functioning floodplains help provide habitat for wildlife, which we believe enriches the lives of people living, working and visiting here. Functioning floodplains also help improve water quality in the willamette river, which still has many problems, including the fact that it gets too warm at certain times of the year for threatened salmon and steelhead. Improving the river's water quality will also be good for will be good for these fish and also for animals that depend on fish to survive. Include killer whales living in the ocean. I will defer to the advocates working more closely on this issue to point out how the proposed floodplain plan and amendments fail to go far enough. But

we do support the comments that have been made so far in that regard, including failure to apply the requirements more quickly and exempting certain areas in general. We support making Portland's floodplain protections as robust as possible, and we support doing that as soon as possible. Thank you for considering my comments. Thanks brian. Uh next up, mary stites.

**Speaker:** Welcome.

**Speaker:** Good afternoon. My name is mary stites, and I'm an attorney with the northwest environmental defense center. Since 2016, the city of Portland has known that substantial reforms are necessary to bring the nfip into compliance with the esa. Consequently, Portland must adopt these reforms to remain eligible to receive federal flood insurance. I cannot understate how crucial these reforms are to bolstering our state's resilience to flooding events and ensuring communities are protected from the inevitable exposure to these disasters. The city's multi-phase approach is only kicking the can down the road and effectively exempts some of the city's most valuable floodplains from compliance with a regulatory requirement of the byop. This is nonsensical for two reasons. One, the obvious economic and public health imperative to make sure that our land use decisions comport with common sense exposure, reducing floodplain management. And second, because these reforms are necessary to ensure that the city of Portland is complying with federal law, the longer it takes for the city to implement the byop, the more likely it is that the city and individuals can be held liable under section seven of the endangered species act. This is inexcusable because we have the answer for what needs to be done. Nims has clearly outlined the regulatory reforms that must occur to bring the program into compliance with federal law. It's also important to recognize that nmfs projected that these reforms would be fully in effect by January of 2021. The plan continually punts, stating that they are waiting

for fema. However, fema is not and will not be able to substantially divert from the measures articulated in the byop so the city can rest assured knowing that they can implement even the interim measures as expeditiously as possible all and they will be on a good path towards maintaining nfip eligibility and an even better path towards bolstering our city's resilience to flooding events. I urge the city of Portland to lead by example and proactively implement the terms of the byop this plan through its phased approaches and ongoing delays and series of exemptions, has no teeth for the city's most important flood plains. The byop does not allow for this kind of bifurcation and continued delays only subjects. Community us to further legal and environmental exposure. The city must promptly act to implement the elements of the byop in order to comply with federal law and to ensure that the city has bolstered its resilience to the effects of climate change. Thank you for your time. Thank you.

**Speaker:** Next up next up, we have christy white. Chris fry and paul fishman. Welcome.

**Speaker:** Good afternoon. I'm christy white, representing the zidell family in the south waterfront following me, you will hear from our floodplain and natural resource experts with out question maintaining this exemption in the south waterfront is consistent with the 2016 biopic and certainly doesn't violate the esa.

**Speaker:** Let me explain. Recognizing thing. So as a critical land supply within the central city, the city and metro went to work in 2000 and 2003 with the following actions as one metro and the city exempted soah from balanced cut and fill. This does not mean that soah is not flood safe. All development and soah complies with the title 24 flood proofing requirements to the city adopted a new code for soah for the area to encourage high density housing and office development to meet the city's housing and employment needs. Extensive public and private investment

followed and was deployed to build the richest multimodal hub in the region to support this density with the tilikum bridge light rail extension, streetcar extension, aerial tram, bicycle and pedestrian infrastructure, retaining this existing balanced cut and fill exemption is critical to realizing this significant public and private investment in infrastructure that will serve thousands of housing units at all income levels in the central city. And most importantly here, none of this will have an impact on floodplain capacity or endangered species for a number of reasons that you're about to hear. The first is that the only floodplain area that will be redeveloped at zidell that is remaining has no connection to the river and is surrounded by land that is higher than the floodplain elevation. In other words, it's an isolated remnant filling this area to build residential uses will have absolutely no impact on floodplain storage. Second, and very importantly here, the remaining area in the floodplain has already received a conditional letter of map revision, which includes fema concurrence in 2021. That the fill of this isolated and disconnected floodplain area will have no impact on endangered species. Thus, any argument that maintaining the exemption violates the esa or the 2016 byop is simply wrong. And I'm going to stop there and turn it to chris fry. Our floodplain expert who I believe is virtual.

**Speaker:** Yeah, there he is.

**Speaker:** Thanks, christy. And I was hoping to share my screen to be able to show a couple of slides. Let me see if I can do this. Hopefully that's showing up. Yeah. Yeah. We'll see you. Good afternoon. My name is chris fry. I'm a certified floodplain manager and professional engineer with watershed science and engineering. And i'll be discussing flood mapping as it relates to the zidell property on the south waterfront. So on this slide, on the left is a historical flood map circa 2015 that shows us how flooding existed in 2015 following construction of the tilikum bridge

crossing the zidell site here is bordered in yellow. The willamette river is kind of the hatched area to the right. Oops bear with me. The ross island bridge runs along the bottom of this picture and the tilikum crossing is the area in the middle. Right in the middle above the w, the blue area is 100 year flooding that reaches the south waterfront and the zidell property via a backwater path from the willamette river. So the orange is area that's outside the floodplain, construction of the tilikum crossing bisected that flow path. So you see the white area that kind of bisects that blue blob. Um however the remaining floodplain south of the tilikum crossing could not be removed from the floodplain maps because the tilikum crossing is not certified with fema as an accredited flood control structure. So in 2016, the picture on the right zidell submitted updated survey to fema that showed much of the property was already above the 100 year flood elevation and those areas were removed from flood mapping. As shown, the remaining blue areas are disconnected and isolated floodplain that are essentially remnants of historical mapping and cannot be removed because the tilikum crossing is not a certified levee. Um here's a look. North from the ross island bridge at the site showing the tilikum crossing with the elevation 42.6, essentially ten feet above the floodplain, high ground along the bank of the willamette. And then to the left is the low lying areas that are currently in the floodplain. In 2021, zidell submitted a conditional letter of map revision to fema, asking if filling these isolated areas shown in blue would allow them to be removed from fema maps. This included submitting a biological assessment documenting that the fill would not represent a take on listed species. Fema concurred that the site could be removed if the floodplain was filled, and in doing so, the concurred with the assessment that such fill would comply with the esa. Finally, practically speaking, fill in these areas would not impact flood



storage or flood elevations because they are isolated from the willamette. During the fema 100 year event. Thank you. Thank you. Okay

**Speaker:** Hi, I'm paul fishman and I was the project manager and team ecologist for the zidell waterfront environmental remediation project. My almost 60 years experience as an ecologist includes many dozens of projects on the willamette river. First, I wanted to dispel the notion that the isolated low areas of chris just talked about on the zidell site have any value for fish. Specifically those listed under the esa. These areas have zero habitat value for fish. They are not areas of critical habitat as defined by noaa fisheries. They do not flood during normal high water year. It's important to understand that the fema floodplain is not necessarily an ecological unit. The ecological values of floodplains are for those areas that are frequently inundated or what are termed functional floodplain, as while the noaa fisheries biological opinion for the flood insurance program does not offer an ecological definition of floodplain, the term floodplain in it does discuss seasonal floodplain wetlands, fringing floodplains as adjoining floodplains functioning floodplains complex floodplain habitats regularly inundated floodplains and laterally linked floodplain habitats. The low areas on the zidell site that you just saw are none of the above. The design of the remediation project that we implemented in 2010 and 2011 included numerous elements that are priority actions for the salmon recovery plan for the lower willamette river. Noah fisheries, esa consultation. We went through found that the project in the language of the esa was not likely to jeopardize the continued existence of listed salmonid species or result in the destruction of adverse or adverse modification of designated critical habitat for those species. In fact, the remediation project created a large gain of habitat value for fish and wildlife to the extent that no mitigation was required by

the federal agencies or the state. This an important point to include in any future discussions about the zidell property. Thank you for your time. Thank you.

**Speaker:** Next up, we have michael harrison followed by john paul lebrun and judy zeh. Good afternoon.

**Speaker:** I'm michael harrison. I'm the director of local relations for ohsu. Thank you for the opportunity to be here today. Our schnitzer campus located in south waterfront consists mostly of brownfields that are capped by gravel roads or building foundations. Nearly all of the vegetation was removed by heavy industrial activities that occurred long before ohsu owned the land. The south waterfront exemption reduces the need for disturbing the deq approved brownfield caps as we build new buildings and reduces the need for digging up contaminated soils and transporting these soils great distances by diesel trucks during development. We put considerable efforts into ensuring our buildings in south waterfront are resilient. Eight examples include minimizing critical services on floors that could flood all the way to installing measures to counteract buoyancy effects. These mitigation features will allow ohsu to return to operations in a reasonable amount of time after water recedes. Even in a 500 year flood, the city's comprehensive plan calls for full development of ohsu land in south waterfront. We share that goal, but it's also the city's goal to fully develop our lands in south waterfront, meaning that we can't balance cut and fill, we can't cut on our land. Otherwise we'd have a building, a building and then a big hole on our property. So that would, without an exemption, would be forced into the private mitigation banking system, which makes it very hard to plan for the years into the future for your campus. Recently, we found that there was a ten fold increase in the price of the private mitigation banking system, and it's extremely difficult. Regulatory process to create new mitigation banking systems. So we appreciate the city. We appreciate city staff

recognizing the importance of keeping an over 20 year old exemption for south waterfront. Happy to take any questions. Thank you. Thank you.

