



February 14, 2024 Council Agenda

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1900 SW Fourth Avenue, Room 2500, Portland, OR 97201

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Questions may be directed to councilclerk@portlandoregon.gov

Wednesday, February 14, 2024 9:30 am

Session Status: Recessed

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Mayor Wheeler presided.

Commissioner Ryan arrived at 10:22 a.m.

Officers in attendance: Maja Haium, Senior Deputy City Attorney; Rebecca Dobert, Acting Council Clerk

Item 137 was pulled from the Consent Agenda and on a Y-4 (Ryan absent) roll call the balance of the Consent Agenda was adopted.

Council recessed at 12:25 p.m.

Communications

131

[Request of Joe Stenger to address Council regarding the need for a transportation system that addresses climate goals, cyclists, and pedestrians](#) (Communication)

Document number: 131-2024

Disposition: Placed on File

132

[Request of Portland Advocates for Leadfree Drinking Water to address Council regarding Portland Water Bureau and public health](#) (Communication)

Document number: 132-2024

Disposition: Placed on File

133

[Request of Ethan Frager to address Council regarding a proposal to install calisthenics equipment in parks](#)

(Communication)

Document number: 133-2024

Disposition: Placed on File

134

[Request of Robert Butler to address Council regarding Bull Run water treatment](#) (Communication)

Document number: 134-2024

Disposition: Placed on File

135

[Request of Ken Han to address Council regarding Bull Run water treatment](#) (Communication)

Document number: 135-2024

Disposition: Placed on File

Time Certain

136

[Proclaim January 15, 2024 to be Shriners Children's Centennial Day](#) (Proclamation)

Document number: 136-2024

Introduced by: Mayor Ted Wheeler

Time certain: 9:45 am

Time requested: 20 minutes

Disposition: Placed on File

Consent Agenda

137

[Authorize Director of the Bureau of Human Resources to offer Employment Agreements to Interim Deputy City Administrators](#) (Ordinance)

Document number: 191635

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Human Resources

Disposition: Passed to second reading as amended

Agenda item 137 was pulled from the Consent Agenda for discussion.

Motion to remove the emergency clause: Moved by Wheeler and seconded by Gonzalez. (Y-5)

Passed to second reading as amended February 21, 2024 at 9:30 a.m.

138

[*Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Pettygrove Apartments located at 2256 NW Pettygrove St](#) (Emergency Ordinance)

Document number: 191618

Introduced by: Commissioner Carmen Rubio

Bureau: Housing Bureau

Disposition: Passed

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

139

[*Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Solterra Sandy Pine located at 980 SE Pine St](#) (Emergency Ordinance)

Document number: 191619

Introduced by: Commissioner Carmen Rubio

Bureau: Housing Bureau

Disposition: Passed

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

140

[*Accept grant from Oregon Department of Emergency Management, Emergency Management Performance Grant Program to administer an integrated all-hazard emergency management program for \\$208,185](#) (Emergency Ordinance)

Document number: 191620

Introduced by: Commissioner Rene Gonzalez

Bureau: Emergency Management

Disposition: Passed

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

Regular Agenda

141

[*Authorize Settlement Agreement with Portland Fire Fighters' Association, International Association of Fire Fighters Local 43 and Robert Bedgood to settle a grievance and employment lawsuit involving Portland Fire & Rescue for \\$220,450](#) (Emergency Ordinance)

Document number: 191621

Introduced by: Mayor Ted Wheeler

Bureau: City Attorney

Time requested: 15 minutes

Disposition: Passed

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

142

[Accept bid of \\$4,539,846 from Moore Excavation, Inc. for the Springwater Wetlands Enhancement Project \(Procurement Report - ITB 00002188\)](#) (Report)

Document number: 142-2024

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 Carmen Rubio Yea
Commissioner Dan Ryan Absent
Commissioner Rene Gonzalez Yea
Commissioner Mingus Mapps Yea
Mayor Ted Wheeler Yea

143

[Accept bid of Brown Contracting, Inc. for the SW 4th Ave Improvement Project for \\$15,935,568 \(Procurement Report - ITB 00002199\)](#) (Report)

Document number: 143-2024

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 Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

144

[Initiate foreclosure action at 3316 SE 131st Ave for the collection of delinquent City Liens placed against the property](#) (Ordinance)

Document number: 191622

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue Division

Second reading agenda item 118.

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

145

[Initiate foreclosure action at 12914 NE Halsey St for the collection of delinquent City Liens placed against the property](#) (Ordinance)

Document number: 191623

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue Division

Second reading agenda item 119.

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

146

[Initiate foreclosure action at 1300 N River St for the collection of delinquent City Liens placed against the property](#)

(Ordinance)

Document number: 191624

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue Division

Second reading agenda item 120.

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

147

[Initiate foreclosure action at 5923 N Detroit Ave for the collection of delinquent City Liens placed against the property](#) (Ordinance)

Document number: 191625

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue Division

Second reading agenda item 122.

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

148

[Initiate foreclosure action at 6214 N Kerby Ave for the collection of delinquent City Liens placed against the property](#)

(Ordinance)

Document number: 191626

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue Division

Second reading agenda item 123.

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

149

[Initiate foreclosure action at 3735 SE Martins St for the collection of delinquent City Liens placed against the property](#)

(Ordinance)

Document number: 191627

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance; Revenue Division

Second reading agenda item 125.

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

150

[*Amend Graffiti Nuisance Property Code to allow enforcement through the Code Hearings Office as set out in Code Title 22 \(amend Code Section 14B.80.040\)](#) (Emergency Ordinance)

Document number: 191628

Introduced by: Commissioner Carmen Rubio

Bureau: Planning and Sustainability (BPS)

Time requested: 15 minutes

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

151

[*Accept a grant in the amount of \\$387,068 from Oregon Department of Transportation, authorize Intergovernmental Agreement for a paved pathway and crossing improvements between NE 106th Ave and NE San Rafael St](#)

(Emergency Ordinance)

Document number: 191629

Introduced by: Commissioner Mingus Mapps

Bureau: Transportation

Time requested: 10 minutes

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

152

[*Accept a grant in the amount of \\$2,400,000 from the Oregon Department of Transportation, authorize Intergovernmental Agreement for NW Naito Pkwy Rail Crossing and appropriate \\$50,000 in FY 2023-24 budget](#)

(Emergency Ordinance)

Document number: 191630

Introduced by: Commissioner Mingus Mapps

Bureau: Transportation

Time requested: 10 minutes

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

153

[*Authorize competitive solicitation and contract for Fixed Camera Traffic Enforcement System and related services](#)

(Emergency Ordinance)

Document number: 191631

Introduced by: Commissioner Mingus Mapps

Bureau: Transportation

Time requested: 10 minutes

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

154

[Authorize contract with Prologis LP to fund 30 years of anticipated power and maintenance costs for a new traffic signal at N Schmeer Rd and N Whitaker Rd for \\$150,000](#) (Ordinance)

Document number: 191632

Introduced by: Commissioner Mingus Mapps

Bureau: Transportation

Second reading agenda item 129.

Disposition: Passed

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

155

[Authorize contract with Prologis LP to fund 30 years of anticipated power and maintenance costs for a new traffic signal at N Schmeer Rd and NE Vancouver Way / N Vancouver Ave for \\$150,000](#) (Ordinance)

Document number: 191633

Introduced by: Commissioner Mingus Mapps

Bureau: Transportation

Second reading agenda item 130.

Disposition: Passed

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

156

[Authorize a Contract-Specific Special Procurement with SERVUS for the Smart Discount Program not to exceed \\$350,000](#) (Ordinance)

Document number: 191634

Introduced by: Commissioner Mingus Mapps

Bureau: Water

Second reading agenda item 113.

Disposition: Passed

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

Wednesday, February 14, 2024 2:00 pm

Session Status: Adjourned

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

Mayor Wheeler presided.

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

Council recessed at 2:05 p.m. and reconvened at 2:15 p.m.

Council adjourned at 3:59 p.m.

Time Certain

157

[Accept Portland Enhanced Services District Program Assessment and Recommendations report](#)

(Report)

Document number: 157-2024

Introduced by: Mayor Ted Wheeler

Bureau: Management and Finance

Time certain: 2:00 pm

Time requested: 90 minutes

Disposition: Accepted

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

Votes: Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

Thursday, February 15, 2024 2:00 pm

Session Status: No session scheduled

Portland City Council Meeting Speaker List
February 14, 2024 - 9:30 a.m.

Name	Title	Agenda Item
Ted Wheeler	Mayor	
Rebecca Dobert	Acting Council Clerk	
Carmen Rubio	Commissioner	
Rene Gonzalez	Commissioner	
Mingus Mapps	Commissioner	
Maja Haium	Senior Deputy City Attorney	
Joe Stenger		131
Portland Advocates for Leadfree Drinking Water		132
Ethan Frager		133
Robert Butler		134
Dereesa Reid	Hospital Administrator	136
Lisa Rogers	Deputy CA	141
Biko Taylor	Chief Procurement Officer	142, 143
Dan Ryan	Commissioner	
Eben Polk	Solid Waste Director	150
Matt Olguin	Graffiti Abatement Program Manager	150
Tony Garcia	City Attorney	150
Jared Essig		150
Abra McNair	Project Manager, PBOT	151
Gabe Graff	Capital Project Manager, PBOT	152
	Active Transportation and Safety	
Dana Dickman	Coordinator, PBOT	153
Tracy Warren	Acting Human Resources Director	137
Christina Fadenrecht	Senior Policy and Program Analyst	137
Bob Weinstein		137
Rachel Clark		137

Portland City Council Meeting Speaker List
February 14, 2024 - 2:00 p.m.

Name	Title	Agenda Item
Ted Wheeler	Mayor	
Keelan McClymont	Council Clerk	
Carmen Rubio	Commissioner	
Dan Ryan	Commissioner	
Rene Gonzalez	Commissioner	
Mingus Mapps	Commissioner	
Naomi Sheffield	Senior Deputy City Attorney	
	External Partnerships and Programs	
Karl Lisle	Manager - City of Portland	157
Brian Scott	Managing Partner - BDS Planning	157
Andres Mantilla	Partner - BDS Planning	157
Jessi Presley-Grusin		157
Hyung Nam		157
Anita Davidson		157
Mark Wells		157
Steve Wytcherley		157
Kaitlyn		157
Dan Handelman Portland Copwatch		157

Portland City Council Meeting Closed Caption File

February 14, 2024 – 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: February 14th. Valentine's. Day 2024. Morning session of the Portland City Council. Keelan. Good morning. Please call the roll.

Speaker: Good morning. Yea. Rubio here. Ryan gonzales here. Matt here. Wheeler here.

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

Speaker: Welcome to the Portland City Council. Call to testify before council in person or virtually. You must sign up in advance on the council agenda at [Portland.gov. Backslash council backslash agenda](https://portland.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. 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. Me 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, council 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 are a lobbyist. If you are representing an organization, please identify it. For testifiers joining virtually, please unmute yourself. Once the council clerk calls your name. Thank you very good.

Speaker: Thank you. And before we get into today's session, uh, colleagues, as you know, we've been having problems with the lights here in our temporary chamber. Uh, for first and foremost, I want to give a shout out to adam from bts for, I think for the better part of three hours yesterday, holding the button on the on switch. And, uh, he shouldn't have to do it. That was definitely beyond the call of duty. Adam, we really appreciate you. Uh, the good news also is, uh, it's my understanding, I think, megan, that by this afternoon session, they'll have a different setup in here. Is that right?

Speaker: I don't know if it'll. They fixed all the issues, though. They think they have.

Speaker: They think they have. Okay. Well we'll they've been tested at 7 a.m. Oh, perfect. Good. Okay. So it may already be fixed. That's really good news. Any rate, I just wanted to thank you, adam, for on behalf of all of us. Uh first up, communications. First individual, please. Item number one three, one request of joe stenger to address council regarding the need for a transportation system that addresses climate goals.

Speaker: Cycling and pedestrians. Welcome good morning, mayor Wheeler, and members of the City Council.

Speaker: Uh, my name is joe stenger. I'm a retired family doctor, and I'm co-chair of the transportation committee for mcat mobilizing climate action together. One of my sons that does not own a car and uses a bike for transportation often when I worked at legacy emanuel, I commuted commuted by bike, rain or shine. I had the benefit of riding on bike routes, and I had some close calls, such as a common

problem of a car making a right turn just in front of me, even if, as if I wasn't there. But I survived that decade long commute. Many others weren't so fortunate. I continue to primarily bike and have appreciated improvements such as the bikeway along naito parkway. I have had to navigate bike lanes full of parked cars, trash, trash cans, branches, and gravel. I was president in November for the absurdity of removing the newly installed bike lanes on northeast 33rd avenue in holman. I've been reprimanded by my family for biking on dangerous northeast marine drive, a road with a narrow, unprotected bike lane next to speeding semis, and I participated in November's local March on the world day of remembrance for road traffic victims, 65 traffic deaths in Portland in 2023, the highest in 30 years. Not quite as many as the 74 homicides last year, but which one gets all the media attention? The billboards I was unable to find a public statement from this council about this devastating statistic. Kudos to you for the fix our streets program that funds projects like safe routes to school. We need renewal of the gas tax to continue these crucial efforts at a time of worsening deficits for pbot, and kudos for the evolving plan to rework 82nd avenue to enhance its livability. And for the grant, you'll be discussing today regarding northeast 106th avenue. We know what works to reduce street deaths and injuries so they implement the us dot safe system approach, analyze each significant crash, and take actions to avoid recurrences. Narrower streets, stronger and wider dividers between bike lanes and cars. Raised cross crosswalks make vision zero reality throughout our city. Be creative about funding for this through pbot. Uh ty registration and parking fees to the size and weight of motor vehicles. Since bigger cars are much more likely to kill and work with us, dot and nhtsa to reduce the number of oversize vehicles from the city's website, it appears there are 22 traffic safety cameras in operation. Now. Uh, get many more of those operating in the high crash corridors. Eliminate barriers to

automatic enforcement while actively preventing this being a tool that targets people with color to implement higher penalties, such as license removal, promote safe, rapid, frequent, and low cost transit. These changes will move us to a brighter future where we have shifted from being dependent on cars to one where the norm is for people to get where they need to go by foot, by two wheels, by transit, and to do so safely. Thank you for listening and taking action.

Speaker: Thanks, joe and I know commissioner Mapps has a comment.

Speaker: Uh, joe, I want to just thank you. Here. We seem to have an echo in the room. I might just pause for a second to let us sort this out. Are we good? Great. Sorry about that, joe. Uh hi. Uh, mingus, I'm one of your commissioners in charge of transportation here in Portland. I just want to thank you for your testimony today. Um, I agree with everything you said, and I actually think we have some particularly good news along many of these fronts. Uh, I really appreciate your call out for fixing our streets. That will be on the may ballot. Uh, for Portlanders to decide. I want to take a moment to encourage, um, every Portlander to look into this, um, this particular program allows us to do the bread and butter maintenance, um, including maintaining and improving our bike infrastructure. That helps keep people safe. Uh, really glad to hear you, uh, be, um, enthusiastic about the work that's done on 82nd. I'll tell you, I missed a work session here in council because the transportation secretary was, uh, in town to actually talk about a bridge, but that is not the first time the transportation secretary has been in town. Uh I think the last time I was, uh, I spent time with secretary pete was, uh, taking a bus tour of 82nd avenue. Uh, we have amazing partners, including the federal government, deeply committed to fundamentally transforming that streets. Um, the other thing I want to highlight is you called for more traffic, uh, safety cameras. And one of the good news, uh, stories that will come out of today's council session is an ordinance I'm

bringing that will do exactly that. We're going to, um, ask council to approve a proposal that will boost pbot ability to bring on more traffic cameras and our into our system. So a lot of important work, uh, still left to be done. Uh, one of the ways we get it done is through advocates like you. So, joe, thanks for being here today. Uh, we really appreciate hearing your voice. Thank you, mr. Mayor. Hand it back.

Speaker: Thank you. Thank you, joe, thank you so much. Next individual, please. Item 132. Request of Portland advocates for lead free drinking water to address council regarding regarding Portland water bureau and public health. Good morning. Good morning.

Speaker: Good morning. On behalf of Portland advocates for lead free drinking water communities across the country received hopeful news last December on lead and drinking water. I asked for public outreach by the water director, uh, who's pervasive problem isn't even half fixed to share this. Uh, but she declined. And so here we are, two years ago, the environmental protection agency gave a heads up to water agencies nationwide that epa will be strengthening the safe drinking water act, specifically the lead and copper rule. And here's why. First, it's outdated. It had become clear to epa that the public was not being protected from lead in drinking water. After numerous crises occurred in Washington, dc in 2001, flint in 2014, newark, new jersey in 2018, and Portland, Oregon since 1997. Even when there are supposedly no lead service lines, water that is inadequately treated for corrosion can cause serious lead contamination as it has in Portland and where it's an ongoing problem. In response to overwhelming public support for strong lead and drinking water safeguards, several environmental, public health, and community advocacy organizations released our statements detailing what this broad support means for epa as they finalize updates to the lead and copper rule, known as the lcri. This regulation is a welcome step forward for public health, but only if water

providers follow the letter and the spirit of the law. Lead is a cumulative toxin at even low levels. There's no reason it should be in our drinking water and lead impacts. Developing brains. And since it's valentine's day, i'll add that chronic exposure to this potent neuro toxin is also a major risk for cardiovascular disease. Epa is very close to achieving a strong lcri as they work to close regulatory loopholes, set five parts per billion as the maximum, uh, contaminant level and prohibit misleading public messaging. We know this is feasible, uh, especially on the western in the western region of the united states, because Seattle water and other pacific northwest region providers achieve that years ago, except Portland epa has long awaited proposal to get the lead out of tap water is a bright spot for us because we've been ignored, censured, intimidated, and even discredited to get us to go away on the eve of epa's strength in lebanon, copper rule, and with three of you vying to be mayor, this November, we're also here to urge you as soon as possible, one to ask water bureau director sohmer to highlight epa's health centered lcri with her customers and to ask that she, water quality manager yona akagi and lead treatment engineer kimberly gupta. Post a concise but brief summary of their 12 page commentary to epa. Please ask them to not bury it on the website. They're comments are a rare glimpse into bureau's thinking and decision making about our drinking water. Um, if you'd like to see, I was going to post something that the water bureau has if you'd like to see it. I know I'm out of time. Would you like to see that Keelan has that ready to go? Anybody

Speaker: Why don't. Can you submit it for the record? And then we can all have the opportunity to see it?