**Speaker:** Next up, we have john paul lebrun. John judy, zeh. Cassie cohen online.

**Speaker:** Hello, my name is cassie cohen. I'm the executive director of Portland harbor community coalition. We represent communities who've been disproportionately impacted by contamination in the willamette river from the Portland harbor superfund site culmination of 150 plus years of industrial pollution settled at the bottom of the river in shorelines. I testified many months ago. Go to share with planners and the planning and sustainability commission about my floodplain concerns as related to exemptions for profitable landowners and delays for protections in areas that need it the most. Planners today noted the themes of the majority of comments received from community members at that time, and for fortunately, I'm still concerned because I don't hear those concerns have been addressed in the current plan. This floodplain plan, as it is now continues to threaten endangered species. It continues to exclude the north reach the Portland harbor superfund site, industrial sanctuary zone, otherwise known as sacrificial zone, affecting wildlife and people who live, work, learn, pray and recreate in that that area, the north reaches the first area this summer to be affected by the harmful algae blooms in the river, which is no coincidence since on site riparian buffer habitat is not only critical to endangered species, dippe on the river, but also for people who desperately need access to nature and who seek climate resiliency. So you as commissioners and also bureau leaders today are faced with the choice to use your power to serve the interest of either wealthy developers and property owners or to serve the climate and environmental justice communities and endangered species. Thank you for your time today. Next up, we have micah meskell, followed by david moscow and sarah baker.

**Speaker:** Welcome.

**Speaker:** Thank you, mayor and City Council members. My name is micah meskell and I'm with Portland audubon. I'm the assistant conservation director. As commissioner Rubio noted in her intro, multiple bureaus and with very different missions partook in the crafting of this policy and consensus was hard. And the outcome, as is too often the case, left the environmental and community concerns to lose out due to the pressure from developers and industrial interests to implement implementing this plan should be an opportunity for the city leadership to take a significant and timely step towards increasing our community's climate resilience and doing its part to protect significant wildlife habitat along the willamette river. But the plan, as currently written, includes significant exemptions for special interests and unnecessarily delays the protections as it will put in place for two years. You've already heard about the potential legal risk of delaying the implementation of this policy, so I won't belabor the point on that, but i'll talk to a couple of the key exemptions. Our top ask is we have many asks, so one is to remove key exemptions for industrial zone lands and south waterfront. I'll speak briefly to ohsu in their testimony. We support the mission of ohsu and the expansion of their facilities and we think it is very inconsistent with their mission to for them to oppose protections that are designed to protect people and impacts of flooding in that floodplain zone, to speak to zidell as they propose to bring a highest density of development to sort of model south waterfront in an area in south waterfront that was completely underwater during the 1996 flood, putting humans into that space, even if it's disconnected from the from the river is still a huge hazard. And I will finish off with that. We strongly urge the city to make some these significant steps to improve the plan, and we welcome the opportunity for all of your offices to entertain an amendment concepts to bring it to a space that

actually fulfills your your climate goals and your human safety goals into the future.  
Thank you.

**Speaker:** Next up is sarah baker. Welcome, sir. Thank you.

**Speaker:** Hope hello.

**Speaker:** So my name is sarah baker. The health of our city requires us long term solutions that consider the quality of life for all. Portlanders and the health of our natural habitat. I'm I'm hearing excuse me, with the history of the vanport tragedy, it is baffling that we are even considering building housing in a floodplain. I'm hearing today a lot of talk about ways to ensure insurance for residents in the proposed housing on the floodplain, but there is no amount of insurance that can cover the loss of life and the loss of our natural habitat. Irresponsible floodplains is, to quote bob salinger, responsible floodplain development, harm salmon and other fish and wildlife species destroys habitat and puts people and property at risk. In an age of climate change, where we are seeing more and more extreme weather events, it is all the more important that we have strong flood floodplain policies in place today. You have the opportunity to make decisions that can either harm or heal the future of our community. And I ask that you choose to put the community and our environment first. Thank you so much. Thank you. Next up is david moskowitz.

**Speaker:** Welcome.

**Speaker:** Thanks for being here. Thank.

**Speaker:** Thank you, mayor Wheeler. Commissioners, my name is david moskowitz. I'm with a group called the conservation an angler. And we're a wild fish advocacy organization. I used to work for national marine fisheries service, writing regulatory rules for all of this since 1997. And subsequently worked for metro as a salmon recovery coordinator. And I worked with paul island and the 23 other cities

in the region and three counties trying to figure out how we were going to protect these newly listed fish. That was 23 years ago. Now and here we are struggling to kind of figure it out. The salmon and steelhead that pass upstream, the adults coming back are generally their great swimmers. That's why they're so much fun to catch. They're going to zoom through this area. But what what what the city has created the development of the city over history has now created a bottleneck for the juveniles trying to make it out. And the salmon go by their numbers game. They have a ton of eggs in them when they're going by as as adults going upstream. Those eggs translate into a whole lot of juveniles coming down. And that's where we're losing these fish. And the city development, if you think about this and I was going to say some other things, but hearing some of the developers speak just a few moments ago, they're not they're not addressing this holistically. We they're looking at their little spot. And that's what we've done in this entire process, is allow individual landowners to kind of protect their land and we're not thinking about the public trust and the entire interest of citizens, not just in Portland, but all over for salmon that can make it through this bottleneck. We are we have basically, I think has that mean my time is up? That's amazing. Two minutes is quite a bit of time. I have comments that i'll send in writing. We incorporate the remarks that bob salinger and travis williams remarked, but flooding is going to get worse, so I may finish which flooding is going to get worse because every single day jurisdictions upstream from Portland commissioners, just like you are making decisions incrementally to allow development along the rivers. It's going to get nothing but harder and nothing but more difficult to since we're downstream, we urge you to take action on that. Thinks about that broad general degradation that's going to continue to happen in the watershed because no matter what you do down here, what happens upstream is going to make it very difficult to protect people. Water

quality and the fish. Thank you very much. I'm happy to answer any questions.

Sorry I went over time not a problem.

**Speaker:** And you'll submit your testimony in writing as well. Thanks. Appreciate it.

Thank you.

**Speaker:** Next up, we have harriet cook, andrea sanchez and scott shurtleff.

Welcome. Welcome

**Speaker:** Good to see you again. I'm here to test my name is harriet cook and I'm here to testify for a strong floodplain resilience plan. I appreciate the work that has been done to improve the floodplain regulation options, but I'm here to support the recommendations of the willamette river keepers and withdrawing the amendment and strengthening the plan. We should not be modeling from 1996 the coming decades of climate change are going to increase the frequency and severity of flood events. As we've heard, had a strong floodplain plan. Is critic model for Portland's climate strategy. Floodplains are not only essential for the protection from floodwaters and river life, they're also a significant carbon sink and we are way behind the eight ball of cutting emissions as we need to be thinking. Sequestration carbon sequestration, sequestration in floodplain, biological integrity serves. We should not have exemptions. This should be holistic. As we've heard other speakers speak about, we should not be delaying implement ing the plan unless we can delay climate change. And we haven't figured out a way to do that. It's going faster than we could have imagined. The city must move forward to apply flood plain protections to areas not covered by this plan. And as we watch our native population locations and the wildlife that lives off of them drastically decline, headed for extinction, mitigation strategies that involve any kind of dredging. What do you think that's going to do for this already compromised salmon population? Thank you. Next.

**Speaker:** Next up, we have andrea sanchez online.

**Speaker:** Hello. My name is andrea sanchez. I'm shoshone and bannock. And tarascan. And mexican. Um, I have five children and I just wanted to say, this town.

**Speaker:** Andrea, I'm sorry. We're losing you. Do you have a better connection on.

**Speaker:** Sorry, can you hear me now?

**Speaker:** No, I can. Yeah. Thank you.

**Speaker:** Okay, so I wanted to say when these. This town was illegally built with no permission from the natives, these very toxic companies built their buildings around our natural freshwater resources. This will and is very poisoned for human and animal consumption in emerging in the water can cause disease and issues with health and well-being. Companies like simplot, the community dump the steel mill, the old paper mill, the sewage issues, these negligent negligence, um, places, these buildings for profit have impacted the air, water year around. Not to mention all the pesticides around sauvie island from farming. Not organically, also not to mention the old toxic radiation plant down the river caused the water to heat up. There is so many issues they have not been addressed and need an update immediately. Our salmon and wildlife life is being impacted all these and all these areas, we need change made immediately and those toxic places moved away from the river area. This is all, um. But we need action. Not just talking. Water is life. The impact salmon, eagles, birds, different species of fish and human children. Babies who have falls from heaven. Water it goes back to heaven and back again. Thank you. Thank you. Mayor Wheeler and commissioners.

**Speaker:** My name is scott shurtleff. I'm here to today to advocate for a strong floodplain resilience plan that protects undeveloped floodplains and requires resilient, water friendly adaptations in any and all developed floodplain areas. Today I fully support willamette riverkeepers recommendations. I draw my wisdom



from erika g's book water always wins thriving in an age of drought and deluge. In her book, erika lays out the case for strong floodplain protections as a vital step for human adaptation to climate change. Most of our existing water adjacent and water related infrastructure is actually making water problems more severe, especially as climate change progresses. We've aimed to divert water, channel her and move her quickly along on her journey to the ocean climate change is going to make water move even more quickly due to rapid snowmelt and more frequent, more intense deluges. Our water infrastructure does the opposite of what water wants. Water wants places to spread out and slow down, giving water the space she wants to spread out and stay a while allows water to soak into the earth, replenish. Watching our life sustaining groundwater supply, allowing space also reduces her potential for angry flash, fast flowing channels that undercut and damage human structures over time. Water always wins as she can be life giving, but she can also be destroyed, active and life taking this floodplain resilient plan represents a choice of what which aspect she'll show us. We need to give water what she wants since we need water for ourselves and for a healthy environment. Let's choose to encourage water's life giving side with a strong floodplain. Resilience plan that gives her space to slow down, replenish her aquifers and coexist peacefully with our existing infrastruc future. Thank you. Thank you.