Speaker: Well, this is for the public actually, it's, it's a, it's a very short clip. It's just a little short video clip. How short. Yeah I think it's a minute.

Speaker: Okay. Go ahead.

Speaker: It's very short okay. Keelan. Thank you. This is what we receive for public health, for public outreach. By the way. Keelan. Thank you.

Speaker: Service truck. Go south for a minute. Service truck. Service truck. Service truck. Service truck. Service truck. Service truck. Apparently. Service truck.

Speaker: All right. There's a minute. Service truck. Colleagues, colleagues, this is why, when people do stupid things like that, that we have council rules and I gave you the benefit of the doubt and you basically turned it into a joke.

Speaker: You mean the water bureau did? No.

Speaker: I think you did. So thank you for participating. Next individual, please. Item number 133, request of ethan frazier to address council regarding a proposal to install calisthenics equipment in parks water bureau, commercial.

Speaker: I don't know what that was.

Speaker: Who knows? Uh, but not not necessarily something that needed to be seen at council, Portland water bureau or someone else.

Speaker: Is that authentic?

Speaker: I we don't know. We don't know. But it would have been helpful to have some context before for and I stupidly allowed them to play the video. I don't know where that video is going, but it didn't look like it was going anywhere good. So I made a judgment call.

Speaker: She slandered the water bureau. She she should be held accountable for slander, but if that was produced by the water bureau, the water bureau needs to be held accountable for that.

Speaker: Fine. Well, I'm not disagreeing with that. Welcome. Thank you.

Speaker: Uh, good morning, City Council members. I came specifically to address mr. Dan Ryan, but I see he's not here today, so, uh, anyway, my name is ethan frazier. I'm a 20 year old student, and Portland native, and I'd like to address you

today about a proposal to install calisthenics equipment in our city parks. And let me start off with a little personal anecdote. Recently, I visited Santiago, Chile, and was thoroughly impressed with their infrastructure and public works. Besides the incredible transit humanity which I found myself using most was their public parks. Specifically the exercise equipment which could be found in almost all of them. This range from just a few pull up bars to areas which are almost like outdoor gyms. But what I found most interesting about these places was that each of them had gathered a local community of fitness enthusiasts who could be found there at all hours of the day. The old, the young, men, women, people of all social strata came to exercise in the park. Besides that example, I assume that Chilean people spent a lot of time living life in public spaces, which made the city feel quite lively and welcoming. And while I was there, I made a habit of spending some time in the park every day and ended up socializing with a lot of locals. But upon returning home, I felt the urge to continue my routine of working out at the park. But I was not able to find even a single pull up bar at any park in my area, which is Northeast Portland. Uh, of course, without the proper facilities, there cannot be any community like there is in Santiago and everyone in fitness here simply goes to a fluorescently lit indoor gym because that's the only option. And that is what brings me here to speak today, I'd like to propose that the parks department install some exercise equipment, such as pull up bars, parallel bars and the like in at least some of our parks, especially in economically disadvantaged areas where people might not have access to a gym. Doing so would help to improve public health, would provide a free public gathering place to engage in productive activity and would hopefully encourage people to engage more with other members of the community who they might not have otherwise met. As a quickly growing and increasingly dense city, Portland needs to consider small improvements like this, which, taken as a whole,

end up improving public life and ultimately bringing people together. Uh, and i, I know that this might not be the most pressing matter for the city of Portland, but I sincerely implore you to consider my proposal, and thank you very much for your time today.

Speaker: Thank you. Uh, don't don't run off just yet. Commissioner Mapps has a comment.

Speaker: Sure. Ethan. Um um, I agree with you. I've seen similar setups, um, in cities throughout America. Um, one thing which works really well, I think is to have this kind of equipment along running paths so you can, like, run a quarter mile, half a mile, do some sit ups, push ups, uh, pull ups, whatnot, uh, relatively affordable. I think it's a great idea. My advice I know commissioner Ryan, I think has another engagement, but we'll be here any minute. Um, in order to make sure that your message gets to him, I encourage you to submit written testimony to his office just so that he can hear. I have a hard time imagining that, uh, commissioner Ryan would not be deeply sympathetic. Uh, to your suggestion. Uh, thank you.

Speaker: Thank you so much.

Speaker: By the way, I thank you. Um I had a question. You mentioned santiago, chile, and I was just curious what it was you saw there that that it inspired you? I haven't had the opportunity to go there, but I'm just curious.

Speaker: Um, no, all it was was just that people really only used the parks. I find that here often. I'll go to the park or whatever. There's no one there. Um and you know, because there's maybe there's not a lot to do or it's kind of shabby or whatever, but there, you know, whenever I was walking around, uh, not that good at impromptu speaking, but there people would just come and be doing a bunch of exercise stuff all day, all hours of the day. Lots of people. And then I came home and I went to the park and I was like, yeah, I'm going to go continue doing that.

Maybe I missed it when I was here, but, uh, didn't find anything similar. And so, you know, I figured instead of grumbling about it myself, I'd come and speak to you guys about it.

Speaker: It's. No, it's a good grumble.

Speaker: I actually really like your idea of more exercise equipment and I agree with commissioner Mapps. I know I've seen it as associated with the running trails, but I don't know that it's actually a standard part. Now, our park system and it's you know, just I pull up bars and other things like that or easy to do. Yeah. Um, that'd be great. And so i'll make sure commissioner Ryan is aware. I'll help him. Oh, great. Terrific thanks. So, um. Uh, he'll be here in a minute, and he'll see this video and his staffers here right now, and she'll connect with you.

Speaker: Awesome. Thank you so much, mr. Suggestions.

Speaker: We're glad you're here. Thank you. Uh, next individual, please. Item 133. I think is it 131134134 request of robert butler to address council regarding bull run water treatment.

Speaker: Mr. Butler, welcome.

Speaker: Hi. Good to see you.

Speaker: Can I wait for dan Ryan?

Speaker: Uh, would do you want to wait a minute? If he's I think he's is he on his. I think he's only going to be ten minutes late.

Speaker: Well, he's already he's ten minutes late. I think we have two water items right here.

Speaker: Make sure that that that he sees it. Okay

Speaker: So start. Okay okay. I'm robert butler, Portland, Oregon resident. My comments are about the city. Second most serious mistake any City Council in Portland has ever made in our history. We it's a regarding the soon to be the most

expensive facilities project in Portland, known as the bull run river filtration sand filtration project. Well it's a runaway train to make Portland pay nearly \$2 billion in climbing. The last 12 months since last June to the prior June 12 months before projects overrun another. \$367 million. That's \$1 million a day. 100 days ago, it was a million dollars a day. So we're in the final preparation stages of this project, and it's a titanic nightmare. I noticed that the Portland water bureau came out with a comment on this project. It was seven. It was the questions most often asked regarding the sand filtration project and question number four, I believe it was why not use ultraviolet light treatment for cryptosporidium elimination from our water inside the head of sand filtration? That was by far the best question and the question that has the worst answer for and the answer is, well, the City Council met and had the most benefits. I'm sorry, I'm not quoting at and by the way, it's the best filtration method of water known is aggregate filtration or sand filtration. And that, that, uh. Uh, that's why so it begs the question. Well uh, how much better is it in terms of cost? And, uh, in its, uh, not not at all, actually, ultraviolet treatment is better killing crypto than sand filtration. That's a fact. And I trust you will research. That is a fact. Second of all, we already have about the best quality water in the world. Why would we ever filter it with sand when. We already have the quality? It's like sawing sawdust. So the point is, is it's time to abort this project. Take our losses, install all the state of the art ultra violet light treatments, which kills us for hesperidium crypto and move on to the ultraviolet approach to finish ahead of schedule and probably save over. Over \$1 billion. And I challenge you to say differently with facts and accounting and math. Mathematics. I challenge you, thank you, thank you.

Speaker: Next individual please item 135 request of ken hahn to address council regarding bull run water treatment. Ken online.

Speaker: Uh, he was expected in person. Ken hahn. I'll just make one brief comment on this.

Speaker: Um, robert, you are correct. That ultraviolet radiation is an excellent way to get rid of cryptosporidium, but that wasn't the only goal of this project. We're also concerned about, uh, other materials getting into the water supply. We could have gone much, uh, a far less expensive solution that just had the ultraviolet treatment. But we're also concerned about sediment and other types of issues that we've seen become bigger threats in the years since. We actually approved this. Uh, as you know, bull run is immediately adjacent to mount hood. Mount hood is basically a pile of ash. Uh, it is a landslide prone area. Uh, similarly, we learned just a few years ago after we'd approved the plant, that the bull run watershed is indeed at high risk of forest fires. And so I think that you're right in the short tum, we're all going to take a lot of criticism for having taken a more expensive route that covers more of our bases, but I'd rather do that and take the heat now than 20 or 30 or 40 years from now. I'll have one of these natural disaster does destroy our water supply and have everybody wonder where the hell was the Portland City Council when they had the opportunity to address and prepare for these inevitabilities? And so it's never popular spending the public tax dollars. I will freely acknowledge that I'd even go further. I'd say there's very little that we do in this council chamber that's popular. Uh we're spending people's money on things that may or may not happen. And that's just part of the job. But in this case, I've actually become more comfortable with the decision we've made, rather than less. And that's why I just think it solves a broader array of problems. But uh, I agree with your science on crypto spyridium. So thank thank you for your participation. So that completes public testimony. We'll go to the actually before we do the first time certain item have any items been pulled from the consent agenda?

Speaker: Yes. One item item 137 137 is pulled.

Speaker: Please call the roll on the remainder of the consent agenda.

Speaker: Rubio, a Ryan Gonzalez I maps, I peeler I the consent agenda is adopted.

Speaker: Thank you rebecca. First time certain item 136 proclaimed January 15th, 2024 to be shriners children's centennial day. Good morning. Our next item is a proclamation. As you just heard, celebrating shriners children's centennial day. Presenting on this item is theresa read, a hospital administrator. Welcome. Thanks for being here. We appreciate it. Welcome

Speaker: I am presenting also on behalf of ray zimmerman, who was unfortunately ill today. Uh, he is one of our board of directors chairs. So i'll give you a little background that he was going to and then just wrap it up on where we are today. So mr. Mayor, council members, I'm delighted to be here. And also, uh, representing not only the hospital but the board of governors, um, our shriners board to represent shriners centers from Oregon, Washington, idaho, montana, wyoming, utah, nevada, alaska and western canada. It all started in 1870, when a small group of freemasons in new york city would regularly meet. Often discussion turned to forming a new fraternity for masons based on the tenets of freemasonry, but with the added element of fun and fellowship, they became the shriners, sort of a club within the masons. 50 years later, it all 50 years later, in 1920, at the 46th national session of shriners, which was held here in Portland, the national president, the imperial potentate, is the terminology they use. Uh, freeland kendrick was his name recommended the formation of a shriners hospital for children who were at the time battling, uh, polio. He recommended that the funding come from an annual two year per capita tax to fraternity members. Many shriners expressed doubts about the practical practicality and the responsibility that comes from starting and running a children's hospital. The prospects of the

plan were fading when a shiner stood up to address the crowd. Uh, this is, uh, part of their history. It's called the famous bubble speech. So i'll just, uh, read this quote from this gentleman. He says he was lying in bed yesterday morning about 4:00, and some poor fellow had strayed from the rest of the band and stood down there underneath the window for 25 minutes, playing. I'm forever blowing bubbles. I wondered if there were not some deep significance in that tune that he was playing for the shiners. I'm forever blowing bubbles while spent the money on songs and spent the money on bands. It was time for shiners to spend money for humanity. I want to see this thing started. He let us lay aside the soap of water and stopped blowing bubbles and get down to brass tacks. Let us get rid of all the technical objections. And if there is a shiner in north America who objects to having paid the \$2 after he has seen the first child help, uh, this gentleman said he will give the check back himself. So this motion passed, and just a few years later, there were 22 hospital nils built across northern America. This was the original story and the founding of shiners, which is now known as shiners international health care system. It has hospitals, medical centers and clinics, uh, in Portland, 100 years ago that was the fifth location within the shiners health system. In 1924, on sandy boulevard and northwest 82nd shiners children's Portland opened their doors, providing pediatric orthopedic care for any child who needed care without regard for the ability to pay back in 2009, when we had our financial crisis that caused the donations to decline, uh, we started accepting insurance and now we're able to accept payment for treatment for those who can contribute. But it still allows us to care for more kids than we ever could before. For in 1983, we moved up to markham hill, which has had a few expansions over the few years. It is also has a major research center focusing on musculoskeletal research. So 100 years later, we are still, uh, probably the largest group of pediatric orthopedic providers in the us.

And that gives you a little bit of history today, uh, we continue to do this. We are also taking care of kids, uh, internationally, right here in Portland. Uh, we continue to care and teach and conduct research. Couch we care for the most complex to the simplest muscle and bone, uh, issues. Um, our shriners physicians and staff are the best at what they do, and they are good humans. We are compassionate and committed professionals who provide family and patient centered care. We are dealers of hope. We never give up on helping kids live their best lives. We also provide comprehensive rehab for children and we have some really fun programs and recreational that gets kids out on the ski slopes, rock climbing, and many other outdoor activities. Is our prosthetics team builds and custom fits children's with, uh, devices that help them get back to being kids. We also manufacture and fabricate prosthetics and orthotics for the whole western half of the us, all the way out to the south pacific and that's right here in Portland. Uh, we have complex specialty clinics from neuromuscular conditions to cleft lip and palate repair to bone fragility and more, uh, to better serve our community. We have a daily walk in fracture clinic for any child aged 0 to 17. Just walk in and you will get some really fantastic care. Uh, we have outreach clinics in anchorage, alaska. Pendleton, Oregon. We have a clinic that's permanent down in medford. It's been very successful and we're really looking forward to opening up more clinics throughout our great state of Oregon. On behalf of our team, I want to thank all of you for your hard work, your leadership and tenacity in leading our city, our city's future is very bright. Thank you for your help and we are excited for the next 100 years in Portland. Thank you.

Speaker: Thank you very much. Uh, we have a couple of comments from commissioners. Uh commissioner Mapps. First, then commissioner Rubio.

Speaker: Well, thank you, mr. Mayor. Um, I want to thank our guest for, uh, joining us today and highlighting the great work done by, uh, trying shriners children's. Um

and I also want to say that I am delighted to join this council in proclaiming January 15th, 2024 to be Shriners Children's Centennial Day. Now as we've heard and as the name of the proclamation implies, 2024 marks the 100 year anniversary of Shriners Children's here in Portland and also we also heard Shriners is a nonprofit hospital which provides specialized pediatric orthopedic care to children in the Pacific Northwest and beyond, regardless of ability to pay, which is incredible. Now, Shriners Children's Portland was established, as we learned on January 15th, 1924 at Sandy and 82nd Avenue. That's a spot that I think all of us know very, very well. Uh, still is important in the life of our city. Moved up to Markham Hill in 1983. Shriners Children's Portland has cared for tens of thousands of children in Oregon over the last 100 years, and the Shriners system has cared for, I'm told 1.5 million children in, um and provides, as we all know, just world class care. I want to thank you for all the work that you do, and I also want to put in a plug for you. Um, I hear that on Saturday, February 24th, Shriners Children's Portland is hosting a celebration of the century gala fundraiser. I want to take this moment to encourage all Portlanders to attend that event and support the good work done by Shriners Children's Portland, uh, again, thank you for joining us today. And thank you for all you do.

Speaker: Thank you for all you guys do, too.

Speaker: Absolutely.

Speaker: Thank you. Thanks Commissioner. Commissioner Rubio, not so fast. Yeah.

Speaker: Just. Yeah. No we got more.

Speaker: Um, I also just want to add my thanks to the presentation and that that historical context is really helpful. Um, I just want to start off by acknowledging the compassionate and essential, uh, care that Shriners Children's Portland has given,

uh, that has improved the quality of life for children and families over the past 100 years. Um 100 years of life changing care is truly, uh, remarkable. So it's a really big accomplishment. Um, and I also want to just lift up at the heart of that care over all those years, the people who do the work day in and day out, um, who are the first and last touchstone for families? Um, that could possibly be during the most challenging times in their lives. So, um, you have an experienced care team, uh, was reading the background about it, and you bring hope and healing to the world. So congratulations on this important milestone.

Speaker: Thank you very much.

Speaker: Thank you. Commissioner commissioner Gonzalez.