**Speaker:** And after after the next three that Keelan is going to mention will will take a five minute break.

**Speaker:** We want to give our broadcast and everybody an opportunity to get up and stretch so it'll it'll be a brief break after the next three individuals. Thank you, mayor.

**Speaker:** Next up, we have lori king online, followed by alice shapiro and howard shapiro in person.

**Speaker:** All right. This is really not lori king. This is her husband and, uh, my remarks are probably not what she would say, but, um, thank you for the opportunity. Um, lori wasn't able to be here, and she would be a lot more focused. I this is an interesting process to watch. You guys are trying to stay awake during this. Everybody's testimony until the south waterfront starts testifying and then eyes open and we get really interested. Um, I'm I'm amazed that you guys don't have a more of a big picture view of what's going on here. Um that you tend to listen to the people that create the problems and ignore the people that really care and live here and have the solutions. Uh, you know, money is cause of homelessness. If there was a lower rent, we wouldn't have homelessness. Uh, just one thing or another. The developers aren't developers cause a lot of problems. And, and you guys need to listen to the people that are talking to you from the community. That's basically all I have to say. Thanks thank you.

**Speaker:** Next up, we have alice shapiro and howard shapiro. Welcome. Alice shapiro good afternoon.

**Speaker:** I just want to say I am here to support a strong floodplain management plan. And I agree with willamette river keepers statements and some of the other environmental groups and other very eloquent speakers. I don't need to repeat the facts that have been presented to you and the threats to endanger species and the consequences for you in terms of being sued for not following those. But I will speak a little bit personally. I moved to Portland about 15 years ago from the Oregon coast, and I was excited to witness the birth of my first Portland granddaughter who just started high school today by the way, and become an important part of her life. And then of her sister, born two years later, who went back to middle school today here in Portland. I have always known that I had an obligation for generations to come and my obligation did not end when my two

granddaughters no longer required or even wanted, god forbid, my babysitting services as I am here to represent future generations, not just of my offspring, but of all offspring, not just of my species, but of all species. And I urge you to do not only have a strong climate protection and floodplain plan, but an even stronger one. One of the things that impressed me when I moved to Portland was to see the trucks of the city that said Portland, a city that works sometimes. Over the years I've begun to feel, I am sorry to say, that Portland has in some ways become the city that shirks, that shirks its responsibility as to the holistic approach to protect the land, the species and all of us. Climate is changed faster than we can imagine. We need to be aware. We need to be strong. We need to work. If Portland can't do it, who can? Thank you. Thank you. Welcome sir. Good afternoon, councilors.

**Speaker:** My name is Howard Shapiro. I would like to take this opportunity to compliment you on your attempt to prepare for the huge change in our city government that the voters approved in the last election. Our city has very complicated land use and development policies, which take an inordinate amount of time and effort to approve. This became obvious to me when I relocated from Florence, Oregon, where I served on the Lane County Planning Commission. I would like to comment on your plan on exempting developers and businesses or corporations from our land use laws. This will not streamline the process but could result in inferior building practices and might be discriminatory to provide homeowners who want to add an ADU to help with our homeless problem. Um. It would also possibly be against state and county land use policies in this area. In the era of climate change and resulting flooding, wetlands and floodplains are becoming extremely important. We must learn from Vanport, which Henry Kaiser and Portland Sea never thought would happen. And that allowed that have degraded their wetlands and floodplains. These communities become severely damaged or

washed away. We must be conscious of our existing habitats and its occupants. Many of whom are endangered, are on the brink of extinction. We do have a severe homeless problem. Please don't allow the developers and business interests to motivate you into allowing shoddy construction practices in order to attempt to solve this problem. They will build high rent waterfront properties and will still have a lot of homeless. Thank you. Thank you.

**Speaker:** Oh, sorry. Does that complete the three then? It does. All right. So we'll do this. We'll take a five minute break. We'll reconvene at about 12 after we are in recess.

**Speaker:** Recording stopped. Folks

**Speaker:** We are back in session. Keelan. Why don't you go ahead and call the next three, please ?

**Speaker:** Great. Thank you, mayor. Next up, we have katie mcfadden, followed by emily poland shack and diane mason helter. All right. Good afternoon, mayor and council men.

**Speaker:** Thank you for being here. Thank you for work working to develop a plan that will take care of water. I feel that the plan needs a little bit more work. It should definitely include what we call the sacrifice zone, the north reach the sci hub, which is not in it. Just before I left, I picked this up from my mailbox s columbia riverkeeper, and I just want to read two sentences from it that sort of add two statements that have already happened. It's time to get real about salmon extinctions and the ripple effects on the people and culture here that rely on them. The facts will jar you the columbia once produced more salmon than any other river on earth. 20 years ago, pacific salmon were found to have disappeared from 40% of their rivers, native rivers and streams across Oregon, wash. Inngton, idaho, and california. In places where they remain, including the columbia river system,

scientists estimate that the number of wild fish returning from the ocean has decreased by as much as 98% at these are startling figures. I come from the east coast. I'm familiar with what happens when the water rises. As I was raised with hurricanes, I saw houses coming and going bad land management, bad zoning. Let's not repeat that. We have some really serious climate issues on the horizon. We should do what we can to direct act the city and take care of the environment. Thank you for your time. Thank you for being here.

**Speaker:** Welcome. Good afternoon.

**Speaker:** My name is emily polansek.

**Speaker:** I live in the fanno creek watershed now in Multnomah village, and I am testifying. Guess how in favor of strengthening the floodplain resilience plan? I agree with everything that's been said so far. Turned in, sent you something I wrote yesterday, but today I decided to do an online search to understand more and I'd opened one of the many sites this one can this one of American river rivers is to titled why we need to restore floodplain trees. So there I learned floodplains are actually part of rivers. They nurture life and naturally protect us from floods. It talked about small floods that are very beneficial and necessary to the health of rivers and wildlife and large floods that are very destructive to life. And in other ways. So restoring floodplains to give rivers more room to accommodate large floods is the best way to keep communities safe. Life giving rivers more room provides a number of other benefits, including clean water, recreation and trails. Habitat for fish and wildlife. So no, just big picture here. Wouldn't the best about floodplain resilience plan would be to restore floodplains to their natural state state and not allow new structures to be built on them. Wouldn't this approach be superior to the balanced cut and fill plan? I assured of that. I beg you to apply stringent regulations and mitigation rules to all new construction in a timely way.

No exemptions or delays. As many others have said at and find only, as previously mentioned and since Portland declared a climate emergency in 2020, I beg you to consider every decision you make in light of that. Thank you. Thank you.

**Speaker:** Next up is Diane Mason Helter online. Welcome.

**Speaker:** Hi. The city must deliver a strong floodplain resilience plan that will protect people, property and the environment as an essential part of your climate resilience strategy. It seems that at the 11th hour, the city has again caved to business efforts to weaken and delay a plan that has been years in the making and was using the best available science irresponsible projects in high risk areas built for profit. Knowing that losses may be recouped at taxpayers expense should not be allowed without strong mitigation requirements. The city must remove recent changes to the draft by developers and other special interests. Centennial mills should have the highest floodplain standard and south waterfront and industrial land should not be exempted. The implementation of the plan must not be delayed for two years. We are already experiencing more extreme weather and climate chaos throughout the country, and floodplains are increasingly likely to be periodically inundated and we need to have strong policies in place to protect people, all species habitats and sequestration areas. Once the FEMA updates are finalized and additional amendments could be made if necessary. Areas such as the north reach of the Willamette the Columbia corridor, Johnson Creek and various industrial areas should be part of an initial implementation action. A comprehensive plan with adequately mitigated development standards. The city should not vest already permitted projects for seven years in modification to existing structures should not be exempted from new regulations as floodplain maps need to be updated to incorporate current climate and flood impact models to give a full and accurate picture of what we are facing, not only has the city not

put in place policies that will strongly reduce emissions as called for in the climate emergency plan, but at this critical time, council continues to undermine environmental protections in small and huge ways. Policy is that endanger habitats and species while ignoring the health and safety of our community. For the sake of profiteers must stop. Thank you. Thank you.

**Speaker:** Next up, we have sherry spark, michael pencil and peter findlay fry.

**Speaker:** Michael, I'd start. Yes, hello.

**Speaker:** Thank you. Mayor and commissioners, for this chance to comment and bureau for the hard work you've already put in on this plan.

**Speaker:** My name is sherry spark and I work for 350 pdx, which is a local environmental and climate organization that works with thousands of Portlanders to advocate for transition away from fossil fuels and building a more climate resilient community. So while it's important to do everything that we can to stop and reverse the greenhouse gas emissions leading to climate change at this point, we unfortunately must also prepare for a warmer planet in the coming decades and do what we can to mitigate the harm that comes from extreme weather events. As the planet warms, as major storms become more frequent and more severe, as the united nations intergovernmental panel on climate change puts it in the near term, every region in the world is projected to face further increases in climate hazards, including flooding and coastal and other low lying cities and regions like Portland. Portland has experienced climate extremes in recent years, and that has included ice storms and unusual spring snow. Eastern Oregon recently had the tail end of a hurricane in sudden temperature shifts could cause future ice and storm snowstorms to result in flooding or warmer storms could cause major precipitation events on par with or exceeding the 1996 floods. The ipcc says planning with past 100 year storms as a guideline is inadequate. We need to plan for more severe

events as creating and implementing a strong floodplain resilience plan that takes climate change into account. Can help our city and region be more prepared. The ipcc suggests ecosystem based adaptation approaches are really important in that, given the already occurring incidents of climate emergencies in and around Portland, it's essential that the city's floodplain resilience plan begin to be implemented right away and that it applies to everyone in that it prepares for events more extreme than the 1996 floods, and that the plan includes ecosystem based approaches imposing a two year delay in allowing loopholes for development will create unnecessary risk and potential economic harm. Protecting river and forest ecosystems helps the human and ecological community thrive and helps us all be more resilient together. Thank you. Thank you.

**Speaker:** Okay, guess I'm next.

**Speaker:** Thank you for the opportunity today.

**Speaker:** Commissioners and mayor. My name is michael pencil.

**Speaker:** I live in north Portland.

**Speaker:** First, I would like to say that I am a bts land use planning commissioner and I am here to represent myself and my community. So whatever I have to say is not a representation of bwp's planning commissioners as the city needs to adopt a floodplain protection plan as described by the national marine fisheries service and that needs to happen quick early to make sure that north Portlanders are protected in the event of a flood. That we know will happen within our lifetimes. It's important to make sure that Portland's climate strategy will be prepared for more extreme flood events. It's important that we follow a consensus of science, and we know through science that it a floodplain plan in the north reach will benefit not only endangered willamette river salmon, but also protect homes, businesses and the ecology of the area. Remove loopholes for existing structures in the floodplain,



flood plan plan plan when existing structures are are substantially modified died. They should have to comply with new protections. Portlanders need faith in our public leaders, our youth and our public leaders and that they are using scientific consensus to ensure benefits and to and not a consensus or a capitulation. Capitulation to businesses risking the well-being ing of Portlanders and the ecology will ahmed and the columbia river are central access to Portland with the extreme heat that we have experienced in the past month, it's important that we provide protections and show reciprocal, repress red porosity to our water bodies that move through and around our city. It is heartbreaking that people were suffering from 100 degree temperatures and could not access the willamette river because of the cyanobacteria. There are solutions to these risks, and it's important that we move with urgency to make sure that Portlanders are safe before an extreme event occurs. And we need all of you to move forward to create a climate resilient landscape. Cape, thank you.

**Speaker:** Thank you. Appreciate your being here. Thank. Hi.

**Speaker:** I am peter findley. Frey I'm a land use planner. I'm here on my own behalf, although I also am chair of the central eastside industrial council land use committee. I'm I'm talking about a little leak on the east side.

**Speaker:** It's underneath i-5 and i-84, and it leaks underneath the freeway south along the rail line.

**Speaker:** And it's a result of the construct of the freeway is not a natural floodway, a natural floodplain, an it's a manmade made situation. And so we reviewed this essentially site through the land use committee and they talked to the bureau of planning. The bureau of planning worked with central eastside and came to a solution which was to include the mapping of the flood plain on the map. So that the issues that are technical could be addressed, but not to put the environmental

overlay because there is no habitat there. There there has been, but we've destroyed that a hundred years ago or more. And so we didn't want to get in a position where we could not create habitat on site. We would have to mitigate. So it would be essentially a way for the city to exact payment out of that little area. So the bureau of planning understood the logic of all that, and they, in fact, as you see, mapped it for the technical part, which is flood proofing. And I wanted to add displacement at the attorney mentioned flood proofing, but displacement is almost as important as flood proofing that said, I felt like a little mouse. I didn't even want to bring this up with everybody else. Talking about the west side. But I felt I told the planning I would be here. I really appreciate their their professionalism. It was they did an excellent job. I will want to say one last thing. As a planner, planners never solve any problems. Plans create a framework for people to solve problems. So for anyone to come here and say the plan is going to solve a problem, that's not going to ever happen, I guarantee you it's the people that will solve the problem. Thank you. Thanks peter. Thank you.

**Speaker:** Our last testifier is zora hess online. Good afternoon, mayor and members of the council.

**Speaker:** My name is zora hess.

**Speaker:** I'm a consultant and community activist at the intersection of health equity houselessness and the environment.

**Speaker:** For the last 20 years, I have been kayaking the columbia willamette river basin and clearing out trash of columbia slough every month for over seven years. When we have high water events. I have witnessed the capabilities of a functioning wetlands, but I've also seen the devastating impact where we have prioritized large development. We have a climate and a housing crisis. You are tasked with mitigating both, not implementing policies that escalate them and create worse

outcomes for our community. It is critical that we have a strong floodplain protection policies for the health of our community and environment, not the interest of the benefits of a few. That means the city must move forward quickly to apply floodplain protections to the area of the city that are not covered by the plan, including the north ridge of the willamette, the columbia corridor and johnson creek adopts interim floodplain protection as a stripe by the national marine fishery service until all permanent protections can be put in place, remove exemptions for industrial zone lands in the south waterfront. Remove the two year delay in implementing the plan. Do not extend vesting for projects permitted before new york relations go into effect for up to seven years. Remove all loopholes for existing structures and floodplains, hold all public projects like the centennial mills to the highest level of flood protection plans. I'm not saying that you should stop all development on floodplains. Rather, we need to protect the highest hazard flood areas and be mindful that any plans for development are adequately mitigated. This is our opportunity to protect endangered species. People property and our environment for generations to come. Please take it. Thank you. Thank you.

**Speaker:** That completes testimony.

**Speaker:** All right. Very good. So that completes public testimony. Colleagues, any questions at this particular juncture? Again, we're not going to vote today. This is just an opportunity to hear public testimony and hear the arguments pro and con at. And I know I want to spend a little more time with you guys over the course of the next week, going through some of the questions that were raised and raise some questions in my mind. But I don't know if people want to ask questions now or if you've just had a long day at this point, can I ask one procedural question? Yeah, please go ahead.

**Speaker:** Do you mind reminding us on the logic of the sequencing with respect to areas like south waterfront, north area? Because we've heard a lot of citizens interested in this. And so I'm just curious, high level if you walked me through it before, but just to remind as to the thinking on the phasing in all of this.

**Speaker:** Sure. Patricia defender, for the record, thank you for the question. So the phasing recognizes that there are very different land uses and characteristic mix of the built environment in the different areas and each one needs to be studied and kind of with those considerations in mind. So for example, the industrial areas there is the economic opportunities analysis is required by the state. We have to demonstrate weight that we have land sufficient land capacity to accommodate different kinds of jobs, including industrial jobs and so the industrial areas will be looked at in conjunction with that economic opportunities analysis to understand the interplay between, you know, how much area needs to go into protection of environmental resource sources and how much area it remains. For to remain as industrial land for to accommodate jobs. So that's an example of why that area is not part of this action right now, because we want to do it in conjunction with that analysis. Got it. Got it.

**Speaker:** Okay. Thank you.

**Speaker:** That answers my question.

**Speaker:** Good. So I'm going to Megan, if you could schedule some time with these folks and commissioner Rubio or somebody from commissioner Rubio staff, just so I have a chance to do some follow up work, that'd be great. And I appreciate your being here. Anybody else? For the good of the order here? Very good. This is a first. Yes oh, you look like you were going to say something. All right, good. Very well. Item number 731 is actually before.

**Speaker:** Sorry, mayor, we just want to make sure that we announce that the record will remain open. So go ahead for until September 1st. Friday this coming Friday.

**Speaker:** Okay. And that's for written comments at 5 p.m.

**Speaker:** At 5 p.m.

**Speaker:** Okay. So September 1st, 5 p.m, written testimony will be accepted. The record remains open. So if anybody's been watching this and is inspired or if anybody wants to do follow up who's already participated, you're welcome to send us emails. And we will get all of that prior to our final deliberations.

**Speaker:** And also that oral testimony is closed thing and the oral record is closed.

**Speaker:** Anything else?

**Speaker:** And the item continues to what?

**Speaker:** I haven't gotten to that yet, but I am trying. Sorry. Doing great. All right. Item number 731 is a first reading of a nonemergency ordinance. It moves to second reading time certain what time?

**Speaker:** Yeah. It's continued to September 13th at 2 p.m. Time certain September 13th, 2:00 pm time, certain item number 732 is also a first reading of a non-emergency ordinance.

**Speaker:** It also moves to second reading time. Certain again.

**Speaker:** September 13th, 2:00 pm.

**Speaker:** September 13th, 2:00 pm.

**Speaker:** And i'll make a quick announcement.

**Speaker:** Please go.

**Speaker:** So at the moment the only amendment on the table is commissioner Rubio's amendment. Correct. If council intends to introduce new amendments, I believe staff has requested that they're posted by September 11th. And should

there be new amendments, council may decide to reopen the record so parties should plan to attend the September 13th meeting in order to preserve their ability to testify.

**Speaker:** Very good. And that does beg a procedural question from my perspective, the amendment that the amendment package does that pertain to 731 or 732 or both?