Speaker: I also want to thank the mayor for bringing this proclamation today. And testimony. The shriners are an incredible service organization and their mission in ensuring free health care, access to children across the country has been lifesaving, saving and crucial for hundreds of thousands, if not millions of Americans. Uh, the work here locally has had profound impact on tens of thousands of children and their families. We all know how difficult and scary it is as a parent when a difficult medical diagnosis comes down, uh, particularly when it concerns a young child, uh, went through that a couple of times as a parent, uh, fortunately, it all turned out okay. But, uh, there's nothing quite like that feeling as a parent when you don't know about your child's future and don't know about, uh, how you're going to be able to pay for it. So, um, shriners children, Portland eases that difficulty in a very material way, ensuring families can focus their attention on the healing journey and spend less time concerned about the huge bills that typically follow. It's my honor to help recognize 100 years of dedication to this mission, and I know so many who are, uh, who are here today would like to honor and thank you as well for providing financial support, transportation, housing and research for those most in need.

Thank you. We are a stronger city with a stronger families because of your work. We would be truly lucky. We are truly lucky if your contribution lasts for another hundred years. Thank you.

Speaker: Thank you. And theresa, I'm going to read a proclamation. But before I do, I just want to say say how much we appreciate you being here, the work your colleagues do. Uh, we're at this incredible milestone of 100 year anniversary. Uh, it's dedication to medical excellence and community support. It has been extremely commendable. And it's grown year by year. And I'm glad that we can take this moment as a council and as a city to really reflect on the important contributions of the shriners. It goes without saying that we want to thank the shriners, as well as the many volunteers and the staff who have shown their unwavering commitment to their work over many, many years. And with that, I'm really proud to read this proclamation on behalf of the Portland City Council in honor of the shriners.

Whereas the shriners children's Portland was established on January 15th, 1924 on sandy boulevard and northeast 82nd avenue in Portland, Oregon, and moved to markham hill in 1983. And whereas shriners children's Portland has cared for tens of thousands of children in Oregon over the past 100 years, and the shriners hospitals for children system has cared for over 1.5 million children and provides world class, specialized care. And whereas the year 2024 marks the centennial of shriners children, Portland, a nonprofit hospital which provides specialized pediatric orthopedic care to children in the pacific northwest and beyond, regardless of their ability to pay, including dozens of international patients each and every year. It's appropriate at this time to extend special congratulations and the highest commendations for its achievements and positive impact on the communities that it serves. And whereas ranked nationally for its work in pediatric orthopedics by the us news and world report and press, ganey, which reflects the

opinion of the patients it serves. Shriners children's Portland is the largest hospital in the region that offers comprehensive, specialized programs to respond to the limit of limited options for this pediatric subspecialty care, including fractures, pediatric surgery, acute inpatient pediatric rehabilitation, reconstructive surgery, complex spine disorders, cerebral palsy, spina bifida, and neuromuscular disorders, and whereas, renee and as an invaluable resource in the pacific northwest at shriners children's Portland continues to help overcome barriers for patients accessing specialty pediatric care in including the coordination of housing and transport services with a team of volunteers who are able to drive long distances to pick up patients. Its efforts to ensure access through the community for the community is greatly supported through its continuing collaboration with the shriners international fraternity, and whereas the invaluable contributions that shriners children's Portland has made in pediatric orthopedic research, including the 2021 cm biomarker study, which reported on a collagen marker that eventually could allow surgeons to better recognize when a patient with scoliosis should discontinue bracing treatment. There continued efforts to ensure access to vital care and resources for children and families reflect an organization that is devoted to providing you the best health care services as possible for children in the pacific northwest and beyond. And now, therefore, i, ted Wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim January 15th, 2024 to be shriners children's centennial day in Portland and recognize the countless individuals who've been involved in the success of the hospital in including shriners volunteers and staff throughout its history of service to the Portland community and beyond. Thank you and congratulations. Thank you. Thank you very much.

Speaker: Thank you.

Speaker: City will move to the regular agenda. Please item number 141, authorize settlement agreement with Portland firefighters association.

Speaker: International association of firefighters, local 43 and robert bedgood to settle a grievance and employment lawsuit involving Portland fire and rescue for \$220,450. Deputy city attorneys lisa rogers and anne milligan are here to walk us through the ordinance.

Speaker: Good morning.

Speaker: Good morning, mayor and commissioners. My name is lisa rogers. I'm a deputy city attorney and I use she her pronouns. The settlement before you today secures the separation of robert bedgood, a former fire bureau employee, while resolving the pending grievance arbitration as well as a pending lawsuit filed by mr. Bedgood. Given the facts specific to mr. Bidgood's termination, we assess there to be a risk of loss at arbitration. As you know, any time the city is defending a disciplinary outcome at arbitration, there is a risk that the discipline will be overturned in cases where an arbitrator overturns a termination, the employee is often reinstated in their prior position as well as paid for missed wages and paid for missed overtime opportunities. While the settlement gives mr. Bedgood the back pay for salary and missed overtime opportunities that an arbitrator could have ordered, the city secured an agreement that mr. Bedgood will not return to the workplace and will instead remain on paid administrative leave until he retires on June 10th, 2024. The grievance will be dismissed and mr. Bidgood's lawsuit will also be dismissed. The fire bureau and the city attorney's office believe this outcome is in the interest of the city and recommend approval of this settlement and we're happy to answer any questions that you might have.

Speaker: Colleagues, thank you very much, colleagues. Any questions? Do we have public testimony on this issue? Rebecca. No this is an emergency ordinance. Please

call the roll yea. Rubio i, Ryan gonzales I maps I Wheeler I'm glad a settlement was reached. I vote I and the ordinance is adopted. Thank you, thank you. Item 142 please a report accept bid of \$4,539,846 from more excavate, inc. For the spring water wetlands enhancement project.

Speaker: The bureau of environmental services spring water wetland enhancement project will improve water quality, enhance habitat, reduce flooding on private property in the historically underserved communities, and support community amenities, particularly in the lents and powellhurst-gilbert neighborhoods.

Speaker: We have chief procurement officer biko taylor with us here to present the item. Good morning biko. It's good to see you.

Speaker: Good morning, mayor Wheeler, can you hear me clearly? Loud and clearly.

Speaker: And we can see you. You look great.

Speaker: Thank you. Good morning to you. Also, members of council. For the record, my name is biko taylor. I'm the chief procurement officer here. On August 16th, 2023, City Council approved. Ordinance 191418 um for the successful completion of this project. At that time, the engineering estimate. Was \$6,028,000 and the confidence level was moderate procurement services issued the invitation to bid on September 21st, 2023, with a due date of November 30th, 2023 and total procurement received four bids on this project. More excavation is the low bidder and is a recommended awardee. For the record, this was a low bid contract. Um, the bid total. \$4,539,846, which is 25% below the engineering estimate. I have a few remarks from the bureau about why the project came in lower than the estimate. Um, one item was that we, uh, council authorized 10% construction contingency for change conditions. Um, and also that, uh, that final bid amount yielded about 5

million total for construction. So that wasn't reflected in the final cost here in addition, my bid significantly less for soil management than the anticipated original engineering estimate with which also yielded savings on the project. Um, the city's standard 20% aspirational goal applies to the solicitation of this of this project as well. Or more will self perform about 72% of the project. They did beat their 20% cobid goal on the project as well. A few remarks about more excavation. They are located in fairview, Oregon. They are not a state cobid certified contractor and they do have a current city of Portland business tax registration and are in full compliance with all of the city's contract requirements. If there are any questions about the procurement process, yes, um, including any more remarks, um, any more context needed with the engineering estimate? I have my colleague from bs, tracy word, either in chambers or on online and attendance with that. This concludes my presentation.

Speaker: Thank you colleagues, any questions for director taylor? Do we have public testimony? You do not. This is a report i'll entertain a motion to accept the report. So moved. Commissioner Mapps moves. Can I get a second, please? Second. Commissioner gonzales seconds any further discussion? Seeing none, please call the roll.

Speaker: Rubio.

Speaker: I just want to appreciate these efforts in multilingual outreach to ensure that the residents of this area know when projects are starting and how it will affect their commute. I'm happy to vote. I, Ryan gonzales, I Mapps.

Speaker: Yeah, I'm really excited. I want to thank biko for helping move this project forward as we heard, this is an environmental services project that will contribute to wetland restoration. Um lots of benefits here will reduce flooding, enhance habitat and improve access to nature. Very proud to have played a small role in

moving this forward in a very proud of my team over at birds or bees for um, for working on, uh, good works like this. I vote yea Wheeler, I vote I the reports accepted.

Speaker: Thank you, director Taylor. Next item 143. Also a report accept bid of Brown Contract Inc for the southwest fourth ave improvement project. For \$15,935,568 as part of the Portland bureau of transportation's central city in motion plan. This report authorizes a contract to reconstruct and repave southwest fourth avenue from southwest Lincoln to Burnside, while adding a protected bikeway as well as a bus turn lane. This will improve safety and cycling connectivity. We have Biko Taylor here again to present this item. Welcome Biko.

Speaker: Thank you, Mayor Wheeler. On June 22nd, 2022, City Council approved Ordinance 190894 to complete this project. The engineering estimate for the project was \$13,264,230, and the confidence level was moderate. Procure issued an invitation to bid on September 29th, 2023, with the due date of November 2nd, 2023. In total, we received two bids on the project Brown Contracting Incorporated is the low bidder and the recommended awardee again, this is a low bid project. Their proposal in total came in at \$15,935,568, which is 26.21% above the engineering estimate. A few items in context were the large increase between the bid price and the engineering estimate. Um the bureau has stated that we have new, uh, global warming requirements for the concrete that we procure on our large city projects as a result, this did impact, um, project costs, particularly in the commodity area of, um, carbon neutral concrete. We also PBOT has been experiencing higher bids from the engineering team for downtown projects. Um, in lieu of the fact that some contractors have stated concerns over vandalism and theft, alongside the complexity of working on downtown capital projects, the city's standard 20% aspirational goal did apply to the project. Um we have a brief

breakdown. Brown will will sell, perform 47% of the project at 20% of the project will be performed by cobid certified contractors, and 32% of the, uh, this this project will be performed by non certified subcontractors. As a point of emphasis. Eugene williams construction will receive about \$1 million. That's a native American owned company. Um, contractor. We also have an african American owned contractor. I am traffic specialties. And also we have a women owned contractor, kodiak, um, pacific construction as well. That's going to perform \$1.5 million. So kudos to the pbot team for putting together a diverse subcontract management team. Uh, brown, contractor is located in eugene, Oregon. It's not a state cobid. Uh certified contractor. They do have a current city of Portland business tax registration and are in full compliance with the city's contracting requirements. Pbot will fund this through multiple funding sources, including the fixing our streets initiatives, transportation system development charges, and also the signals and street lighting initiative with project partners trimet and also prosper Portland. So as a collaborative effort and on funding this project, if there are any questions about the procurement process, I'm happy to answer those questions. However, I do have my colleague from pbot, gabrielle graf, as well, in attendance to answer any more specific questions about engineering estimates, etc. And project scopes with that, that concludes my presentation. Thank you, director taylor.

Speaker: Colleagues, any questions, any public testimony? Rebecca if there is not. All right. This is a report. I'll entertain a motion to accept the report. So moved. Commissioner Mapps moves. Commissioner Gonzalez seconds any further discussion? Seeing none. Please call the roll. Rebecca Rubio.

Speaker: Thank you. Biko and pbot for all the team's work on this and for being such a successful example of an inclusive project or contract. Um, exciting project and happy to see it move forward. I vote aye Ryan.

Speaker: I Gonzalez I Mapps yeah, again biko thanks for the presentation and your help shepherding this forward.

Speaker: Again. I want to thank my team over at pbot, uh, for bringing forward forward this important, uh, infrastructure improvement project. I vote yea Wheeler, this is great.

Speaker: Um, I'm very happy to vote for this. This will this will be a significant improvement to downtown and safety. So I vote I and the report is accepted. Best of luck on that one. Uh, can you please read 144 through 149 together, please?

Speaker: 144 initiate foreclosure action at 3003 16 southeast. 131st ave for the collection of delinquent city liens placed against the property. Item 145 initiate foreclosure action at 12914 northeast halsey street for the collection of delinquent city liens placed against the property. Item 146 initiate foreclosure action at 1300 north river street for the collection of delinquent city liens placed against the property. Item 147 initiate foreclosure action at 5923 north detroit avenue for the collection of delinquent city liens placed against the property. Item 148 initiate foreclosure action at 6214. North kirby ave for the collection of delinquent city liens placed against the property. Item 149 initiate foreclosure action at 3735 southeast martin street for the collection of delinquent city liens placed against the property.

Speaker: Thank you. This is the second reading of ordinances counsel heard last week to begin foreclosure proceedings against six properties with delinquent city liens that are eligible for foreclosure in accordance with city code 5.30. As a reminder, the liens were placed against the properties by the bureau of development services for code enforcement violations, various nuisances, nuisance abatement, and or chronic offender violations. These properties have been identified as causing significant problems for neighbors and are the subject of

multiple and frequent police calls and numerous enforcement activities.

Colleagues. Is there any further discussion on these items, mr. Mayor Mapps?

Speaker: Yeah, let me jump in here. Um, I appreciate our conversation from I think it was last week when we talked about these cases. And I also, uh, heard, um, and agree with the mayor's admonitions that it should be hard to foreclose on, uh, properties like these. Uh, you never want the government to be able to come and seize people's stuff at the same time, it's my understanding that it's going to take about a year or so for these homes to work through their process and land in hands that will actually be able to maintain these properties. And it's not clear to me that we have a robust plan for maintaining these properties in the interim. I don't have a solution for that today. I think we all know that we are likely to hear about these properties in the interim. I just want to express my willingness to work with my colleagues, probably commissioner Rubio in particular. Um, and figuring out how we can make sure that these properties stay clean and safe until they're in their final homes. Um, I suspect this is a larger conversation, which, frankly, is not going we're not going to find a fix to in this calendar year. So for those of you who might be on council in the future, um, this is a problem which you will be grappling with and I wish you luck as you try to figure it out. Uh, that's all I have, mr. Mayor. I'll turn it back to you.

Speaker: Thank you, commissioner Rubio.

Speaker: I'd love to respond. I just want to take you up on your offer. It's something we are very concerned about as well. So, um, we'd love to work with you on ideas, um, that we can have a conversation with council about in the future. Um, I completely agree. We need to be thinking about what happens in the meantime.

Speaker: Um, as is, the clock is ticking on on these foreclosures.

Speaker: Thank you.

Speaker: All very good. Anything else? Commissioner Ryan? Well, I just concur.

Speaker: I actually said all that last year at this time, so, um, I really hope that we take action. The one year is too long. Yeah and there is a lot of maintenance work and a lot of follow up work as we wait for that to happen.

Speaker: So great. Thank you. Uh, rebecca, can you, uh, please call the roll on each of these items individually?

Speaker: Starting with one for four, with one for four. Rubio i'll just make my comments on this one.

Speaker: And then, uh, proceed with the rest. I want to thank all the multi bureau coordination, uh, that has occurred to move this forward. These properties represent a public safety risk to both neighbors. And our first responders, who are called in to handle calls to deal with trespassers. Trespassers and structure failure and fire incidents. And while the process is tedious, it's, um, this is an essential tool to help these distressed properties. And I look forward to figuring out how we can ensure that safety continue. In the meantime, um, I vote i, Ryan.

Speaker: Yeah. First of all, I'd like to recognize the hard work of staff kevin foster and sharon nickelberry rogers and bridget o'callaghan in omf for getting this process up and running. Their reports were very thoughtful and easy to follow. I appreciate your work. I'll repeat my concerns from last week in a little bit of the pre dialog. We had, because the 12 month redemption period, it can take a long time for anything to happen, even when these properties are foreclosed upon, when we look at some of these properties, they've been a nuisance for years with many attracting squatters, disruptive activity while they sit vacant. I'm particularly concerned about the property listed. Um later on 147, we received written comments from neighbors reporting fires, break ins, rv campers, sewage, drug users, drug sales. It's a pretty active site and it's been causing trauma for the

neighbors for some time. These neighbors are pleading with the city for help because everyone else has failed them. We can't make them wait another year for change. I want to urge us to come up with a plan. I think you, commissioner Rubio, for that willingness, and I'm looking forward to this council, um, working on this because the 12 months properties sitting empty is just, uh, sometimes we're just watching the clock drain out. Um, and there's no need in many of these cases, we make sure we're not forgetting about the importance of customer service to the neighbors in these near these properties. And it's the last step before we can wash our hands of it. But it's an important step. And we must figure out a way to help these neighbors through it by bringing some extra attention to these situations. I just drove by the property that we did last year in north killingsworth. This morning. It looks a little bit better, but it's kind of like, why does it still look like that ? And so it's no wonder we continue to receive numerous concerns about that property. Anyway with hope that we'll continue to work out the practice of this with a little bit better customer service. I vote yea Gonzalez I vote I maps, I Wheeler.

Speaker: I appreciate my colleagues taking a the initiative here to try and figure out a solution for while we manage these properties until they're appropriately disposed of. I vote I and the ordinance is adopted. 148. I'm sorry. One item.

Speaker: 145 thank you. Rubio hi, Ryan. Hi. Gonzalez hi, maps. Hi, Wheeler. Hi.

Speaker: The ordinance is adopted.

Speaker: 146 Rubio hi, Ryan. Hi. Hi maps. Hi, Wheeler.

Speaker: Hi. Ordinance is adopted. 147 Rubio i.

Speaker: Ryan. Hi. Gonzales. Hi maps. Hi, Wheeler.

Speaker: Uh, the ordinance is adopt 148, please.

Speaker: Rubio. Hi Ryan. Hi. Gonzales hi, maps. Hi, Wheeler.

Speaker: Hi. The ordinance is adopted last but not least, 149 Rubio.

Speaker: Hi, Ryan. Hi, Gonzales. Hi. Maps hi, Wheeler. Hi

Speaker: The ordinance is adopted. Item number 150, an emergency ordinance amend graffiti nuisance property code to allow enforcement through the code hearings office as set out in code title 22.

Speaker: I want to start by thanking commissioner Rubio and her variable staff for bringing this necessary code change before City Council today, as Portlanders are keenly aware, graffiti in our city on private and public property has exponentially increased over the last few years.

Speaker: This program offers generous services to private property owners, with the understanding that they must work closely with the city to meet city code requirements. There are instances where that essential partnership fails to live up to our common standards and requirements. This code change offers staff a streamlined process to address those properties that are a nuisance because of graffiti. It's a fair and consistent approach to an evolving challenge facing not only the city of Portland, but other cities around the country. I'd also like to thank the public environment management office, referred to as pmo. There are mission to address our problems with a sense of emergency has helped identify these inefficiencies in our code. This team has been an ally to the graffiti abatement team and a catalyst and helping this program become as efficient and effective as possible. Thank you to pmo for bringing their hard work and partnership, bringing forward this vital code change. And I want to thank in particular, Dakota Thompson from my office for his leadership and his guidance as well. Thank you. Dakota, with that, I'll pass it over to commissioner Rubio to introduce today's presenters. Commissioner Rubio, mayor colleagues, today I bring I'm bringing to you a minor amendment to our graffiti code that would give us additional tools to pursue enforcement in an effort to reduce graffiti across the city.

Speaker: As we know well, graffiti on private property continues to be a problem throughout our city and in order to address this issue, the city's graffiti abatement program is housed within the bureau of planning and sustainable city, works closely with community organizations, business groups, neighborhood associations, individual businesses, and community members to address graffiti complaints. It's since took over the program in 2022. Over. 500,000ft² of graffiti have been removed. Some property owners, particularly those that own vacant buildings, are not meeting the city code requirements to remove graffiti from their properties within ten days. Even after multiple warning letters from the city. Currently, the only enforcement procedure within the current graffiti code requires the city to get an administrative warrant, hire and pay a contractor to paint over the graffiti, then place a lien on the property to recoup the costs with an additional administrative fee. This process requires significant financial and staff time investing, and there's no guarantee that the city will be able to recoup their costs. This is why we are proposing a code change in the graffiti code. 14 b dot 80 .040. This change will include language allowing enforcement of the of the requirements by institute, an action before the hearings code officer as set out in title 22 of city code. This will provide a more streamlined, efficient process and gives us another option to encourage property owners to meet their responsibility to remove graffiti from their property. This new code authority will be employed with the most egregious violations violations of the city graffiti code, where property owners are not engaged in maintaining the property. As a result of this proposed change, we anticipate the community will benefit through reduced levels of graffiti on private properties, resulting in enhanced livability and improved economic development. I will now turn it over to evan polk and matt olguin from ops to give a short presentation on this ordinance. All right.

Speaker: Thank you, commissioner. Appreciate it. Uh, good morning, mayor and commissioners. Good to be here. My name is Evan Polk. I'm the solid waste and recycling manager. With me is Matt Olguin. Yes

Speaker: Good morning, Matt Olguin. I use he/him pronouns, and I am the graffiti abatement manager.

Speaker: Also in the audience with us is Tony Garcia, chief deputy city attorney, who's been our adviser on this and is available if there are any legal questions. This morning. All right. I see our slides are up. Thank you very much. Here's a brief overview of what we'll be covering today. The top line summary is that the amendment we're introducing today is intended to provide another enforcement option in situations where the property owner is non-responsive in essence, what is proposed is to take language that authorizes use of a code hearing process, which is found in numerous places throughout the city code and extend it to the graffiti code. We believe this will help respond to the feedback we receive across the community. To address graffiti. First, we'll review the graffiti abatement program as it is functioning today. Then we'll describe the proposed amendment to the graffiti code, and we'll summarize the rationale for the proposed change. How enforcement would work under the proposed change, and when staff would use the hearing process, and then recap the benefits and rationale. Next slide please. This is what the graffiti abatement program does today in summary, we are just one of the we're an important but what just one part of the city wide efforts to address graffiti. Our program manages the reporting portal where graffiti reports from all types of properties can be submitted. This is essentially a clearinghouse. It's a database and a feedback tool for graffiti reports citywide. In fact, if you've if you've played around with the online reporting tool, you'll see it allows a community member to identify the location and share a photo of a graffiti and then

they actually hear back from us when it's resolved. If it's resolved by a city contractor, we also dispatch these the service requests to the appropriate property owner for resolution. Often, for example, that could be a commercial or residential property owner, or it could be parks pbot trimet, odot, railroads, etc. If the graffiti reported is at a small business, nonprofit or home, our program assists the property owner with removal or abatement of the graffiti. We dispatch our graffiti removal contractors to remove paid for by the city, specifically for nonprofits. It's under 100 employees. Businesses with less than ten employees, or for residential properties. The city takes care of that. We also provide free and discounted paint and removal supplies to volunteers. And finally, we coordinate and share any identifying information with Portland police and provide assistance if they are building a graffiti case. Next slide, please. Here are a few of the highlights by the numbers. Since the program moved to bts in September 2022. Since that time, we've been working hard to formalize the program, improve our procedures, and assist as many property owners as possible. So a quick snapshot. We have abated over 500,000ft² of graffiti on over 11,000 requests. I just want to acknowledge that the memo we provided to chiefs of staff earlier this week cited the number of 300,000ft². And so we're just acknowledging that here we're, um, setting a higher number because this number also includes 200,000ft² of proactive graffiti removal paid for through our program by our contractors. In addition to the 300,000 of removal done in response to graffiti reports that we've received. As mentioned, we coordinate closely with other bureaus. And so we've referred over 1700 service requests. To pbot parks and odot among others. If the graffiti reported is on private property, we mail out an abatement letter notifying the property owner of their responsibility to remove graffiti. And we've sent over 800 graffiti abatement letters. Finally, we've given out over 167 graffiti removal kits and vouchers for up to 325

gallons of metro paint to help community members that want to work on this directly. To explain the code amendment further, I'd like to turn it over to matt olguin, our graffiti abatement manager has a question why on this slide?

Speaker: Yes, sir. The um, 214 graffiti service requests offered referred by odot. They cover all of the freeways. Is that like the area that you would target? They've been that they're responsible for.

Speaker: Correct. Any, uh, any graffiti report that happens to be on odot property would be within that number.

Speaker: And that's what you hear so many complaints about is how much graffiti we have on odot properties. So I'm just noting at this moment how low the number of service requests were referred to odot. Sometimes the data helps explain stories that you see with your eyes. Perhaps it's a hunch. Did you want to add something?

Speaker: Well, I think just the one thing I would add, um, as somebody who pays a lot of attention and goes through the report a lot is that people complain about odot property a lot, but they're thankfully not taking photos of it as they're driving down the freeway of the highway.

Speaker: That'd be dangerous. Yeah

Speaker: Uh, next slide please.

Speaker: So it's on people to tell odot to do it. Odot doesn't see it themselves. You just made me ask that question.

Speaker: Sorry, but we're just sharing some numbers from our graffiti reporting portal, which is a city website that anyone can use.

Speaker: Move on. Sorry yeah.

Speaker: Um, commissioner, if I may, I don't want to distract the presentation.

Speaker: Uh, graffiti on odot property, um, is something which I spend a remarkable amount of time, uh, hearing about, and, um, at the end of this present,

uh, I might want to take some space to explore some of the issues that commissioner Ryan played. But uh, I also want to help you guys stay on track. So with that, i'll hand you. I'll hand the floor back to you.

Speaker: But I think, you know, you open the can of worms. One one quick question on this. So when, when you report graffiti, do you have through the portal, do you have to submit a photo. Because there's different parts of our online an interface. For citizens. Uh, that depending on what you're like, I report a pothole. I don't actually have to take a picture. Uh even though there's sometimes, uh, instructions that might imply. But for graffiti, are they required to take a photo to submit?

Speaker: Uh, there is a requirement to have a photo attached to the graffiti report. Yes. Okay.

Speaker: It's just an interesting. The different ways we ask folks to interface through the various portals. And we may at some point want to take a step back and just kind of rationalize that as it consistent. Um for somewhat similar activities. Anyways, i'll let you go on, but go ahead.

Speaker: All right. Well, thank you. So in order to improve the program, um, we are here today to make an amendment to the city graffiti code, adding an additional tool to help remove graffiti throughout the city by adding this language to the code, we will have an additional option for encouraging property owners to engage with the graffiti abatement program and to remove graffiti from their property. Next slide please. Currently the graffiti code makes it clear that it is the owner's responsibility to remove graffiti from their property within ten days of being notified of the graffiti. As part of our response, as part of our process, we send a letter that informs owners of this responsibility and to reach out to us for assistance or to notify us of their plans to abate the graffiti. While most property

owners across the city are fulfilling their responsible cities, there are some who do not respond to our letters and do not remove the graffiti from their properties with existing code, our only option for enforcing this requirement is to go to a judge and get an administrative warrant, which then gives us access to the property. We then pay a contractor to abate the graffiti, and then we charge the owner that cost plus a 25% administrative fee and then ultimately place a lien on the property. This enforcement process does not currently make sense to utilize, as it involves a substantial financial investment up front from the city without knowing when or whether the funds will be repaid, and it takes funds out of the graffiti program that would have otherwise went to assisting small businesses, nonprofits and residential property owners. Next slide please. So the enforcement language to access the code hearings office is used in many areas of the city code, but is not currently present in the graffiti code. This will provide an additional opportunity for property owners to work with us to resolve the graffiti issue. Prior to a code hearing. Property owners are less likely to ignore the code hearings. Office and this will encourage graffiti removal by property owners without impacting the program's budget, which, as mentioned, would reduce our cleaning of other properties throughout the city. Next slide please. So the new code authority will be employed with the most egregious violations of the city's graffiti code, where property owners are not engaged in maintaining their property. This process will only begin when all other avenues have been exhausted, including multiple letters sent and attempted contacts. Property owners will have many opportunities to engage with the graffiti program and resolve the situation prior to beginning an action with the code hearings office next slide please. So the code hearings office has a proven, impartial and formal set of procedures to adjudicate cases, even. Once a date is set for a hearing, property owners have the opportunity to engage with the graffiti

abatement program and to abate the graffiti prior to the hearing stage. Next slide please. As mentioned earlier, only the most egregious property issues where the property owner is either not communicative or unwilling to partner with the graffiti program to address the graffiti. Will this process be engaged? The graffiti abatement manager will consider reports submitted by the public and program staff. The visibility and impact of the graffiti and the response of the property owner. Next slide. So in summation, the ultimate goal of this change is to enhance the livability of neighborhoods and business districts across the city and ensure all property owners are aware of their responsibilities, as well as the resources that are available. This additional tool will help us meet our goals while not reducing the resources available to assist small businesses and others that need the help of utilizing the code. Hearings office ensures an impartial entity will adjudicate each case brought to them. This response to the frequent community feedback requesting assistance with unresponsive property owners. And again, ultimately, you know, to keep our city clean, it really requires that all of us, we do our part and we work together and we help clean up Portland. Next slide. And so with that. So we'd like to ask if there are any questions. And then clearly we have our contact info. If there's questions that we can answer at a later date.

Speaker: Mr. Mayor, if I may commissioner Mapps.

Speaker: Um, thanks for the presentation. And I want to thank commissioner Rubio and her team for bringing forward, uh, this proposal to address an important and growing problem here in Portland. Um, I don't understand how the program that you're proposing solves the your financial problem. So you have non compliant, uh, business or building owners who have allowed their building to be neglected and, um, and, you know, you can go in and place a lean on their property and paint over the building, but you never know how that's going to work out over

time. And that can be a years long process. How does what we're doing here kind of by definition, the pot of folks that we're looking at are people who ignore their mail and are not investing in a property, which probably is troubled for many reasons. How do you solve the financial problem here? Again

Speaker: Yes. Thank you, commissioner, for that question. Appreciate it. Uh, so our goal with this uh, amendment is, is not necessarily to, um, specifically solve a financial problem, but maybe to, to avoid a, a pending financial problem in that, uh, to, to enforce the graffiti code today using our existing pathway could result in an outlay of some pretty significant resources from our relatively small funding pot. And we would prefer to be able to direct those resources to providing direct assistance, proactive assistance to small businesses and other property owners in the community. So really, what we're looking at is, is the possibility that enforcement would, would, would limit the resources we could deploy in assistance in the city and, and kind of put us in a position where we were deploying those resources for a relatively small number of properties, paying for very expensive remediation, often without much knowledge about whether it without a lot of confidence about whether we'd see those funds back. Does that answer your question, sir?

Speaker: I guess I'm still not quite getting. How do incentives change here? We got a guide, a great suit here.

Speaker: Good morning, tony garcia. I use he him pronouns with the city attorney's office. Mayor, members of council. I just want to clarify that what we're doing today is providing for a different avenue by which we can go to the hearings officer and institute a case so we wouldn't go in and clean up the property, see, what we could do is go in and order the hearings, have the hearings. Officer order the property owner to come into compliance. The big difference with doing it this

way is it will open up a civil penalty. Provisions by which we can ask the hearings officer to penalize the property owner under its existing authority, under title 22, for not being in compliance. We've used that in other areas of law, including like short term rental violators who don't have permits, and it's a much higher authority that the hearings officer has. Okay

Speaker: I think that answers my question. Thank you, commissioner Ryan.

Speaker: Sure.

Speaker: Wow. We're going to talk about graffiti. You're brave. Commissioner Rubio. We've been um, we all get so many emails and messages about this, you can't go out in town without having someone bend your ear about graffiti. So I realize there's a bigger systemic conversation about this. And I don't think this gets at that as much as it gets to a detailed part of it. But I often think about this. Um, who doesn't? That's on this council. And I think I'll just give you my opinion. I think there's actually beautiful graffiti that's done by artists that seem to fly here, because we provide such an easy, accessible canvas. And I sometimes almost do get in a wreck trying to figure out how they get up there and not it seems dangerous, but they do it and it's like pretty amazing. Again personal opinion. Then there's like really, really ugly graffiti that just no one wants to look at. Again my personal opinion. So I always think, how can we engage the graffiti artist to be part of the solution? How can they say, how can they be so systemic wise? I don't think we're getting to the problem or the solution to the problem. I do think we have to have a bigger conversation about engaging graffiti artists to be maybe have certain parts of the city. Maybe there's 20 graffiti zones and they run that certain section or whatever. And then there's a place, a canvas where beautiful art can appear there, and then the rest not so much. And then they would be part of the enforcement, if you will. Okay. That's the vision. That's what I think. We could figure out how to get

there someday. Okay. So now now let me dig into what I think is more the micro changes that we're looking at. What I need to hear is what kind of service we're providing. There's a lot of small businesses that I know. They just tell me they're just burnt out. They're just exhausted from cleaning up the graffiti endlessly and they also complain they don't get a lot of service and help from the city. And it feels like it's all on them. So I am speaking for some that I've met that have told me that, and so I'm trying to get at the heart of the matter on what how this will make their life better, because I think some have become resistant to even engaging with us anymore because they're just exhausted from the constant graffiti that they don't feel like they they get on. It's just they happen to have a business on 15th and Broadway, and people seem to love to do graffiti on their business. So they haven't replaced their windows. They haven't done their graffiti for a while because again, it's hard on them with their profit margins. I did hear that, that if the business is smaller, it's a different penalty. So I'm just trying to get to the bottom line. On how this will make that small business feel seen and not feel like there's just more regulation coming at them.

Speaker: Commissioner, I think we would emphasize that the overwhelming majority of the resources deployed through the graffiti abatement program are to provide assistance to small businesses and um residents and non-profits. And so in the situation you cited or in the example you cited, we would look to provide those resources. Was this code provision is really about working, bringing property owners that are essentially absentee or not really engaged in the community and wanting to solve the problem to bring them to the table, to work with the city. I think that's noble.

Speaker: And we I hope to see that action take place. Just know we have a mindset from some that would really respond if, in fact, they feel seen and they feel like the

city's customer service is working with them. It's kind of similar to the broken windows are constantly replacing and they can't even get insurance to cover it anymore. Hi tony.

Speaker: Uh, good. Good morning. I think the other item is that, uh, with these changes, it will allow us to get quicker action. So we'll get before the hearings office rather quickly. So it's a quicker resolution. And I think the studies out there show that the existence of graffiti encourages more graffiti. So the quicker we can resolve it, the easier it theoretically should be for all business owners and property owners.

Speaker: Commissioner, uh, did that complete your question, stan? Oh, yeah. Commissioner gonzales so just to clarify on I guess this is on commissioner Mapps inquiry.

Speaker: So fines would be paid once fines are paid. Uh, where does where do those dollars go?

Speaker: Uh, I believe those funds go to the general fund.

Speaker: Okay. Uh, so wouldn't necessarily go back into the, uh, abatement program per se. We'd have to go through the budget process to make that happen.

Speaker: Uh, I was only involved in one particular case with a short time rental, where ultimately the city was requested a \$40,000 fine. Somewhere around that, we ultimately resolved the case for around \$80,000. And I believe that was worked out through omf and bts. I'm not quite sure where that would be. I'd be curious.