**Speaker:** 731 the title 33 very good.

**Speaker:** 731 so 731 moves to second reading is amended. 732 moves to second reading, both will get their second readings on September 13th at 2 p.m. Time. Certain

**Speaker:** Yeah. Because it's land use. We will reconvene and potentially take a tentative vote that date. If there are no additional amendments, it's okay and then be back for final findings.

**Speaker:** It's not great. It's not great. Okay, good. So what that means, folks, because it's land use, it gets special rules, meaning the vote we take if we take a vote on September 13th, would be considered a tentative vote. And then there would be a follow up period and then a final vote. Anything else? Fabulous thank you, everybody. Thanks. All who testified. And we are adjourned. Thank you.

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

**August 31, 2023 – 2:00 p.m.**

This file was produced through the closed captioning process for the televised city Council broadcast and should not be considered a verbatim transcript. The official vote counts, motions, and names of speakers are included in the official minutes.

**Speaker:** The Portland City Council meeting.

**Speaker:** Keelan. Would you please call the roll Gonzalez here?

**Speaker:** I'm having some camera issues, so bear with me. But I am here.

**Speaker:** Okay? Sure. Thanks, mayor.

**Speaker:** Here, Rubio. Here Ryan. Here. Wheeler.

**Speaker:** Okay, well, so first up, our next up, we will hear from the city attorney.

**Speaker:** Welcome to the Portland City Council or to testify before council in person or virtually. You must sign up in advance on the council agenda at [w-w-w dot Portland dot gov backslash council backslash agenda](http://w-w-w-dot-Portland-dot-gov-backslash-council-backslash-agenda) for information on engaging with City Council can be found on the council clerk's web page. The presiding officer preserves order and decorum during City Council meetings. The presiding officer determines the length of testimony in individuals generally have three minutes to testify unless otherwise stated, a timer will indicate when your time is done. Disruptive conduct such as shouting refusing to conclude your testimony when your time is up or interrupting others testimony or council deliberation deliberations will not be allowed. If you cause a disruption, a warning will be given further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected, is subject to arrest for trespass. Additionally, council may take a short recess and reconvene in virtually your testimony today should address

the matter being considered when testifying. Please state your name for the record. Your address is not necessary to disclose if you are a lobbyist. If you are representing an organizer session, please identify it for testifiers. Joining virtually. Please unmute yourself. Once the council clerk calls your name. Thank you.

**Speaker:** Thank you for that. So Keelan would you read the first item please?

**Speaker:** Wouldn't you like me to read the three items together? Yes, please.

**Speaker:** If you could do that together, that would be great. I don't have 733 authorized submission of a boundary change request to the state of Oregon and to amend the Portland enterprise zone boundary item 734 designate the east Portland enterprise zone for electronic commerce seven item 735 authorize an Oregon enterprise zone statutory employment increase waiver for daimler truck. Thank you. So colleagues, I'm pleased to introduce the next these three items which will adopt resolution actions related to the city of Portland sponsored enterprise zone or e zone program. If you recall, in May 2023, City Council council successfully voted to reauthorize the east Portland e zone for another ten years. Shortly after this action, the Oregon legislature also amended the e zone statute, extending the state law's sunset to 2033 for the entire program. These items propose to authorize the submittal of a boundary change request to the state of Oregon to amend the Portland e zone boundary also designate the east Portland e zone to retain electronic commerce overlay and also authorize is an Oregon e zone statutory employment increase waiver for daimler truck. The first action will recommend that the council add three or key areas to the Portland e zone in the downtown Portland central city core and northwest industrial area with the goal of incenting employer retention in Portland, central city and key investments by companies considering location locating into Portland or relocating away from Portland. I also want to add that by including the downtown core in the Portland e zone boundary, we are



making an intentional decision to provide the central city with a tool to revitalize and incentivize business investment in the more economic activity there is downtown, the more employees are walking on our sidewalks, going to lunch, spending time in parks and bringing Portland's central city back to the place we all know it can be. In addition with adding the downtown core, we are also we are at our maximum allowable acreage according to state law. So the second action request that the council designate, the east Portland e zone to retain an e commerce overlay for ten years and direct staff to submit a notification to the state of Oregon. The previous east Portland e zone commerce e commerce designation expired when the east Portland e zone back in June 2020 June 20th, 23. This action requests that the that to add the overlay back to east Portland to make sure that the program uses identical plans to the Portland e zone. The third action will request that the council provide a statutory employment waiver from the e zone job creation requirements. This waiver will allow daimler truck to complete an investment of 25 million or more in qualified property and qualify for the enterprise zone program. Benefits all three of these items are connected to our city's effort to retain and grow traded sector businesses and to encourage commercial activity in the central city, which is the state's economic engine. These are strategic actions that align directly with our recently adopted advanced Portland strategy. And as a reminder, our goals for advanced Portland are quality job growth and expansion of competitive industries, vibrant and inclusive central city and neighborhood. Commercial districts increase racial equity and entrepreneurship and traded sector employment, and also the deployment of innovative green products and services. This e zone program is locally and nationally recognized as an innovator of tax incentive tool that helps businesses to grow and do so in an inclusive way. And these actions come at a critical time for us to invest in our central city's. Today we

have shea, flaherty, bettin and andy reid from prosper Portland here to introduce these items and to share more about its numerous impacts in our community.

Welcome thank you.

**Speaker:** All right. Good afternoon. Buenas tardes and thank you, commissioner Rubio, for the introduction. Portland city commissioners. My name is shea flaherty. Bettin for the record, I use pronouns like he, him and I and I serve as the director of economic development at prosper Portland. I'm here with andy reid, who managed the enterprise zone program on behalf of the city of Portland and prosper Portland since 2010 and later in the presentation, andy is going to share more details around the program and the resolution before you today. I want to first acknowledge the great work of the business advancement team within our economic development department at prosper Portland. This team assists growing businesses so they can invest back into Portland and create living wage jobs. The enterprise zone or what you'll hear is e zone is a key tool to compete for traded sector projects that are looking to grow or locate new investments. So we're on the next slide if we go perfect. So today we're just going to speak to how the e zone program connects to advanced Portland and our central city retention and expansion efforts. We'll do a brief review of the enterprise zone program. And then andy is going to share the three resolutions that you see before you. And we should have time for discussion and feedback as well. If we go to the next slide. So you'll recall that City Council just recently adopted advanced Portland as Portland's growth strategy for the next five years. And if we go to the next slide, we can see that this is important today more than ever, because the truth is we can no longer take Portland's growth for granted for the first time in 40 years, the city of Portland's population declined. That's a huge issue for all of us. We should all be paying attention to that and many challenges continue to threaten Portland's economic future. Portland's tax value

proposition has shifted. I think it's no surprise that increasing livability concerns and a 32% increase in taxes to businesses since 2019 are changing that calculus for both employers and residents. We know the central city is experiencing a serious, serious level of office vacancy rates and decreased daytime population due to both remote work and some of those same livability concerns. And this is especially true in areas with high levels of office and tourism uses like downtown in old town, lower albina and the lloyd district, which you all see as orange on this map. I want to stress that despite these crises, we are committed to helping Portland fully recover, including and especially in our downtown. And I believe that the e zone is a crucial tool in how we rescue our city. Next slide, please. Again, just a context for this work. It sits within our business advancement team. And in the simplest of terms, this team helps both traded sector businesses grow and become more inclusive. You can see the various business lines and industry clusters that we consider within the work on screen, but I mainly want to stress that the e zone efforts are grounded by the objectives of advanced Portland. The first objective, which is to propel inclusive growth and innovation. E zone works there in the sense that we work with traded sector businesses that are growing jobs in the city. And many of these companies engage in innovative business practices and they create new products that are then sold throughout the world. The second objective in advance, Portland, is to promote equitable wealth creation and our innovative use of the e zone as a tool. I think a credit to andy is the expansion of the tool and its use for small businesses as well as traded sector businesses, provides critical funding to support scaling entrepreneurs. And we have examples of companies that have used the tool just for that and within objective for which is to connect Portlanders to high quality jobs in future ready sectors. The e zone has proven itself as a tool for local job creation time and time again. Next slide, please. So in terms of

timeline, just you'll recall in 2019, City Council reauthorized the Portland enterprise zone. And as the commissioner shared just this may we reauthorize the east Portland enterprise zone as well. You'll see that over time we've also adjusted and deployed this program to help deliver for strategic equity priorities. A good example of that is that in 2017 we actually have the country's first public benefit agreement requirement within an enterprise zone. And over 19 companies and counting have agreed to do a variety of different public benefits from a menu of public benefits on top of the standard enterprise zone, job creation requirements. Next slide, please. And so most of this should be review from may. But I want to remind people here that at its core, e zone is a five year property tax abatement program. It's also one of the only incentive tools that we have available and that prosper Portland can manage in house through the business advancement team and that it plays an immense role in our business retention and expansion efforts. Just as a reminder, in order to qualify, a firm must be making new investments in construction or equipment to the property, and it must be within the e zone boundary. They must be creating new and additional jobs once the company enters the program, they will receive that full tax abatement on all the qualified property improvements for five years. But that's only if they're accountable and complying with those annual program requirements. And so the map that you see on screen, it shows the enterprise zone in brown and the east enterprise zone in blue. And you'll recall that when we were here on may 10th for the east Portland enterprise zone reauthorization, again, I want to thank you all for the unanimous support and to say that that day we heard you loud and clear many of you expressed concern around the clear and obvious gap that you can see on the map today, presently in front of you, namely, the absence of our downtown core. So you'll see updated maps with proposed amendments that include the central city core shortly from

andy. So I want to thank andy. I want to thank pam neal for the team, for the unprecedented and swift action to bring these amendments to you today. There's a lot of red tape. This is a state program and it's just congratulations, it's been amazing to watch and we know downtown in many parts of our city continue to be in crisis. These actions today would send a message to our business community. We see the issues and we are leaving no stone unturned when it comes to finding solutions. So with that, I'm going to pass it to andy and take it away.