Speaker: It would be kind of nice. You know, maybe we can talk about how to self-fund this, uh, to certain extent. We need to think about what incentives that creates and think that through. But I'd be open to the discussion that maybe we can self-finance the program, uh, with, with the benefits of those penalties. Again that's part of a broader conversation, probably, but I'd be open to that. Um, second, what

would the appeal process look like? So it goes to hearings and then what would someone appeals that where does it go from there?

Speaker: Um, so let me talk about the current process in code, the current process and codes that we would identify a property that's not in compliance. And then they could appeal to the hearings office. And then from there they could then appeal to circuit court. Okay that all takes quite a bit of time. The process we are, uh, requesting here with the code changes before council today is where we would initiate a case. The hearings office typically will place it on their calendar in about 21 days. Is my understanding. So we would have 21 days. Um, we would have a hearing as to whether the person is in compliance or not. And at that point, the hearings officer would render a decision that can sometimes take a couple of weeks, but it could not only issue a penalty. Um, but then it would provide us an order that we could go to circuit court and ask a circuit court judge to enforce the terms of. So it's a quicker process. Yes. And I think one of the goals of what we're trying to achieve here is once there's a financial penalty on the line, I think property owners will come into compliance more. It may not be all of them, but we will see more of them once they realize it's not a, you know, some meaningless or I shouldn't say meaningless, some low level. Fine. Once we go to the hearings officer and request something that will trigger them to actually perform the work and respond to the city. Got it.

Speaker: And one of the interesting dynamics in the space, we see this in the fire bureau. Sometimes the building has graffiti or some other vandalism or just unsafe conditions that also overlap with fire concerns. Um, and typically, you know, we're really talking derelict properties. Um, it's not just one part of the city code. There violating at some point it's multiple. And i, I guess, uh, in your mind, would those be handled as separate matters or is there a way to consolidate that if we have a

property that's got, you know, fire violations and graffiti, is there a way to consolidate that, or do we kind of have to process each of those individually?

Speaker: Uh, we currently do. And I think we have traditionally in the past partnered with both the fire bureau and the bureau of development services. I think my colleagues could talk more, but I think bts or fire will usually take the lead when there are multiple sections of code being violated. I don't know if you have more to add, but I think the code amendment gives us the ability to act independently when we need to, but also to collaborate with other bureaus when it makes sense to align the timing or the pathway for enforcement.

Speaker: We would commit to doing that.

Speaker: And I and I've heard it's often worked well. I just want to make sure as we were adjusting that we were thinking, thinking that part through, because it's often multiple issues with a single property. But two last areas of questions. Um, when we think about, uh, folks that may be exposed to some real financial hardship associated with, you know, responding to graffiti on their property, I think commissioner Ryan kind of got this with small business owners. We also have homeowners and individuals nils that may be responsible for a property limited financial resources to deal with it. Um, I just talk through sort of some of the protections there because it's a challenging balance here. Right. We citizenry is demanding that we respond to graffiti really legitimately. It is really deteriorate the feel for our city. But we may run into some individuals that just don't have an easy path to pay for the abatement. Uh, in a, in a given situation. So just curious about the protections and support we're giving them.

Speaker: Uh, certainly. So there are a few different avenues of support we can offer. Um, so obviously, if it's somebody who falls within that category of a small business, nonprofits or residential home owner, um, all we need is a signed waiver

form and also, if that person submits the ticket themselves, the property owner does, they can electronically fill out the waiver form, at which point we are then able to dispatch one of our contractors to paint over or power wash the graffiti, depending on the surface of the graffiti is on. So we offer that free service. We also emphasize the graffiti abatement kits and the metro paint vouchers that we're able to offer. So especially if a small business gets small tags from time to time and we can get them paint for free that they can then go out and just quickly paint over graffiti. That's great. And then what will happen is sometimes that small business will then reach out and say, hey, we got a big tag over the weekend. And then we can send out our contractors to assist that. Um, and especially for residential properties, oftentimes if somebody has a wood fence, uh, going right along a major thoroughfare like those fences tend to get hit and we're quick to dispatch out our contractors where they can go paint over the fence or power wash it if it's been stained. So we don't want to, you know, paint over something that's not painted on.

Speaker: So in those scenarios, the city is covering that cost, uh, or or at what point is it the resident that would be responsible for it?

Speaker: Um, so if they qualify for the program at this point in time, we are paying for those costs through the program.

Speaker: Great. That's great. One last area, uh, just maybe just sort of put it on the record. So we're talking a lot about the civil side of graffiti. Um just want to clarify what little role the city has on the criminal side of this, right? We have, uh, recently repeat taggers. Um, you know, uh, just walk us through. Is there any sort of mechanism to refer it over to the da, to the police? What is the what's the criminal side look like? And what is the what is the city's role there, if any ?

Speaker: Uh, I can say, I know that we do, uh, meet with the district attorney and work with the Portland police bureau on those matters. I don't have. I'm probably

not the best person to answer the questions on how that takes place, but I do know those conversations are ongoing. I think Christine Leon is also in the audience. She might be able to speak to that.

Speaker: I mean, I think what I can add from the graffiti abatement program is that anytime we get reports of graffiti that include either video footage or photographs of people doing graffiti, which if a business has, uh, outdoor cameras, like they'll sometimes have that footage. There are a group of next officers that we work with, and we pass that information on to them. And then conversely, when they have identified a tagger, um, they will reach out to us to see what instances of that tag we have in our reporting system. And uh, to also assist them with contacting the owner of that property so they can work to build the case, and also look to see if there are instances where the city may have paid to paint over that graffiti at which point we can provide them a cost breakdown and assist with building that case.

Speaker: Yeah, I I'm almost done, I promise, but that brings up two other things. So I think that there's broad frustration in the community about repeat taggers and the perception that they're not facing repercussion for their behavior. And I just want to put on the record, unfortunately, under our current setup, without our own municipal court, we are dependent on municipal courts to, uh, for those people to be prosecuted. We're dependent on the DA for those people to be prosecuted as a city. Um, I was under when we look over a long arc, if that's the right answer for the city to continue to defer to the circuit courts and to the DA, um, to make progress here. Uh, they got a lot on their plate. So that's more of an editorial. Um, one last question. Are we doing anything with artificial intelligence to track, um, repeat taggers, uh, to discern patterns in, um, try to sort of map to, uh, to identify those guys who are doing it over and over again.

Speaker: Not to my knowledge, no.

Speaker: I think there are some programs in other cities that are applying trying to apply artificial intelligence in that area. So it might be something we look at. Um, just you can discern patterns in the art and, um, it may help us prosecute folks down the road, but thank you, commissioner, for, um, I want to thank commissioner Rubio for bringing this item forward.

Speaker: I really appreciate the presentation from staff to, um, as you can tell, graffiti is a rich, uh, um, uh, topic here. And I've been trying very hard to kind of stay on, uh, the topic of the ordinance before us today, but I think we maybe have plumbed the ordinance. I do want to use the use the little bit of time before we vote on this, uh, to do a couple of things, a little bit off topic, uh, can you remind us, if you're a small business owner who is continually plagued by graffiti and would like to tap into the graffiti program, who do you call? What website would you go to? Uh, yes.

Speaker: If you just google graffiti abatement city of Portland, it'll bring you to the city of Portland web portal page where you can type in the address. It walks you through the form, and then it gets submitted directly to us.

Speaker: Great. And just to set, uh, expectations appropriately, this is probably me. If you're a big business like boeing, this is probably not the program for you. But if you own a small convenience store on the corner of 20th and stark and you get tagged probably every other day, this might be a good a good place to seek help. Correct? Great um, I appreciate that. I hope, uh, we hear about graffiti on this council all the time, especially from small businesses. I hope that you reach out to the graffiti program. They really are here to help and do great work. I used to work with these folks, um, a bit back, uh, when graffiti was over in civic life. And it's great to see how this program has evolved. Um I think the wide ranging conversation on pivoting now to a new topic, um, uh, the wide ranging conversation this council has

had, um, about this ordinance and graffiti in general, I think is clearly a sign that there's more policy work to be done. Um, in graffiti. And again, I think there's some of this that we can actually make progress on in the short run. Um, in my experience of the graffiti issue, there's graffiti on private property and you folks are doing great work on that. There's graffiti on public property. And frankly, if it's on city property, I think it's pretty clear how we deal with that. And then there's this grayer space of what we do with graffiti on odot property to, uh, um, I sure hope that before we get in, before we get to the end of this calendar year, uh, we have, um, some policy level discussions about how we can just do better with graffiti on public property. I think there's some low hanging fruit here, but there is some policy work that needs to get done. Uh, thank you. With that, mr. Mayor, i'll turn the floor back to you or commissioner Rubio right back to the presentation.

Speaker: Are you completed? We are done. Very good. Any further questions?

Public testimony?

Speaker: Yes. We have two people signed up. Excellent. First is jesse presley.

Gruesome here we go.

Speaker: Welcome.

Speaker: Jesse presley gruesome.

Speaker: I don't see anybody. Okay. Next person, jared essig.

Speaker: Jared. Thank you for being here. Wheeler and, uh, distinguished commissioners, citizens of Portland, uh, graffiti abatement team.

Speaker: Uh, I'm one of your volunteer for, uh, uh, citizen, um, citizen volunteers. Actually, I'm also one of the repeat taggers, and I'm sure I might be in your database somewhere. And so I'm going to give you some natural intelligence to follow this problem and get to, um, commissioner Ryan's very, very intelligent attempt to refocus the graffiti abatement team on the actual matter. At issue here, which is

why are the taggers tagging all of these empty canvases as and we have to consider in this code change, what is the subject matter of the graffiti that is being painted and what is the nature of the criminal mischief that is being alleged? And this lack of clarity in the code also exists in the, in the state statute books. So you're going to need to lobby the state if you continue to defer to the district attorney to deal with this municipal code violation. And mr. Gonzales is given also, um, sort of a more, more, more advanced analysis of this problem that the abatement team is going to need to take into account, um, and uh, municipal court might be a better place to deal with these type of things. Um, I would much rather deal with the municipal court personally. Um. In fact, I have a claim against the district attorney, against the public defender's office, and against, um, again, the whole county behavioral health system, um, and against judge waller for, for imposing a public defender upon me and trying to force me into the, you know, uh, county services and housing and forced medication because they don't believe in affirmative defense exists on free speech grounds for volunteer abatement of graffiti and for mural art as a prophylactic against antisocial graffiti. Now you have to make the distinction between a pro-social message like black lives matter and an antisocial message. Like all cops are bastards and I hate to say it because but rape is a crime. But but in all, rape is a crime. In fact. And to incite it is a crime. And this has to be abated. So for me to say don't fornicate with the pigs is a necessary abatement of a antisocial message that is being maintained by a non-compliant building owner, namely, the city itself. On city owned buildings. Okay um, and it also corrects in a mass psychogenic illness that is created by this incitement to violence and obscenity. So now, if you want to look at my manifesto, it's on bastards lives matter .org and you can see that. And I'm sure some of my stuff is in, um, is in your system and maybe in the city records office because I've, I've been protecting the city hall against,

against this antisocial graffiti. The city is the head of security. Uh, tolerated me to do it as long as I did it on the on the boarding and not on the walls. I noticed that every time I did it on the on the on the justice center, I would do justice, make peace. I did that as a prophylactic in broad daylight with wearing normal clothes. Thank you.

And I was arrested for that. Prosecuted and, um, tried to, you know, impose medication on me for, for, for an alleged mental illness and now I have a case of legal malpractice and medical malpractice against the whole county and city.

Speaker: Thank you for your perspective. Is there further public testimony on this item that completes the emergency ordinance? Please call the roll. Rubio I want to thank evan, matt, and tony for all your outstanding work on this.

Speaker: And I also want to acknowledge that in the short time, um, you know, it's been a short time since this program has moved from, uh, to eps, and this program has significantly scaled and expanded its, um, impact and effectiveness than in years prior. Uh, and this is just one common sense, effective step that we're able to do immediately. And I appreciate my colleagues interest in having the program. Um potentially explore more ideas. And I want to remind us that this this is precisely why we need to do everything we can to keep this program financially intact. And whole as possible. And with ideally with more capacity to do more things. So I look forward to those conversations. I'm also very excited to see this moving forward with the new tools to help clean up our community and use our resources as as efficiently, as efficiently as possible. This team heard the outcry from community and brought us together. Um, or brought another way, another tool to get the most negligent, uh, private property owners who refuse to remove graffiti from their properties. So I'm really hopeful that we will see the impacts, um, of this, uh, small change, um, over time. I'm thrilled to support this change, and I vote. I Ryan, thank you for bringing this forward.

Speaker: Uh, commissioner Rubio, I think it was what I really liked was actually our dialog we had on it big picture wise. Um, I don't think this gets at the holistic, which I mentioned earlier, systemic issue of this. And I think we need a more adaptive creative solution. Um, going forward, I do, um, appreciate the work done by staff and the presentation was very helpful. And I think it's a good incremental step. Um, I look forward to hearing how those services land with those that are seeking them. And, um, for this specific step in the process, I vote. I Gonzalez, I vote, I maps.

Speaker: Um, I want to thank commissioner Rubio for bringing this item forward.

Speaker: And I also want to congratulate the, um, graffiti program, um, for some innovative. Work in this space. Um, our conversation illustrates the need for additional innovation in this space. And I look forward to having those conversations, uh, with my colleagues on council. In the meantime, I vote i, Wheeler very happy to support this.

Speaker: I vote I in the ordinance is adopted. Item number 151. Please this is an emergency ordinance.

Speaker: Accept a grant in the amount of \$387,068 from Oregon department of transportation, an authorized intergovernmental agreement for a paved pathway and crossing improvements between northeast 106th avenue and northeast san rafael street.

Speaker: Commissioner Mapps.

Speaker: Uh, thank you, mr. Mayor. Colleagues, this item comes to us from pbot. By passing this ordinance, the city will accept a grant from the Oregon department of transportation. For about \$387,000. These funds will be used for the construction of a paved pathway from northeast 106th avenue to northeast san rafael, rafael street. These funds will be used to pay for items such as improved ring crossing improvements, improved lighting, and a new sidewalk connection. Uh, this project

will improve neighborhood access to schools, parks, and transit stops. In addition to improving access to businesses in the gateway district, the total expected cost of this project is. \$552,000, \$955, \$555,000, roughly. With 700,000 or 70% being covered by this odot grant and a 30% match is required. Here to tell us more about this ordinance, we have abra mcnaair, a project manager with pbot. Welcome um, abra.

Speaker: Thank you so much. Uh, good morning, mayor and commissioners. Thanks for having me. My name is abra mcnaair and project manager with capital delivery division at pbot. And I use she her pronouns. Um yes. So just, uh. Thanks. Commissioner Mapps for the intro. Um I'm here today to seek council's approval of a \$387,068 grant from the Oregon community paths program for the northeast, 106th avenue pathway, the local match of \$165,887 comes from a one time general fund allocation to the safe routes to school program for ongoing safety, infrastructure improvements in east Portland. Um, and this is an Oregon department of transportation grant. Um, next slide please. Um just a little bit about the project. We're planning to pave a multi-use path and build a sidewalk ramp connection between northeast 106th avenue and san rafael street in the parkrose heights neighborhood. We um, looking to add pedestrian scale lighting and to minimize tree impacts. You'll see in the picture on the right that this small parcel of land is home to some beautiful and established doug firs that we want to maintain for the neighborhood. And, um, our intent with this application was to provide a more accessible and essentially less muddy walking, biking, and rolling path on a safe routes to school primary investment route. We also wanted to take the opportunity to complete an unfunded section of the 100th neighborhood greenway that cuts through east Portland. So next slide, please. Um, as commissioner Mapps was saying, the 106th avenue pathway is a small but important link in the 100

greenway and safe routes primarily to school. Excuse me? Safe routes to school. Primary investment route network. It's shown. On the map, which is a little busy but shown on the map in that yellow circled area to it would be a new paved connection to schools and city parks. Max lines at the gateway transit center and bus stops. And it's a direct connection to the signalized crossing that's shown there with a little pedestrian symbol at 106th avenue on halsey and weidler that connects directly to gateway discovery park and the gateway business district. Um, next slide please. Um, this grant example are applying is an example of pbob following through on our commitments. The this path was originally included in the federally funded east Portland access to employment and education project that stemmed from the 2012 east Portland and motion strategy. Um. The path improvement was removed from those plans when a neighboring property submitted a permit for development. That permit has hasn't had any activity since 2019. Um, together. With the letter of support from the parkrose school district, the safe routes to school program, um applied to the Oregon community path grant program last year, and it's been awarded the funding to move forward. Uh, next and final slide, please. Um, should council approve this funding? Our next steps would include ongoing neighborhood outreach and communications with parkview christian retirement community, which was the permit holder or continues to have that permit. Um project neighbors. The parkrose school district and connecting with the east Portland action plan group. Um continue coordinating with bureau partners and especially with urban forestry to make sure that we are honoring those trees and doing the best to minimize impact and keep a small footprint through this area. Um, and should everything move forward, um, our project design would begin this year, later this year, and with an expected completion in the year 2026. Thanks so much. That's all I have. And colleagues, any questions?

Speaker: Do we have public testimony?

Speaker: Commissioner Ryan might have a question.

Speaker: I just wanted to.

Speaker: Hi. Great presentation. I didn't hear about sacramento elementary school specifically. That's the one that's in the middle of the route. Have you been reaching out and working with that school specifically, not just park grove school district?

Speaker: Um, we've connected with the principal, like the safe routes to school program has a pretty strong connection with the school district in general. And, um, we have spoken more with the transportation staff, but the principal at sacramento is aware of the project. Yeah, I just encourage you to directly reach out to the elementary school itself.

Speaker: Okay. My experience with school districts, is it doesn't really impact the community until you connect with that specific school. Yeah, absolutely. Thanks thanks. All right.

Speaker: Good. Please call the roll. Rebecca Rubio I vote I Ryan I Gonzalez I Mapps.

Speaker: Uh, this is a great project. I want to thank staff for their presentation today.

Speaker: I vote yea Wheeler, I the ordinance is adopted.

Speaker: Item 152.

Speaker: Accept a grant in the amount of \$2,400,000 from the Oregon department of transportation, an authorized intergovernmental agreement with northwest naito parkway rail crossing and appropriate \$50,000 in fy 20 2324. Budget commissioner mouse.

Speaker: Uh, thank you, mr. Mayor. Colleagues this item comes to us from pbob by passing this ordinance, the city agrees to accept a federal grant for about \$2.4 million for the design and construction of significant safety improvements at a rail

crossing on northwest naito parkway at the steel bridge, a new mark crossing will be installed across naito south of the rail crossing, which will allow people walking and biking to safely cross naito to access old town and the waterfront park. This project invests in making a busy urban rail crossing safer for all users, with the added benefit of allowing a for a rail quiet zone to be established in the area. That's great news. Frankly, neighbors in that community have been calling for a quiet zone for years and years and years. Really happy that we can move forward on that here. To tell us more about this ordinance, we have gabe graf, a capital project manager at pbot. Welcome, gabe.

Speaker: Thank you. Thank you. Mayor, commissioner, um, happy to present to you today about this project. My name is gabe graf, uh, capital project manager at the Portland bureau of transportation. Can I get the next slide, please? So I just want to give you a little bit of context, although commissioner Mapps gave a nice overview of where this project is located and what it's trying to do. Um we are, um, here at the, um, yellow dot, so. Right at the west end of the steel bridge, um, this will be a new crossing of naito parkway. Um, it's provides a connection to the northwest flanders neighborhood greenway to better naito waterfront park to the lower deck of the steel bridge, and the new proposed skate park on the west end of the steel bridge. Next slide. Uh this, uh, this ordinance is accepting a grant from the Oregon department of transportation from their rail safety funds. \$2.4 million, and no local match is required, which is great news for pbot at the moment. Um, once it's approved, uh, we'll move forward with final design, and we're hoping to be in construction in 25 to 26. Next slide. Um, so the initial, um, goal of this project was to provide a crossing across nato at the steel bridge. Um, many years ago, there was an overall pedestrian overcrossing, a pedestrian bridge over nato there that was removed for safety concerns. So this has been a long standing request. Of the

neighborhood to restore pedestrian access across nato at this location. Um, so that was the goal, um, in order to get that crossing approved, we need to work with the railroad and odot's rail safety board to get additional, uh, rail gates installed at the crossing to make it safe and meet standards. So, um, that's also a component of the project. Um, and a, uh, additional benefit as commissioner Mapps noted, of those new rail crossing gates, is that will allow for a quiet zone, which means that, um, rail operators will no longer be required to sound their horn as they cross through that location. Next slide. This is an overlay of our design line. Um, for the improved crossing. Uh, on a satellite image, um, you'll see in the bottom of this slide the location of the new marked crossing, um, that will connect just north of the bowl where the skate park is. Um proposed to be located. Um, and then the new rail crossing infrastructure is just, um, on the top of the image, where we'll consolidate the pedestrian and bicycle crossings. Um, and provide safety gates for both of those crossings, just like vehicles have automatic gates today. Next slide. I think that's it. Yeah. Any questions?

Speaker: Very good colleagues. Any questions? Public testimony.

Speaker: There isn't there's not.

Speaker: Ryan, did you have a question. Yeah. Just a quick uh, great presentation gabe.

Speaker: So you've been in contact with the people at parks on the skateboard park. So it's all flowing together. Just wonderfully.

Speaker: Yeah. It'll be a nice, uh, new connection for the skate park.

Speaker: Okay. All right. Great

Speaker: Anybody else?

Speaker: When you said safety, you were just talking about the structure itself, not in this area. We've had a lot of people come talk about safety when it comes to overpasses that don't have to do with the infrastructure of the of guilt.

Speaker: I should have been more specific. Specific, um, I think probably this point 12, maybe 15 years ago, there was a pedestrian, uh, pedestrian bridge over nato parkway that was removed for a personal safety concern. So it's, you know, it's a staircase, a tunnel and a staircase that, um, um, was attracting crime.

Speaker: So structure, safety issue, personal safety, crime.

Speaker: Oh, and this will make it a better place.

Speaker: So that's that structure hasn't been that was removed at least ten years ago.

Speaker: So since then there's been no, uh, safe way to cross nato from a, like, from a physical safety because there is no there was a bridge. There's no bridge now. There's no crossing at all. So people who do cross there just start a cross traffic. That making sense?

Speaker: It is. But now it's making me want to ask another question. Go for it.

Speaker: Oh, yeah.

Speaker: Go. So when I was listening to you, it sounded like there were personal safety issues that had nothing to do with the structure. In other words, when we have this lovely thing built, will there be the same issues that were there before?

Speaker: So the previous crossing over, over naito parkway was, um, stairs and an elevated bridge and the new crossing will be an at grade, um, striped crosswalk. So I don't the visibility and safety, I think from a personal perspective will be much improved as well as from, uh, you know, physical safety standpoint. Um better than what it is today. Does that make sense? Yeah. Okay. Sorry

Speaker: Commissioner Mapps. Yeah. And I was I appreciate commissioner Ryan's questions and at least my understanding of this project is that we do a couple of good things here. Number one, we're kind of doing a smarter job of managing foot. I can train traffic in this space. And as a guy who used to work over in the crime prevention program, I understand and share your concerns about personal safety in this neighborhood. And frankly, this one's on my running route. Um and there are issues there, but I think the sightlines and whatnot, it'll be better. Um, although we there's will still be work that needs to be done there. But the great thing here is if you're walking, riding your bike, um, through this neighborhood, it's going to be much safer, much easier to navigate and if you live down here and you're being driven crazy by the trains, uh, tooting their horns as they go through, uh, that will actually get resolved, too. So we're chipping away at making this more livable, um, one project at a time.

Speaker: Very good. Please call the roll yea. Rubio.

Speaker: I'm happy to see pbot secure this grant. And make this crossing much safer for all users. I vote yea Ryan I Gonzalez I maps.

Speaker: Thank you for your presentation. Ryan. I'm really excited about this project. This really will improve livability in this space. Really happy to see it move forward. I vote yea Wheeler.

Speaker: Great project.

Speaker: Thank you for the presentation. I vote I the ordinance is adopted. 153 please authorize competitive solicitation and contract for fixed camera traffic enforcement system and related services.

Speaker: Commissioner Mapps.

Speaker: Uh, thank you colleagues. This item comes to us from pbot. This ordinance authorizes the city to issue a competitive solicitation and contract for

increased fixed camera traffic enforcement. Put plainly, what pbot is trying to do here is to increase the city's capacity to install and maintain traffic cameras. Now, here's why this ordinance is important in. 2023, 689 people died in fatal crashes on Portland streets. Speeding is one of the main factors leading to fatal crashes. Now, the research in this space is clear. The speed kills. Uh, for example, you are likely to survive a car crash at 30 miles an hour or below. However you are likely to die in a car crash at 45 miles an hour and above, driving recklessly at high speeds is clearly one of the variables fueling the increase in traffic fatalities here in Portland. Add traffic cameras are an effective tool in curbing, uh, speeding for example, where Portland has installed traffic cameras, the city has seen a 93% reduction in and top end speeding the lesson is clear Portland needs more traffic cameras and that's what this ordinance does here. To tell us more about this ordinance, we have dana dickman and active transportation and safety coordinator with pbot.

Welcome, dana. Good morning.

Speaker: I'm dana dickman. The traffic safety section manager with the bureau of transportation. As commissioner Mapps said this ordinance is really to allow us to start the process of procurement at, um, to allow for additional cameras and a second camera contract that will allow us to look at updated technology ages and will allow us to expand beyond the 20, be fixed speed cameras that we now have planned under our current contract. Um, we know that it has been a challenge for us to get cameras out in the right of way. Um, due to a very complicated right of way. So we're looking to have this competitive process that will allow us to look at new technologies is, um, and look at options for, for, um, just getting the cameras out in the right of way. As commissioner Mapps said, we have seen an increase in aggressive speeding, 40 of those 69 crashes that were mentioned included excessive speeding, um, and so we really understand that this is one of the tools

that we can use to help curb that type of behavior out on our streets. I don't have anything further this again, this is the start of a new procurement process. We will come back to council when we have more details. As we've been through, to talk about the contract and the details in the contract, questions.

Speaker: Commissioner Ryan yeah.

Speaker: Hi, dana. Good presentation. I have a question. I should have thought of it earlier, but what's our compliance rate with the tickets that people are currently receiving for this?

Speaker: I'm going to kick that one over to dana. Dana, do you know do you what do you mean by compliance?

Speaker: Like how many people gave them through.

Speaker: And it's flashing. And so they they're guilty as, uh, because of this camera. Um, and then you send it to your home and they're lovely photos to receive in the mail. I've received them. Um, and then do people pay them?

Speaker: Uh, the vast majority of people do pay them. We do have a number of folks that are violator the law that for various reasons, we can't cite them. We have a very kind of strict level. We make sure that, um, if there's any confusion, if the photo doesn't quite look right, if we don't quite get the license plate, those are not cited. But we do have good compliance with paying once the full citation has come in and we do have options for first time violators to take a class in lieu of the citation. Um, so we are considering equity and other issues, um, with the citations.

Speaker: What do we do with the maybe it's just me. My eye test notices a lot of, um, people don't have registrations. So how do you what do you do with those?

Speaker: Yeah. Commissioner or dana, do you want to get that details? Do you do you mean if like, they don't have, um, they have license plates that no one can see or they don't have license plates?

Speaker: They don't seem to be registered with automated enforcement.

Speaker: We cannot cite them if we cannot see the license plate.

Speaker: There's that. So. And we don't know what proportion there is of those that are coming in.

Speaker: Um, I could find out. I don't, I don't know, off the top of my head what proportion comes in that we're unable to see the license plate, but we can we can get that number. Interesting

Speaker: And then is there a connection between this camera intelligence and the intelligence that then goes to the police? Since we got at our traffic divisions, which allowed us to, you know, have some fundamental investigations, if you will, or more information on what's the connection between this and working with the police.

Speaker: Dana, i'll get back to you.

Speaker: Okay. Um, well, the program is actually jointly run by pbot and the police. So pbot really runs the fixed speed portion. The police run the intersection cameras, which are able to do speed violations and red light violations. If a law has been broken in, the police can use use the video and the images from the cameras. Um, for example, um, in a fatal crash, they can go back and use that. Those images, uh, in an investigation. Does that answer your question?

Speaker: Yeah. It gets at it. Thanks commissioner Mapps.

Speaker: Yeah, I just wanted to jump in and fill in. Uh some responses to commissioner Ryan. Uh, specifically the question on how often do people who are issued tickets actually, uh, pay them? Um, we'll get that information for you. I'll also tell you I don't care that much the purpose of this program is actually to bring down speeds for. We've installed these programs, uh, these cameras. The speeds have come down, especially at the top end, by 93. Frankly the funds that are raised for this program are used to maintain this program. So it's not a huge revenue

generator in that sense. Uh, but our goal here is actually just to get Portlanders driving slower. And these cameras do do that. Uh thank you, commissioner gonzales.

Speaker: Yeah. No, I mean, completely supportive. Very appreciative of you bringing this forward. I do I do think we need to care a little bit about the folks that don't have the plates and, uh, that aren't paying when, you know, when issued a ticket. Um, and maybe this is really a question for the mayor. Um, you know, stopping people without a license plate. It's an area of there's a resource question. How many, you know, do we have sufficient police officers to support a traffic division and to actually proactively be interfacing there? There's also historically, this is an area of concern when we're talking about, um, race justice concerns like the stopping people that don't have license plates, does that disproportionately impact certain communities and i, you know, we are getting much more data driven in our vehicle task force, uh, in east precinct. And I guess just just a question on to the mayor's, you know, what is the current thinking on, you know, outside of the resource question, which is substantial, but do we view stopping people that don't have license plates as problematic currently in our thinking or not problematic because it.

Speaker: Well, uh, look, um, I am the commissioner in charge, but I'm not the traffic division, and so I'm not going to guess the answer to that question. I will tell you that during covid, we did not have to have, uh, the traffic division engage the traffic division has been repopulated. It's out there. They do cite people. I'm sure if they were here, they would tell you. Yes, they absolutely do enforce those laws. Uh, but I'm not going to speak for them. I don't know operationally what the current configuration is, but we could certainly find out.

Speaker: Well, it just gets at this fundamental frustration point that I think a lot of Portlanders are feeling. If you speed and get caught by one of these cameras and you've paid to have current tags, uh, and a license plate, you're going to get a speeding ticket and if you go through that same traffic camera without a license plate violating a separate law, you're not going to get a speeding ticket. And, um, it carries over into what we're the situations we deal with, you know, illegally parked rvs versus someone who's law abiding citizen parking too long in a space and, um, and there's no simple answer here, but it does feel like there's a, you know, whatever we can do to prevent sort of two sets of laws in the city of Portland. Um, I think is important to regain trust from our citizenry. I just would sort of leave it out, fully support what you're doing here. To be clear, um, we all agree with that 100.

Speaker: Commissioner Mapps.

Speaker: Sure. Yeah, yeah, absolutely. I want to thank commissioner gonzales for his comments. I do want to remind everyone that in my budget proposal for pbot, one of the things I recommending is, is that pbot, frankly, get into the business of actually issuing tickets when people don't have tags. Well, uh, will actually be more aggressive about enforcing just having people plug meters. Frankly, if pbot, uh, had all the money in the world, I would still recommend that we do this because frankly, just having clear rules of the roads that people will largely comply with actually keeps our roads safer and makes them work more effectively. Uh, you raise a good question about what happens when people don't have a license plate at all. I don't I don't know what pbot does with that. I don't know if that's a pbot issue or a police issue, but clearly, one of the things I'm trying to do in the pbot space is to move us towards just greater compliance with very basic, uh, rules. And frankly, courtesies like paying a parking meter, getting getting your tags, which also implies, you know, going to the dq and making sure your car isn't excessively polluting. Um,

and one of the benefits of that is you know, your cars are safer, the roads are safer. And frankly, the city's, um, budgets, at least in the pbot space, are a little bit more balanced. Right. Thank you.

Speaker: I'll just say this before we take the vote, I strongly support this program. Uh, we should have more traffic cameras in the city of Portland. And living in close proximity to one, uh, number one. Yes. I've taken the class that one can take in lieu of paying the fine. And frankly, I found it useful. I should say that, you know, everybody shows up and nobody talks to anybody. Nobody makes eye contact, and everybody's slightly grumpy. Uh, but the truth is, it was actually a really good class, and I learned a thing or two, and, uh, um, it's. I appreciate that we have that in lieu program for, you know, I don't know if that was my first offense, but, um, people who don't get offended don't offend that often, I suppose. Uh, the second piece is, uh, you know, I drive on, uh, the beaverton-hillsdale highway fairly frequently, and there's, there's a traffic camera there, and, um, it definitely slows the traffic down. There's no question about it. And that, as I understand it, prior to the camera being there was a high crash corridor of some significance. So I think more of these is great is, you know, we had to go to salem and lobby for changes in the rules related to these cameras. They were fairly onerous, complicated and used too much police resource. Um you know, to some degree that's still the case, but it's a lot better now than it was a couple of years ago in terms of the regular environment. And frankly, I think the public will be supportive of. I really appreciate what what commissioner gonzales said about equal treatment under law. It is the basic premise of our legal system, of our system of justice, and it is infuriating to people when they feel that the law is not applied equally to everyone. And so I agree with you that the new data we saw about the lack of compliance with registries on the expiration of tags is, uh, clearly people willfully ignoring the dick requirement. If they're not getting a

renewal, they're not probably going through dick. Uh, and for people who are law abiding citizens, that's really frustrating. And it also erodes confidence in the system of justice that we have. And it may seem like a small thing, a parking ticket or an infraction here or there. Uh, but it's the slippery slope to the larger system of justice itself. So I support all of this, and I think it was a good conversation. I'm glad we had it. And it seems like this council is universally supportive of enforcing the law. Equally here in the city. Any further discussion? Do we have public testimony? I can't remember if I asked. Rebecca. We do not call the roll yea. Rubio.

Speaker: Um, I want to thank commissioner Mapps for bringing this forward. I'm very supportive of this. Um, this moving forward, uh, getting these cameras on our streets, uh, especially in high crash corridors, is much needed. Deterrent to hazardous driving behavior. Um, I'm happy to support getting these cameras up and running. I wrote i, Ryan. Yes

Speaker: Um, thank you for bringing this forward. I'm definitely supportive. It's just I can't undo what I heard when I watched the public works session last Thursday, that nearly half of all Portland vehicle registrations have expired.

Speaker: Uh, it's even worse than that, depending on the kind of vehicle you're looking at. I think 80% of motorcycles in the in the Portland metro area don't have tags. Okay.

Speaker: So I think that's why we just had to have this conversation because there's it's a wonderful bandage. There's this bigger systemic issue. And so we have to have dialog about it. And it does impact our community safety. I vote yea Gonzalez I fully support of and I almost want to double down on this point about tags and license plates.