**Speaker:** Thank you, shea. Thank you, commissioner. Commissioner Rubio and for the council here today for having us. My name is andy reed. I work at prosper Portland. I use he him pronouns. If we could go to the next slide, please. So all of this is, as shay was just mentioning, governed by Oregon state statute. This statute was enacted in 1985 and we've used this program since then in the city of Portland. There are more than 70 enterprise zones across the state. Each zone has a ten year designation. And again, just as mentioned by shay, that we did successfully make it through to the legislative session with the removing of the sons that was going to be in a couple of years from now and extending it here into the future. So the program is going to be here for a while and we're grateful for that moment. Next slide, please. And again, this is a bit of a review from from may, but we just felt like it was important to bring this front and center again. Over the last ten years, we've supported 97 projects as a as a quick update. We currently have seven projects in the pipeline in that we expect will be in place by the end of this next month, which is very exciting. There are approximately 45 current active projects. A third of them are active small businesses and as she was mentioning before, we've made some shifts to the policy over the last few years, which has moved it from being a tool that primarily large, large multinational corporations could use to now our smaller companies such as nossa familia, that can come in and use the program

successfully for their for their investments, which are big to them. They're large investments to those small businesses. And by by simplifying this access. Now, said a third of those companies are small businesses and we count them as 50 or less employees. When we when we use the word small business. Next next slide, please. And to just bring forward the value proposition of what is the cost benefit of this tool for us as a city in exchange for 1.9 million in fOregone tax revenue in the last tax cycle, we can take a one year snapshot and see about 3600 new jobs, which created approximately one point 11.5 million. In Oregon. Income tax. And in that also \$137 million in procurement within the city of Portland. And just to note about procurement, we're going to mention what this looks like for the daimler truck project here pretty soon. But if you look at the tertiary secondary effects of an investment, you have the investment, which is the real property investment, personal property investment, that's what's on the tax rolls. You also have these other effects in the supply chain and this is just noting some, some accurate numbers directly reported by companies on what they spend within the city. It just gives us a good sense of what this looks like. Next slide, please. So we have three actions in front of us today. The first one is, as mentioned by by commissioner Rubio and shea. We are proposing to amend the Portland zone boundary to include downtown Portland, the downtown downtown core, and really closing the gap between the southwest waterfront. Old town and the industrial areas up to the north that are traditionally more of the manufacturing base. This will, as we're experiencing, we have companies that are asking for this directly right now as they're they're eyeing investments and their boards are making decisions on whether or not Portland should be their future home as a headquarter facility or whether or not they should leave. And so this is a direct conversation in in response not only to council in may. We also have heard directly from the business

community that this is a very important thing for us to do. The expiration is in 2029, so City Council at that point could then choose if you feel like the zone has done what it's supposed to do in downtown Portland and we would like to remove those particular tax slots from the map. Again, we can do that. So there is no this isn't a forever thing. It does it does expire in 2029. And we could we could use that moment to reevaluate whether or not the tool should stay in place or not. Next slide, please. Oh, right here. So here is the proposed map where we have added the amended area. You'll see there in purple again, that is connecting the south waterfront and old town chinatown and then the northwest industrial areas is this map is created based on very specific rules that are allowed under state statute. Those rules have limits on the total square miles that are allowed within the enterprise zone, which is 12mi<sup>2</sup>. It also has criteria based on income and with a significant lower income community in the old town, communities around us, that allowed us to meet those those criteria for enrolling these particular tax slots into the into the zone. If you go to the next slide, please, and you can see what it looks like then as proposed, the continuation between those those three areas that existed and the new downtown core running up to right about in there. 405. Next slide, please. The second amendment or the second request is for us to bring in the east Portland e-commerce overlay. As mentioned before, for the zone. The e-commerce overlay expired June 30 with the expiration of the east Portland zone and under state law, we're required to come back and request it. There are a limited number of these that are available around the state. Right. And so the one that we had for east Portland went back into the pool and as a first come, first serve mechanism at the state of Oregon, we needed to act pretty swiftly to be able to bring it back to our communities to allow for those e-commerce investment. It's particularly in east Portland, Portland, and we saw significant use of it in the central

east side over the last few years. And I can tell you that the building owners and the community in the central east side would very much like to have as many different kinds of incentives as they can find as well to start moving more businesses back into their community. And as you can see, the 12 active companies that we had used the program invested a significant amount of money and created quite a few new jobs for our city as well. Next slide, please. And then finally, this is a pretty unique tool that we have. We have not used for many, many years. The last time we used the employment waiver was in 2005. It is being used by other cities around the state of Oregon in situations similar to this, where you have larger companies that are making significant investments, they're moving towards cutting edge research and development and testing. But don't necessarily have the job creation to support the quick ramp up that's required under the state statute in a situation like this, you would need to see an employment increase of 300 jobs within a year. And as they're making these investments in these buildings, that's just not going to happen right away. That's just not how the investment will be created. And so we have this tool which is allowed under the state statute where companies can, if they invest more than \$25 million in qualified property, we set a baseline number of jobs and then those companies can use this as a way to increase investment in their particular facilities. This is a very exciting one to us where daimler is looking to do cutting edge, develop and testing of electric and hydrogen fuel cell trucks. This very much aligns with our climate action goals. It aligns with our advanced Portland strategy of really promoting those products and services in the green space. It retains jobs in Portland and we believe that, again, that kind of secondary effect of investment just from those potentially added jobs that we could see come in of about \$108 million in added value to the gdp and about \$11 million in annual state



and local taxes. Next slide, please. So I think that's what we have for today. I believe I'll hand it back to commissioner Rubio at this point. Thank you.

**Speaker:** Thank you. Thanks so much, Jay and Andy, for the presentation. And now we have a few invited guests for invited testimony. Any so I'd like to invite Matt Mark Staller from Daimler Truck North America to provide some remarks. Welcome Matt.

**Speaker:** Thank you very much. Yeah. I'm Matt Mark Staller and I'm representing Daimler Trucks North America. Um I'm actually the corporate real estate manager for Daimler Trucks and, and to give a little background for those of you who don't know, we're part of Daimler Trucks AG which includes companies around the globe, Daimler Trucks North America has a presence in the United States, Canada and Mexico. And we've got locations, tonnes, manufacturing and head office and research locations in that footprint. Our office and engineering locations are primarily in Portland with some in Fort Mill and then a pretty big technology hub in Detroit. So so we're at a really critical point in our history. We started in Portland, you know, 80 years or so ago, and we have evolved this diesel truck since then. And it's the most efficient in the industry. We have the largest market share in the industry. We know how to do things and we know how to do them right. We're at a point where we're going to basically sunset that business and start a new business, and we've started that new business, which is zero emissions vehicles. That's quite a bit different than the diesel trucks. But we are very enthusiastic about it, very excited about the future. It's a challenge in many ways. One of the ways it's a challenge is, is the investments that we make in that space are not going to pay off for a decade or so. So that makes it very challenging for, um, you know, investing in that we need to make investments in a number of areas. One area is just research and development and a new facility which is projected to be about a \$40 million

facility that will develop our current vehicles. But especially the zero emissions vehicles. So like I say, we can do that around across anywhere across the us, but probably in one of those three locations. And we're really looking for a public partnership to help make that happen. We've taken advantage of the zone and are a number of different incentives over the years, notably our headquarters. About 7 or 8 years ago and we're really hoping for, you know, a public partnership with this new investment.

**Speaker:** Wonderful. Thank you so much, mark. We really appreciate you being here today and appreciate you being in Portland. Now, I will invite nick point dexter from emerging leaders to come up or to join us.

**Speaker:** Hello. Thank you. Mayor Wheeler and esteemed commissioners for the opportunity to share today. My name is nick poindexter. I use he him pronouns. I'm the senior director of the empowering leaders division at nonprofit. The contingent our our key programs within this division have been emerging leaders and ci emerging leaders is focused on empowering diverse talent to excel as professions through opportunity in a supportive community, primarily through internship and mentoring focused on current college students and recent college graduates of color. Sign is an initiative that supports college graduates of color in the region. By building a network of professionals who are committed to leading in their vocation, in building wealth and changing our community and the world for good. The first year of this experience is group mentoring that focuses on leadership development, financial education, civic and community engagement and wealth building. We have rebranded these initiatives. Emerging leaders and sign will merge into a new initiative known as the script to broaden our scope. The purpose of this is to ensure we can walk with college students and college graduates of color over time as a continuum from intern to junior level and eventually management and

executive levels. We have partnered with prosper Portland's efforts to grow a diverse workforce through Portland. Maine's progress. Since its launch, we've placed 500 plus interns through the emerging leaders internship program in companies across the region. In the last couple of years, we began working with multiple enterprise owned companies to host emerging leaders. Interns, including daimler trucks, north America with placements in their headquarter facility in Portland. They have been a great partner to us, so definitely thank them. Another thing to note, 100% of our interns in the program come from communities of color we've received. In addition to thinking about the internship program we've received, md enterprise zone community funds to launch sign, which I shared about this money was critical as we looked to create new resources for recent college graduates to walk with them as they concluded their time in college. The zone program and its innovations to create public private partnerships through programs such as emerging leaders and sign as a targeted way to meet the goals of advance Portland in creating a diverse workforce. We encourage each of your offices to hire an intern in 2024 and invite your business partners to do the same. We're grateful for your support of the zone program. Emerging leaders and sign this investment that has been made through these funds have empowered us to really imagine what's next for our work. Thank you for your time.