Speaker: There's the element of folks that just ignore their notifications. There's also a whole segment that is engaged in very serious criminal behavior with stolen

vehicles, including license plates removed. So it's a, uh, it's painful to know that some people aren't abiding by the law. And there's also it is directly, you know, our challenges here are outside the scope of what you're hitting here is, is real. And being able to address it but fully support this. Thank you so much for bringing it forward. I vote I maps.

Speaker: Um, I want to thank, uh, dana for, uh, the presentation today, and I really want to thank my colleagues on council, uh, for the way you dug into this conversation. Um, i'll tell you one of the interesting experiments experiences I've had over the past week is since I've done my, uh, budget work session, specifically about pbot, where I talked about increased enforcement of things like parking and tags and whatnot. Um, and the interviews I've done with press, I'm getting pushback. Um, uh, from members of the press who raised questions about the fairness of actually expecting people to, uh, plug their parking meters or go and get their car inspected. Uh, frankly, I'm still a little surprised by that. Um, this is a shift in our culture, uh, which I don't think I would have gotten those questions in 2019, but we are getting them today. Um, one of the things I think we're all trying to do on this council is to move Portland back to normal order and normal order means things like driving the speed limit, plugging your parking meters, you know, uh, getting your tags and getting your tags and getting your car inspected. Um, I don't think this is a revolutionary thing. It's certainly a necessary thing. And once we all work together, I think our streets are going to be safer and work more, work better, which is why I am glad to vote. I on this item. Wheeler this is a good discussion.

Speaker: You know, a little far afield from some of what you're bringing. I think we all strongly support the core ordinance, but it all also raised in important issues. We are a nation of laws, not men. Um and the second thing is, uh, and i, you know, it is worth underscoring if you play by the rules, you should feel like you're doing it

because it's the right thing to do. And you're doing it because it's the best thing to be, to do as part of a civilized society. You shouldn't be made to feel like a chump for playing by the rules. And frankly, that's how a lot of people feel. And we need to back those individuals. We need to be there for them and support them and cheer them on for playing by the rules. And so I'm glad that we're having this larger discussion. We'll probably have it in a couple of different contexts going forward. I vote yea the ordinance is adopted and I realize, colleagues, I'm just powering through this stuff without a break. But we're so close to the it seemed wise. The next two are the emergency ordinances. Then we'll go back to the pulled item. First item, please. Uh, 154 it is a second reading of anonymous urgency ordinance. We've already heard a presentation, had an opportunity for public testimony any further? Oh I have to let rebecca read it. 154 please authorize contract with prologis lp to fund 30 years of anticipated power and maintenance costs for a new traffic signal at north shamir road and north whittaker road for \$150,000. Thanks, rebecca. Any further discussion? Seeing none, call the roll yea. Rubio i, uh, Ryan, I Gonzalez I maps I Wheeler.

Speaker: All right.

Speaker: Ordinance is adopted 155 second reading. Any further business I'm sorry. Go ahead. Jumping on you again.

Speaker: Authorize contract with prologis lp to fund 30 years of anticipated power and maintenance costs for a new traffic signal at north shamir road and northeast Vancouver way. North Vancouver ave for \$150,000.

Speaker: Any further business on this item, please call the roll yea. Rubio.

Speaker: Hi Ryan. Hi, gonzales. Hi. Maps I mueller I the ordinance is adopted.

Speaker: I forgot 156 also a second reading authorize a contract specific special procure with service for the smart discount program not to exceed \$350,000. Any further business, please call the roll.

Speaker: Rubio I Ryan i\$ I maps I mueller I the ordinance is adopted 137 pulled from the consent agenda please authorize director of the bureau of human resources to offer employment agreements to interim deputy city administrators colleagues.

Speaker: This ordinance will authorize the bureau of human resources to offer employment agreements to interim deputy city administrators, otherwise known as dca's city, selected by each of the commissioners in charge to lead each of the newly formed service areas. These interim dca positions will better ensure leadership continuity for service area operations and support collaboration between bureaus. As the city approaches the new form of government. I understand that each of our chiefs of staff weighed in on how to structure the agreements to yield high quality candidates with that, i'll turn this over to acting director for the bureau of human resources, tracy warren, to overview the details of the agreement. Welcome both of you. Thank you for being here. Thank you.

Speaker: Thank you, mayor and commissioners, for the record, my name is tracy warren, and I'm the acting human resources director. With me today I have christina frederick, who is our senior policy advisor. Welcome thank you. The ordinance in front of you authorizes the bureau of human resources at your direction, to enter into employment agreements with interim deputy city administrators. We are requesting an emergency ordinance to ensure we have adequate time to recruit and onboard. Commissioner appointed interim deputy city administrators. It is critical to fill these interim positions for the city to implement changes outlined in the updated charter and till a new city administrator is selected.

City staff may need to fill these temporary roles in time of uncertainty. City without a clear path for them in our city's future structure. With the ability to attract and hire interim positions. Now we can ensure leadership, continuity for service area operations and support collaboration between the city as it approaches the new form of government. The bureau of human resources has partnered with the city attorney's office to prepare agreements that will include incentive clauses for candidates when accepting an interim deputy city administrator role. This will help to provide a level of certainty for candidates who are leaping into the unknown for themselves and their families to support this important work that the city has ahead of us over the next year, for example, options for severance and potential to extend for one year at the discretion of the city administrator. Our considerations can entice interim roles. These incentives allow the city to position ourselves as an employer of choice, and our competitive labor market. While still complying with Oregon's pay equity limits in recruitment, therefore allowing us to enhance our compensation package. These classifications, these were approved the past December and will be addressed in an upcoming budget process. This approval today will allow the city to identify highly qualified candidates for critical, ongoing service delivery and shared priorities for our organization in. Do you have any questions about the ordinance in front of us? Commissioner Gonzalez?

Speaker: Um, I just had a couple I so I think one of the pieces that jumped out for myself was the concept that we would at least with respect to interim dca's, um, potentially offering six months severance. Uh, can you just, uh, actually, we had a pretty robust, uh, conversation with commissioner Rubio's office on this yesterday that actually enlightened my thinking on this a little bit, but can you just walk through the perceived risk so for a candidate, say there are existing bureau director, they accept the dca role. A new mayor comes in in January 2025 with the

new city administrator and deems them not to be the right person for that position, given, um, uh, long term um, can is it fair to say that that's sort of the risk that these candidates would be taking and accepting these roles? I mean, that's just one scenario, but we're just trying to really play through the career risk people would be taking to accept those deputy roles on an interim basis.

Speaker: That's correct. Commissioner Gonzalez folks who take these interim roles will not have a potential to not have a landing place if they were not selected to be permanently appointed to a dca role. Um, that means they could remain unemployed for a period of time. Uh, one of the factors that we use in determining the six month, uh, severance is that currently, the us bureau of labor statistics statistics, um, shows that it takes roughly 20.8 weeks for someone to be unemployed before they find another job. And you're talking about folks who are in an even smaller niche of an occupation grouping. So it may take them even longer to become employed again.

Speaker: And for the you alluded to in your comments that pay equity analysis. So just maybe speak to that person with respect to the interim roles. Uh, for a second, is that essentially saying that we can't pay them a premium for interim, uh, given the heightened risk? But sometimes in the private sector, when you're dealing with short term assignments and there's you don't have a lot of job security in the role, and you may be moving or taking a you know, you have real opportunity costs. Sometimes there's some sort of premium to address that. Um, but is that unavailable in the public sector or just walk me through how that plays out.

Speaker: So one of the reasons why we reference pay equity is because as you all know, the city is working through our next fiscal year budget. Um and we may not have the ability to pay folks at the top of range for their tax and skill. And so, um,

you know, they will likely be some policy decisions made internally around how we pay folks that go into those interim roles to save money.

Speaker: Uh, i, I think that answers my questions for now. Thank you. Thank you.

Speaker: Uh, any other questions at this point? Do we have public testimony on this item?

Speaker: We do. We have three people signed up.

Speaker: Very good. Three minutes each name for the record.

Speaker: The first is bob weinstein. Welcome mr. Weinstein.

Speaker: Thank you for being here. Morning, mayor. And thank you for your patience. Um, again, good morning, mayor.

Speaker: And the council. My name is bob weinstein, and I'm speaking to you today as a taxpayer and a candidate for City Council. I stand before you today to express strong objections to the emergency ordinance, proposed reward six month severance packages to interim deputy administrator was aptly dubbed the golden parachutes for all, a move that I believe is both fiscally irresponsible and out of touch with the realities faced by our city. My concern lies in the fiscal response ability inherent in awarding lavish severance packages, amounting to a staggering \$1.3 million to temporary employees whose impact on city services is destined to be short lived. That money could be better spent addressing urgent needs like public safety and transportation, which are currently struggling to identify adequate funding. Severance should be reserved for extraordinary situations not handed out routinely. Six month severance after possibly six months of work is way out of bounds for both private and public sectors, providing a lush severance packages on the taxpayers dime as a slap in the face to the hard working people of Portland is why the inconsistent with many other city employees, especially including police officers and firefighters who risked their lives, who work year after year without

such a severance benefit. It sends the wrong message that public servants can expect cushy safety nets even when their tenure is temporary. I ask you to reject this proposal. As I stated to you in November, after voters approved a new charter for not a blank check to expand bureaucracy, staffing structure decisions, especially one with an annual fiscal note of \$2.5 million or 418,000 per person, should be made by the new mayor and council, not you, not the current council. You should not saddle the incoming mayor and council with these proposed increases, especially when the costs of transition are already soaring well above the estimates provided to you and the public by the charter commission. This severance proposal does not constitute an emergency. The real, ongoing emergency is the public safety crisis plaguing our streets, and that is where available funds should be directed in closing, the people of Portland deserve responsible fiscal policies and transparent governance from their leaders. As a candidate and hopefully a future member of this council, I'm committed to upholding those values. Thank you for your time and all you do to serve the people of this great city. I appreciate the opportunity to share my perspective. I'm willing to answer any questions. Thank you.

Speaker: Appreciate it.

Speaker: Uh, commissioner Gonzalez has a question.

Speaker: Bob, I just want to thank you for your testimony today. You know, I share with you deep concerns about the growing price tag of, uh, transition. Uh, this this in particular, this area of essentially new layer of bureaucracy, um, that wasn't explicitly, uh, mentioned in the ballot measure is truly an area of concern. I share that with you. Um, I think the challenge and I'll have a question back to our hr team. Um is we have congregated the bureaus in, in service areas and trying to figure out what's the right amount of management given that consolidation. Um, essentially, we previously had commissioners do overseeing a cluster of bureaus and going

forward and there's somewhat of a management vacuum, um, to address is six the right numbers? Four of the right number. Um, it I all I will say is I share some level of frustration about both the growing price tag as well as this particular layer of bureaucracy that voters did not approve of. Uh, that was not spelled out in the ballot measure. I'm just not clear on if we have a viable alternate give given where we are.

Speaker: Now, if I could briefly respond to that, I think you do. Having been in that situation myself, um, in public manager moment, there's no reason why, for example, in public safety, instead of having a new 400,000 a year temporary position with six months of severance or \$209,000 to give in to that person, the police chief, the fire chief can coordinate among themselves. And I would apply the same thing to each and every of the other departments under, uh, the new organization. Often the directors are professional people. They should be given direction to coordinate with one another. They don't need somebody sitting on top of them for six months who may get terminated by the incoming mayor. And then we, the taxpayers, have to give them 209,000 each on the way out. That is offensive. Frankly

Speaker: Yeah. I look, I had many similar reactions to this piece and maybe the question back to hr is for bureau leads. What is the current policy for severance ? If we were to offer a bureau director a contract right now, what's the amount of severance they one year, one year. So we're offering less than what new bureau director would get.

Speaker: That's correct.

Speaker: And on the permanent dca roles, um, so I've been very as has bob, been real focused on the temporary but on the permanent going forward, is this

ordinance addressing the amount of severance that would be offered in a, um, in a permanent dca role?

Speaker: It does not. The plan is that as we move through the transition process, all of our human resource administrative roles will be evaluated as they relate to the new structure, and there will be an opportunity for us to revise the rule related to director contracts that currently exist. And there will be an opportunity for stakeholder feedback as well as counsel.

Speaker: I appreciate it. Thank you. If I could jump in here too.

Speaker: Um. I was sort of where bob was initially, but I've spent a lot of time thinking about it, talking to people, looking at what other cities do, how they're organized, including, by the way, I've looked at private sector organizations and how they're organized and we will be going into 2025 with what I would describe as a three quarters baked governance model. We're not going to be making all of the decisions for the next City Council. We'll be making a lot of them because we owe the incoming City Council and the incoming mayor an operation government. And on January 1st, that government will be a city administrator for operated government. So we're putting into place what we think is the right model to keep the trains running into to the next year. And then, of course, the new council can take a look at it and decide we got it right or we got it largely right, or we got it partially right, or we got it wrong and they can make whatever decisions they want to make at that time. But but we owe them an operational government. Um it's hard for people to see the value in a six month severance package for a position that probably will last a year. I agree with you on the other hand, the absence of those positions, I think, would be very problematic for the continued operation of the city and I hope we will be wise enough to pick people who actually, you know, there, qualified and can do this job and want to do it on an ongoing basis so that

severance won't be an issue. I would also argue that you mentioned public safety as being an area that doesn't need oversight. If virtually every other city, our size, in fact, they have a public safety bureau that coordinates the leaders in each of those different public safety functions. And we haven't had that here. And so I think this is a reason, if you've followed some of our budget discussions, the discussions we've had with the fire bureau and others, I actually think the dca position is valuable in this particular context. So uh, again, we can agree or disagree. Agree. The new council, if you're on it, voters willing, if you don't like it, you can change it. But we think this is our best shot.

Speaker: I understand that, but I just want to respond briefly to what I was saying.

Speaker: I wasn't saying that ultimately there should or shouldn't be a person in charge of multiple departments. I question it right now. I'm saying it shouldn't be done temporarily for people who will not get up to speed in the next few months before there's an election. The elections in November for between November and January. I suspect those who are elected will start commenting on what what the structure should look like and having people. For four months or five months now makes no sense, especially when there's a huge price tag it's 2.54 million for these six people. If you and the severance, I mean, it's not done in the real world. Find another example where people get hired for six months and get six months of severance on the way out the door, you know? Anyway, I don't know of any, and I did. You know, google's my friend. I try to research it. I didn't see anything all of your arguments are good.

Speaker: I'm not disputing it could work out that way or it could work out the way that we're proposing. And the truth is, we don't know. We're we're building a new form of government, but it is based on what we see as models for equivalent size cities that have city administrators. So it's not completely made up, and it's the

other point I just want to make here. Bob is hopefully we will select people for those positions that that hit the ground running on day one. I'm hoping we don't pick people who are just completely brand new to Portland city government, don't understand how the bureaus are organized or what the operational issues are, how the budgets work. We need people who are who are very qualified, but to get them, we're going to ask them to leave other positions that are lucrative. Right. And for a position that may last a year. So there is risk inherent in accepting those positions. We're just trying to balance what's the right incentive of versus our desire to have highly qualified people in those slots.

Speaker: Okay, I want to make two points. I understand that, uh, having been involved in that position, we kept positions open. Somebody has to ask can so and so's position be left open? So if he she they come back there is a place for them. The other thing you guys need to start connecting the budget dots is there's a \$3 million proposed short fall in Portland street response. You're talking about 2.54 million right here for temporary employees, half of which is a severance a very large severance. Um, you talked about looking at other cities. Your team did that. Okay for administra tive staff, and we're ending up with, from my perspective, a very bloated bureaucracy. We despite it telling you and I said this to you in November that they looked at other cities for council staff. The council staff is now being reduced not from the current number, which I understand as high given the roles that you guys have to one. And meanwhile, according to news accounts, your staff is going out looking for two offices for each council member. For one staff. So the taxpayers are going to spend money having an empty office somewhere because the, you know, it's absurd. And as I said to you, if you look at the peer cities, they all have more than than what is on the table for council staff. The proposed on the table is effectively kneecapping future council members. And I

believe the future mayor from being able to carry out what the voters want them to do and that's respond to constituent wants. You can't do that with one staff. You can't you can't do that with one staff and two offices.

Speaker: We'll take that up in the process and you'll be back. And by the way, I agree with you on the district offices. I my public statement on that is that is a decision that the incoming council and the incoming mayor should make about how they want to organize in their districts. That's really up to them. Um, but there there was a request on the part of the current council to at least evaluate that, look at options, see what might be out there, and so that that's being responsive to the larger point is you're talking about 2.5 million here.

Speaker: You need three for Portland street response which is more important temporary bureaucrats. You can't afford both.

Speaker: From what we'll see I hear unfortunately as mayor I have the unenviable position of offering the proposed budget. So we'll see what we can do. At any rate, I enjoyed this. Thank you for being here. I hope I come back also and, uh, we'll we'll see what the voters think. Thank you sir. Appreciate. And thank you for running. It's not not an easy thing to be doing all right. Uh, who's next? And I promise I won't ask so many questions.

Speaker: Next, we have rachel clark.

Speaker: Rachel. Welcome, rachel. Thank you for being here. No, a little left out.