**Speaker:** Thank you, nick. All right, colleagues. Well, that concludes our presentation. And so the floor is open for any discussion about any of our guests.

**Speaker:** May I offer, sir, um, I'm going to be strongly supportive of all of this. It's essential that we communicate clearly to the country, to the city that city of Portland is open for business. These are crucial steps to intervene in, in deterring perception of business climate in the city of Portland. So very, very much looking forward to the jobs that are going to be created by these efforts. And I'm not going

to be able to stick around to vote. But but thank you so much for the time and thank you for your good work. You guys stepped up quickly to bring this forward and it's very, very much appreciated.

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

**Speaker:** Any other comments before we move into public testimony? Testimony okay.

**Speaker:** I was going to say we can start voting no.

**Speaker:** Yeah, we got jay.

**Speaker:** Well, maybe a swing back. Okay.

**Speaker:** Sounds good. All right. We have one person signed up, jay clark.

**Speaker:** Hello? Yeah, hi.

**Speaker:** My name is jay clark, and for the record, I'm the director of government affairs for the Portland metro chamber. I am here today to express our strong support for the proposed resolutions to amend the east Portland and Portland enterprise zones and the authorization of the employment increase waiver for daimler. One of our city's most important employers. The proposed boundary change request to the Portland enterprise zone specifically to include the lots in the northwest industrial zone in the downtown southwest core are critical steps to accelerating the recovery of Portland's central city and promote greater equality and resiliency in our overall economic growth. The data has demonstrated that the impact of the current Portland zones has resulted in the creation of over 3600 jobs and a very impressive 1.8 billion in capital investments since 2015. These statistics. Underscore the value of the zone program and fostering job growth, driving investments and propelling overall economic advancement. We want to thank commissioner Rubio, mayor Wheeler and the entire council for advancing this critical policy to accelerate our recovery for the central city. This policy action

combined with the forthcoming business license tax holiday for central city leases and the future central city tiff district make up one of the most aggressive economic growth packages that any council in the nation has taken for their downtown core. We are confident that it will pay dividends and you have our commitment that we will put these policies into practice as an essential part of our efforts to ensure that downtown Portland thrives for future generations. Lastly, we urge you to pass the employment increase waiver for daimler and actions in support of our major city employers. Players are exactly what we need to do right now to ensure that they expand their operations here, employ more people and generate future tax revenues for our critical public services. Daimler is on the cutting edge of developing the next generation of clean freight mobility and fostering their future. Growth in Portland is consistent with our organization and the council as shared vision of Portland and being a national and global leader in developing the clean industry for the future. Thank you for your time.

**Speaker:** Thank you.

**Speaker:** That completes testimony.

**Speaker:** Okay, great. So any further council discussion before we take the vote, I have a quick question, if I may.

**Speaker:** Number one, I want to thank everyone staff for their testimony today. I want to thank everyone who showed up, all the members of the public and the business community who testified. I'm excited about the work you're doing and I'm very supportive of the set of resolutions before us today. I am trying to get a clearer sense of the trade offs associated with this program and I think you have a slide. I forget the title of the slide. Maybe it's literally the cost benefit slide. Can we pull that back up. Thank you. Is that slide. 13.

**Speaker:** Probably the next few.

**Speaker:** There you go. Going back.

**Speaker:** Yeah, we just passed it a second ago. I saw it.

**Speaker:** A couple more forward.

**Speaker:** There you go. There you go. So. I I'm trying to I think the slide might actually answer my questions. One of the things I'm just trying to be clear on is the cost of the general fund for this program. And so we anticipate, yeah, maybe put that in words for me in general. And I recognize there's probably lots of ambiguity, variation that can happen in this, but just for those of us who are, we're literally about to head into another budgeting process. Um, you know, this is an important stimulus package. Glad to support it with also like to have at least some intuition about how much it's going to cost the general fund and an annual basis.

**Speaker:** It's a great question, commissioner, because I think we want to make sure that we're maximizing the value to the city. Yeah, so the good news is that the tax incentive itself, which is just on the potential improvements, this is for daimler specifically over five years, we're talking about approximately 2.4 million on the improvements. So they continue to pay taxes on on their other properties. Right. Got it. What's the good news is that that waiver is happens for five years. We estimate that after an additional five years that waiver will be covered and then anything on top of that after is upside. Okay. Right. So if by by year 11, we're already getting an increase back to the taxing jurisdiction, i'll add the risk is that without the potential waiver, we run the risk of not having the investment at all. Right. Right so I think it's we take that seriously as well. And as andy said, we haven't we haven't taken a waiver like this to council since 2005. So we weigh the options. But I think we're confident and we like the numbers and seeing that the impact just after ten years is already is already growing. The city general fund.

**Speaker:** Okay. Thank you very much. That is what I was seeking some clarity on and I think that's my only question I have today. Great all right, great presentation.

**Speaker:** And I really appreciate the meeting we had last week to prepare for this. I actually wanted to see if matt, would you be there? Still there. Hey, there you are. Hey thanks for being in this meeting. Virtually I appreciate it. And I hope to do a site visit to your facility down on swan island. I think about you a lot. Maybe because I live above you in north Portland and so I meander down to swan island now and then and I realize it's been a rough ho the last few years in the area. And we've been working our tails off to try to improve it. I just want to hear from you a little bit more about what you think we need to keep doing to have a good partnership. The fact that daimler's been here a long time, that we can be partners as you electrify your fleet is really exciting and we want to do everything we can. So you you're a busy guy and you're at a City Council meeting, so I feel like you could say a little bit more to us about what you see in this partnership going forward. I'm trying to get you off script a little bit, matt well, thank you, commissioner Ryan and I invite you and all of you to come down and visit us at any time we're very happy to host you.

**Speaker:** I think, you know, when we have folks in in government or industry or wherever they may be and they come and see what's behind these fairly anonymous looking buildings, you know, it's pretty exciting the things that we're doing there, and especially with the zero emissions vehicles, um, you know, I think the thing that comes to mind, I guess, um, you know, when we talk about this particular investment, we're even daimler trucks north America, we've really got a footprint all over the us and really most of our drivetrains come out of detroit, um, with the electric motors. You know, that's just a new business for everybody. So we're kind of starting from ground zero. And if we look at this particular facility that's needed for some very specific things, um, I mentioned that we do need the

public partnership because really that's available in recognized around the us, you know, and we build various different things and we simply don't do things without incentives anymore because there's just simply so much available. And it does a couple of things that, you know, it helps with our investment that again, doesn't pay back for probably at least a decade. But the second thing, it helps us understand, you know, our value within the community. And we've got some communities where you know, they roll out the red carpet and it's just no problem getting anything done. And we always understand our value. And then we've got other community years where we've done business historically, where it's much more difficult, you know, where it's difficult to do any development, you know, because you know, just for whatever regular stations are just it's just appears to be difficult. So that's that's why it's important and that's why we look in the future to really be more partners with the public sector for all of those reasons. So um, yeah, we would love to host anyone at any time. Um, you know, in this particular investment, you know, it's for advanced development, but it's not the only one. So we've kind of changed and morphed over the years. I've been with the company almost 30 years and I saw, you know, some investment in the carolinas and that ended up being a lot of manufacturing investment, you know, in that kind of grew for a little while. And then we built the headquarters here about eight years ago. And that kind of put an emphasis on Portland and that has has thrived since then. Um and again, we're just kind of at this really critical turning point of the company where the old business is going to go away and we don't want to be like one of these companies, you know, think of ibm, you know, who was huge, and then all of a sudden they just didn't catch the next wave or whatever. Um, we know what we're doing. We're we're the market leader. We're going to be the market leader in this new business. So uh, again, we want the public partnership, you touched on kind of the challenges



that we've had, um, in i'll tell you, it's, it's almost as critical as, as, you know, a financial investment in partnership. But um, the, the transient camp issue that we've had on swan island. And i'll tell you, we hire people from all over the country and really all over the world and, and at high level positions, and there's just not very many of them, especially in the technical sector. So we'll advertise positions. People love us. They want to work for us and they fly into Portland and they come to our headquarters and leaving the airport corridor, they see, um, you know, all kinds of illicit activity and then coming down onto the island the same thing. And, you know, by the time they land at our headquarters, um, we've got an uphill battle. Yeah. So I think you know, equally important is, is solving this transient camping issue that we've had for years and we see some good progress on now. But you know, that's something that we think about. That's something that affects us every day with with crime and some violence. You know, right at our headquarters. Um, pretty regularly. So that's, that's kind of the other point that that will continue to ask for support on.

**Speaker:** Now I appreciate I appreciate everything you said and I thought it was important to have that type of transparency in the dialog today. I also want to just reflect on and so we're in and we're doing lots of work to move forward in that regard. And we all know that the drug, poisonous drugs actually epidemic that's taking place across the country. But especially grim here in Portland is got to be our number one priority. And we keep taking action on the City Council and we keep working with our partners to help them come along, join us in this effort at the county, at metro, at the state. And so we can't keep doing this alone. So it's really helpful to see how this is all connected. I wanted to also comment on looking at the slides. God, I'm old, so I was in college in the early 80s last time. Population decline and for those of you younger than me, which is everyone I can see almost in this

room, that was when the timber industry was going through its big downturn, if you will, and it was it was it was rough in Oregon at that time. Almost everybody here was that didn't have connections to big money in the in the state had to move to go find a job at and we got through it we got through it through technology we got through becoming the sports apparel epicenter of the universe. And I really think we have an opportunity to have another, like you said, that you have to make sure that you're not insignificant in the future. And so you have to do your infrastructure upgrade because infrastructure of the past is the infrastructure we need going forward. And you're leaning into that. And Portland in the state of Oregon has to lean into that as well. And we keep saying that we want to be that for the green economy. And so this is an opportunity for us to go hard on that, to be really strong partners with you. It's a smaller company, but it's having a local trucking company, titan, already be out there ahead of most with electrification of their fleet. It's really like that's the type of ecosystem we want to build. So I just want you to know that I think I speak for everyone up here is and we just have to lean in hard with you right now to help build that infrastructure here in Portland. So this can be the r&d center, the innovation center for your company, moving towards electrification. So you can be, of course, relevant going forward in decades to come. And Portland would love to be a part of that relationship. So thank you so much for being here.

**Speaker:** Thank you. And if I could just say a couple more things. Um, you know, this is the future. We have a 40% market share now. I think the daimler name has really recognized as the leader in the industry. We know how to do that. We intend to do that. So not only will we develop our product, but we just really will be the at the forefront of that. So there will be very important work done here. As I listened to discussions about fOregon taxes on some of these programs, we touched on this. But you know, without doubt, you know, some of these incentives really by

definition, they're investments simply wouldn't have happened. So it's not like I don't think you can say we forwent all of these taxes necessarily because they simply wouldn't the investment wouldn't have been made in the taxes, wouldn't have been had, you know, and finally, for the for the waiver for the job creation, we really look at it as as job retention because we've got a thousand engineers here and we've got almost a thousand, you know, elsewhere in the country. So you know, our resources will just simply or our human resources will simply migrate to wherever the physical resources are. So you know, there's a really important, you know, component there that, you know, where we develop these facilities. If they're here, you know, the job creation might not happen instantly. But the job retention certainly will happen pretty quickly. And president Rubio also wanted to acknowledge that it was great to have nick.

**Speaker:** I thought that was a very elegant pairing. We all know that it's all about economic mobility for communities of color and communities that have been left out of prosperity in the past. And so it's wonderful to have them both present together. And the more we hear about relationships specifically with the matchmaking that goes on between companies like daimler, with contingent, that's exactly the type of ecosystem that we built. That's how you and I know each other well. All hands raise was all about economic mobility. It all starts from the 0 to 24 and you prepare people so that they have the tools they need to be mobile in the economy. And so thank you, nick, for being here. I really appreciate your organization and the leadership that you're taking in the marketplace and connecting the dots between the nonprofit sector, the government sector and business. It's got to be an all in effort with all sectors, not one sector can do it alone. So this has been a wonderful presentation. Thank you.

**Speaker:** Thank you. Any other comments before we take a vote? All right. If there's no more discussion, Keelan would you please call the roll on the first resolution? So item seven, whoops.

**Speaker:** Item 733 maps.

**Speaker:** Let me start out today by thanking commissioner Rubio and the mayor for bringing these items forward. I'll deliver some comments now and I'll deliver some comments on the first item and then probably keep my comments for the last two short. But I enthusiastically support all three items. I also want to thank staff for being both very creative and leaning leaning in and moving quick to help bring these economic opportunities to our city. I'm going to support these because, you know, I think it's important that we support economic development downtown. And this is an important step in that direction. I also think it's important for the city to lean into our future economies. So it only makes sense that we should support things like e-commerce. I also want to say I very much appreciate, uh, daimler chrysler being here today. I'm very much support any efforts that we can to help them grow their business here. There was a story I wanted to share here with you, which also explains my vote on the daimler chrysler piece. Now now, a couple of weeks ago, commissioner Rubio and I and public leaders from across the state had the great opportunity to meet over at keith wilson's shop. Keith, of course, owns a trucking company. We were all there, gathered to kind of celebrate what keith receiving his first electric freight truck, um, which was a true innovation. And of course, it's a freight truck built and designed by daimler-chrysler. I also had the good fortune of, of attending that event with my 15 year old and for me, it was quite powerful to actually see my 15 year old, a young man who literally is too young to drive standing next to the first electric freight truck in Oregon, an and to realize that that is kind of the future that he gets to inherit at. One of the reasons

why he gets to inherit that that future is because of the good work done by our colleagues on the other side of the table and the colleagues on this side of the table. And our good friends and partners who are joining us online today. I'm very proud of the work that we're doing. We're truly building a better Portland and a better Oregon. It's an honor to serve with you. I vote. I Ryan.

**Speaker:** I think president Rubio, we kind of just doing remarks for all of them in one in the first one. Okay great. I just want to make sure I was playing well with others here. Yes I must add, the titan is owned by my classmate from roosevelt high school, keith wilson. And that's why I mentioned that earlier to our friend matt. Um, it's about that ecosystem that we're building. We don't really get an opportunity to have three, three items come to us that are so paired, so well, and also such a no brainer in terms of how we need to just go and move these forward. So thank you, prosper Portland for your work. Thank you, commissioner Rubio, for your leadership in guiding this embracing zones. Let's do this. Obviously it's so important that we do everything we can at this time to create family wage jobs. And I think really just to retain the spirit we it's not comfortable when Portland loses population. It's really uncomfortable and I think a lot of a lot of us i'll just say I felt like we were resting on our laurels for a couple of decades. I'm really have a lot of respect for what happened in the 70s and 80s when things were rough, and that's when Portland was bold and made some really strong economic decisions as we thought out of the box. And we suddenly people started noticing us. No one knew where Portland was before then except the blazers won a championship in 1977. Other than that, no one knew what anything about Portland. I know I lived on the east coast at the time because again, I couldn't get a job here and so now's the time we have to start thinking like that again because we had a couple of decades where we rested on the laurels from that bold action that took place in those decades. We

had the you know, we had the lovely gold, the 90s were pretty wonderful. Let's face it. That was an easy time to be a Portlander. And since then, we've gradually been having some challenges. And all of this is kind of coming to roost over the last five years or ten years for many of us have noticed. And I think matt mentioned that with some of the conditions down in sweat island. So keeping that keeping a partner like daimler, making sure that we continue to walk our talk to invest in green economy, we having enterprise zones. And so it might be a short term hit but it's not going to it's going to be long term gain. And we have to keep taking those making those kind of bold decisions. So I want to see more of this. More importantly, I want to see what happens with it. So how is the implementation going and when we visit with people like matt, we want to hear those stories like two years later. How is this going? I'm going to be an optimist and know that we're going to stick together here as partners. And then what will it be like two years from now? And we have that dialog. How are we building together? So here's in partnership with everyone that's in this room that represents different sectors. Here's to making sure that we all stick together and know that Portland is best days are are going to going to come and that we continue to also stay focused on those core issues that are just taking out the soul of the city. And nothing is more indicative of that than the poisonous drug crisis. On our streets, the humanitarian crisis on our streets. We've got to keep focusing on that so that people will want to invest here. So they can raise families here. You know, at one time it was the mountain that made people want to move here. Then it was our best schools in the nation. And I would like to say the mountain is still there. That's good. I think our schools have been improving over time, over the last 20 years. And now it's time for all of us to have on our streets and our sidewalks and our parks joyful and safe for

the families to participate in. And with that, we will continue to be the city we want to live in. I vote i.

**Speaker:** Rubio so I too, will add to my colleagues appreciation and hope that we see in this this this presentation today.

**Speaker:** These resolutions are widely supported by the community and the business community as well, all because we all want our families and all Portlanders to know that we're doing all that we can in the city to retain our quality of life, but also retain businesses and jobs and especially businesses that want to stay in Portland and keep their jobs here as well. But retaining jobs is requires us to compete with the rest of the nation right now and other states who may offer other kinds of incentives as unique to their area. So what they don't have is our special Portland spirit and our grit, but a challenging economic and livability landscape is a real thing right now. So especially for these businesses who are struggling to make it work and who want to stay here and keep their investments going here. So we do need every single tool that we can in use right now to make it the decision very easy to be here and to feel supported here and remain here and also bring new partners here as well. So I believe these resolutions are signaling that Portland is open for business and that employers who share our values around sustainability and community and creativity be are welcome here and that we invite you to be here. And that's part of our value proposition. So I want to thank matt and nick for their comments today and for sharing their experience about what it means to be in Portland. I also just want to really again underscore my appreciation in for investing here for thank you for being here and for standing with Portland. And we appreciate you and we appreciate your business and organization. And we need you in this next set of years as we continue to rebuild and build even better. Finally, I just want to thank you, shea and andy and the prosper Portland team for all your

work to make these programs success. All they're innovative and incredibly creative. You use all sorts of ideas and all sorts of tools, sometimes not even knowing things I cannot even imagine how someone would have come up with some of the things that I hear from your team. So it's just really it's always exciting to hear about what you're doing and what you have in the queue. And I just want to lift you up for that. And we're really, really lucky to have you here in our city. We're continuing to move in the right direction and I look forward to seeing how this particular tool helps our businesses in Portland. So thank you again for your work and for these reasons, I'm happy to vote. I so resolution passes and now we'll move on to the next two resolutions. Okay yeah.

**Speaker:** Item 734 maps is a Ryan a Rubio high item 735 maps a Ryan high, Rubio a so the three resolutions passes.

**Speaker:** Thank you, everyone, and congratulations. And I think that's our only item for today. So we are adjourned. And thanks everyone.