Speaker: You guys just got the whole conversation out of the way. I don't have a lot to add. All right, bob, you're great. Um, I am rachel clark. I am the owner and manager of goose hollow inn and fehrenbacher hoff coffeehouse. Happy Oregon's birthday. As well as valentine's day, ash Wednesday, as well. Um, so I am here today to ask you to reject the emergency ordinance that authorizes a six month severance package. Like bob, and focused on that severance piece. I don't really need to read

everything that I prepared, because you guys kind of hashed it out here already. Um kind of jumped in with the questions before. I think all of us got to test ify. I'm a small business owner, um, offering this benefit comes at a time that citizens are already feeling distrustful of how our funds are being spent. We've kind of gone over that already. The optics on it are not good weather at this moment. Moment in time, or possibly down the line when it's, uh, comes to light that one of these people are dismissed and the huge severance package they get. When I was reading the ordinance, um, I was a little confused about whether it's if they get, uh, the severance. So say it's six months to get \$209,000, plus six months salary, plus 50% of their taxes and benefits. It's somebody said it was just six months severance.

Speaker: I'll look to air on that. Yeah

Speaker: Yes. It also includes their, uh, 50% of their benefits.

Speaker: So is it 209,000 plus six? There last next six months salary plus 50. I'd have to review the numbers that our budget folks put together as a rough estimate, based on what could potentially happen and how much would be as part of the fiscal budget.

Speaker: So I'd have to look those numbers over.

Speaker: Gotcha. Well that's how it read. And so it really did come out to more than just six months. It came out to like, oh, you worked six months. Plus you get an entire year's worth of, uh, salary plus a little bit more on top of that. Um, as a small business owner, I find the offering the severance package for a temporary position as an extravagant and unnecessary means to locate and hire qualified candidates. The employer contract itself of each position, shall outline it as a temporary position. It will offer a good salary. It will all be will be filled by a qualified candidate who also fits the role and the true part of it all, though, is that whether you offer a

good salary or a salient six month severance package, you might get some qualified candidates. Yes, but you're still not guaranteed to get the correct or good. Karen good candidates. So I just, uh, along with bob and others, I don't think this is a good deal for taxpayers. I heard what you were saying about the rationale for it. So I appreciated that conversation that you had. Um, thank you for your service to the city and for your time today.

Speaker: Thank you. And thank you for running. We appreciate it.

Speaker: Yeah. Thank you.

Speaker: And council, can I just address the last question christina was able to provide me with an answer, which is the 209 is the total assumed amount. Total total.

Speaker: Okay. Thank you.

Speaker: Yes, tracy, a question. First of all, tracy, it's good to see you. And this might be one of your first council meetings in this role. It is. All right. Well, welcome. You said something about one year severance for directors. Could you make more or could you give me more details to that? That was.

Speaker: Yeah, I'd have to I'd have to look up the contract to give you real specific information on, um, but we typically enter into a three year agreement with current directors with some other clauses around around in what conditions we will pay a severance on the front end.

Speaker: Okay. On the front end, if it's a three year contract. Correct. But it's not one size fits all.

Speaker: What? It's the same director contract for all directors, correct? Okay permanently.

Speaker: Uh, rebecca, was there one other person?

Speaker: There is john. Torin turan.

Speaker: I'll give up my time. I don't think to speak. To.

Speaker: I couldn't hear that.

Speaker: Sorry. He doesn't want to.

Speaker: He.

Speaker: He's giving up his time. Great

Speaker: Thank you for being here. We appreciate it. It's good to see you.

Hopefully we'll see you again as well. Thank you for being here. Uh, any further discussion?

Speaker: I got two more questions for you.

Speaker: Just want to be crystal clear on this.

Speaker: Uh, under this ordinance, you would be permitted to give up to six months severance fee. You don't have to give six months. If in in the agreements. Is that correct? I'm just looking at the language of the ordinance, not the underlying contract that that is correct.

Speaker: Okay. We have a draft contract that we will share with council offices and if someone serves the full year, um, under the terms of this, uh, would they be entitled to any severance at the expiration of their engagement? It depends on the terms of the ending of their engagement. So there are some clauses within the draft contract for reasons in which we will pay a severance and reasons in which we will not.

Speaker: Okay. So if the new mayor and city administrator in June 30th of 2025 no longer feel that this deputy is the right person for that position, then it's not a for cause. It's. But they have served a year. Uh, and their services are no longer wanted. Are they entitled to severance under that scenario?

Speaker: They are.

Speaker: So we would be paying six months in that in that scenario or up to six months, depending on the agreement.

Speaker: That's correct. Yeah

Speaker: I guess my commentary to my colleagues is, you know, we may need to really have a discussion if we really want to fill all of these positions between now and the end of the year. Uh, given that this is going to be tying the hands a bit of the next mayor and city administrator for, that's not necessarily a discussion that we need to resolve today, but as part of the budget discussion, um, I think that is some tail risk for the next council, the next mayor, and the next city administrator. Um, I'll just leave it at that. That if I may add one clarification.

Speaker: Commissioner Gonzalez, you touched on a point that might be helpful for the public to know if, uh, a candidate if a position is terminated for cause, for reasons they wouldn't be entitled to a severance in that case.

Speaker: So very helpful reminder. And we're just dealing with the scenario where we have to plan for whoever comes next. And are in some ways tying their hands a bit, uh, for, for, uh, to support the transition. So I, um, but I absolutely hear your point. Thank you. Can I ask you a question?

Speaker: So this is a position that is senior to bureau directors, correct?

Speaker: That is correct.

Speaker: And bureau directors currently have a year of severance. Is that correct?

Speaker: That is correct.

Speaker: So we're actually offering these people half the severance that all the other bureau directors will already have in place. Is that correct?

Speaker: That is correct.

Speaker: So I'm not clear how this significant. I mean, I think I see your point, commissioner Gonzalez, but this seems like, uh, they negotiate it or they're

proposing a less onerous restriction on these positions than what we're currently all doing collectively with the bureau directors that we appoint, which the next City Council will inherit.

Speaker: I think the unique risk, right, is you're putting in deputy in that maybe he's only there for a few months. That doesn't have a long track record, may be deemed surplus or just not the right person for that role by the next city administrator, the next mayor. Um, and, and we're saddling them with a check. They're going to have to write if they choose not to continue to renew those deputies. And again, I put that on the new. Well I guess ultimately, this I mean, this this raises a really good question.

Speaker: Um, the current city commissioners are going to appoint the dca. Is that correct ?

Speaker: That is correct.

Speaker: So they could choose not to if they believe their service area does not warrant a dca, they would not have to hire a dca. Is that correct?

Speaker: That is also correct.

Speaker: Okay. Good. So it's a matter of preference and choice.

Speaker: I, I and actually your mind is going where mine is.

Speaker: I mean that might be the way for us to hedge the risk here is not to fill all the positions between now and the end of the year. That's that, that actually helps mitigate the risk of miss um, but i'll leave it at that.

Speaker: Well, we should probably talk to the interim city administrator as well, because remember, look, we've got a \$7 billion organization with 7000 employees.

Speaker: We're actually light at the senior level management level compared to a lot of organizations. I just want to be clear on that. This is a really complex organization. We have lots of collective bargaining units. We have over 25 bureaus.

Um it's already pretty thin. And what we're doing is we're shifting responsibility over to one interim city administrator, and we're asking them if 5 to 7 reports is pretty much the maximum that's accepted in modern management theory, without any it's 27 to 1. That just strikes me as ambitious, given all of the challenges facing the city. But uh, if collectively during the budget process, we decide we don't want to have that level of coverage at the senior level of our organization, I guess we can make that decision. I'll go on the record and say, I'm not comfortable with that decision. I think that's a leap.

Speaker: Uh, I was just responding to your point that that I think is correct. We these commissioners designate the deputy. We they may choose not to. And that may be a legitimate way to mitigate the risk on the next council, the next mayor, or the next city administrator. There are certainly trade offs. If we go that route, i, i, I hear you there. Um, but it's also worth pointing out, whoever we appoint as an interim city administrator the next mayor may opt not to continue to have them in that role. So, um, there is a real trade off in terms of facilitating transition and preserving preserving flexibility at not too high a cost for the next mayor.

Speaker: Right. But they could make that decision. My point. And then i'll leave it because we're all tired, cranky, hungry. Um, they could make that decision with any of the 27 existing bureau directors. It's from their perspective. It's all going to look like fair enough. All right, we're done. Commissioner Mapps.

Speaker: Uh, thank you, mr. Mayor. And actually, I was just going to, um, take the temperature of the room. I noticed this is an emergency ordinance. Um, I'm wondering if we want to vote on this today or have more discussion, and I can. I'm saying I'm I'm open.

Speaker: Either disgust out.

Speaker: I'm ready to vote. But I'll leave it to the rest of the council. If people aren't going to support it. There's no point going forward with an emergency ordinance.

Speaker: Oh, it's an emergency. That's right.

Speaker: Um.

Speaker: Well, I just wanted to say something. For the record, I think the conversation that Tracy you were having with Mayor Wheeler about this, um, one year, I think there's some nuances with that. So I think we have to be careful not to say that everybody that takes that position and maybe doesn't have a breach of their contract and, you know, leave. I mean, there's it doesn't always merit a full year. And so is that true? Because if I was listening in and I heard that everybody that became a director, no matter when they left and how they left, they get a whole year of severance. There are, of course, always nuances, um, to some, someone's departure from the city. I just want to make sure we got that in the record. Thanks great.

Speaker: Uh, let's see, I think that is. And we completed public testimony. Yes. We can. So temperature of the room should we go forward with the role or should we remove the emergency?

Speaker: I'm curious what Commissioner Rubio I'm trying to move forward, but I'm also fine to take off the emergency.

Speaker: If people need more conversation, I can go both ways.

Speaker: I'm not a yes yet, so if you pull it.

Speaker: Okay, so I'd like to propose an amendment to remove the emergency ordinance. Can I get a second? Second call the roll yea. Rubio.

Speaker: Hi, Ryan.

Speaker: Hi, Gonzales. Hi, Maps. Hi, Wheeler.

Speaker: All right.

Speaker: The ordinance is now anonymous. Urgency ordinance. This is a first reading of anonymous urgency ordinance. It moves to second reading. Thank you to our hard working staff before we leave, one other quick item, commissioner maps. I'll get to you in a second. Um, we had somebody testify earlier this morning. Lori mcfarlane, and she started showing a video and I misunderstood what that video was. And I believed it was a video that she had created and was showing to counsel. Uh, I thought it was a little far afield and perhaps even offensive to some people. So I asked her to stop. I owe her an apology. That was not her video. That video was apparently made by the city of Portland by the water bureau. Uh, I don't know why, and I will express my dismay. Uh, that the important thing here is I think we all know I can be a jerk sometimes, but when I'm wrong, I own up to it. And, uh, lori, if you're still out there and I actually already did send her an email, I was wrong, and I owe you an apology. And so, uh, with that commissioner Mapps you have a comment?

Speaker: Yeah, I have two things. Um, mr. Mayor, um, I'm the guy in charge of the water bureau. I will, uh, figure out what was going on with the video, and, uh, we'll send an email to everyone on council to clarify what was going on in that space. The other thing, which I wanted to highlight before we go today, is, um, uh, comes from the pbot space since we've been in here. Um I have, uh, I'm following a little bit of pbot traffic, which is indicating that we have a winter weather warning. Um i'll tell you, the weather forecast has changed in the three hours that we've been in this room, and I'm told it's still, uh, kind of volatile. Uh you right now, I believe, uh, we could expect some snow starting as soon as 4:00, especially up in the west hills and east of 205. I believe. Um I wouldn't necessarily rush home immediately, but this is probably the point in the day when everyone who could hear my voice should begin

to be think about their winter travel strategies. Uh with the assumption that snow may come in. Uh. Thank you. That's all I got. Good.

Speaker: Good reminder. Thank you. Uh, colleagues. Thank you. We went over with no break. Apologize to staff. And I definitely apologize to the people at opensignal. We are adjourned.

Portland City Council Meeting Closed Caption File

February 14, 2024 – 2:00 p.m.

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Speaker: Good afternoon, everybody. This is Wednesday, February fourteenth, 2024. This is the afternoon session of the Portland City Council meeting. Please call the role

Speaker: Well here from legal counsel on the rules, order and decorum. Good afternoon. Good afternoon. Welcome to the Portland City Council to testify before council in person, or virtually please sign up in advance on the council agenda at [www. Portland, gov. Slash council, agenda](http://www.Portland.gov/Slash/council/agenda).

Speaker: Information on engaging with City Council can be found at 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 3 min to testify. Unless otherwise stated, a timer will indicate, when your time is done.

Speaker: 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 a rest for trespass. Additionally, counsel may take a short recess and reconvene, for virtually your testimony should address the matter being considered when testifying, state your name for the record. Your address is not necessary. Disclose. If you are a lobbyist, and if you are representing an organization, please

identify it for testifiers joining virtually. Please unmute yourself. Once the council clerk calls your name. Thank you.

Speaker: All right, thanks. We have one item today, but it's pretty substantial. Item number 1, 5, 7, please. It's report.

Speaker: Except Portland enhanced services district program assessment and recommendations report colleagues. I'm pleased to introduce this report on recommended changes to the city's enhanced service district program. As you're all keenly aware, the city underwent an audit process in the summer of 2,020 that examine the sd program and found that there were concerns

Speaker: Chiefly surrounding perceived lack of transparency of esd budgets and the work, as well as a lack of oversight provided by the city of Portland. An early step in addressing these concerns was to create and fill the esd coordinator position, whose responsibility would be to oversee the esd program and act as liaison between the city, the public and the esds themselves contract renewals executed over the past 2 years with all 3 of our current esds now include a number of increased oversight reporting and transparency measures that are in compliance with that audit.

Speaker: Bds planning was hired by omf in summer of 2023 to examine the 2020 audit results. The existing esd program, as well as the 3 current esds downtown clean and safe, the lloyd district and the central east side industrial district, and ultimately make recommendations to bring Portland's esd program in line with the highest of industry standards. Bds planning also interviewed public officials, civic leaders, esd stakeholders.

Speaker: Including condominium owners, business owners and property owners within each of the sds esd. Leadership as well as city staff based on their findings. Bds planning has made recommendations on potential improvements to the esd

program, and the esds themselves grounded in best practices from other municipalities around the country to day. We're going to consider this report and the recommendations that it offers

Speaker: Colleagues. During our discussion we should consider giving direction to staff on, whether to move forward with implementation of all, some or none of the recommendations. Some implementation items will require returning to council with an ordinance to change city code.

Speaker: With that i'll turn it over to carl lyle and devin reynolds, of omf to introduce the item as well as our speakers.

Speaker: Welcome, thank you. Mayor and commissioners carlisle. The office of management, finance, external partnerships manager. I'd like to provide just a little bit of background on the 2020 audit of the esd program and the steps we've taken to address concerns that we're under during that process before. No problem we have to take a break.

Speaker: We're in recess.

Speaker: Uh. Thank you. Everybody for your patience. We're back in session, and we have our technical glitch sorted out. Carl, back to you.

Speaker: Great. Thank you very much. Uh so to pick up where I left off, I'm going to do a little background on kind of how we got to this point on the enhanced services district program. Um, and then turn it over to our consultants to, uh, present their report. So in early 2020, there was a public push to reevaluate the city's enhanced services district program, or esd program, with concerns ranging from perceived lack of transparency regarding esd budgets, operations board procedures, even whether enhanced service districts should exist at all in Portland. This public pressure led the city auditor to conduct an audit on the existing esd program, and the three esd is currently in Portland and generally found issues related to

accountability, public oversight, transparency, and representation within the esg program as it had been administered in the past. In response to the audit, the city took the following steps. We created and filled the enhanced service district coordinator position, which is Devin sitting here with us. Um, we created scopes of work, uh, that the esds were contractually, contractually obligated to perform within their districts. Um, created scopes of work that the city was contractually obligated to perform within each district, essentially outlining a baseline level of basic services in those districts that each enhanced service district could count on. Uh implemented a variety of new reporting requirements and oversight measures, and new contracts with each new district as they were renewed. Um, for example, the esd coordinator now sits on each esd board in an ex-officio capacity and regular reporting on activities is required for each district, including annual reports to City Council. Um, you will be receiving some of those in the coming months. Um hosted several stakeholder listening sessions and launched a survey to identify issues. Hired uh bts planning kind of kind of an unfortunate name in Portland. A little bit confusing, but this is Brian Douglas Scott, who I'll introduce in a minute, and his firm is called bts planning. It's not the bts that occupies this floor, this building, um, hired bts planning to further examine the esd program and the esds themselves and make recommendations rooted in industry best practices that would address the concerns flagged in the audit. And advance Portland's esd program. Um, during this process, pds planning reviewed all recordings and transcripts from council hearings and interviews conducted during the 2020 audit outreach and interviewed public officials, civic leaders, esd stakeholders, including condo owners, business owners, and property owners. Within each, each esd in Portland, um esd leadership and city staff and presented their initial recommendations at a public meeting held in early December. Uh. Following this meeting, the city collected public comments

for about a month, uh, all of which are included in an appendix to the report, which you have and we're considering today. So before turning things over to bts, planning to present their findings, I'd like to briefly mention a major factor that has kind of delayed our work in responding to this audit, because it is acknowledged 2024 and the audit was done in 2020. Um, omf did hire an esd coordinator in 2021 who began the necessary work to respond to the audit and develop recommendations. However the esd coordinator left the position by mid 2022 and the position remained vacant until we were able to secure permanent funding for the position in this year's budget, and we were able to bring on our current esd coordinator, devin reynolds, in October of 2023. So that did lead to some some delays. Uh, in advancing the work, devin will be serving as the contract manager over all of Portland's esds, uh, with, uh, going forward, devin brings extensive experience in working at similar organizations like enhanced service districts in the Seattle area where they're called business improvement areas. And we're very happy to have them on board much of the work implementing changes to the program going forward, all these recommendations in the report will fall to devin to manage in the coming years. Um, with that, i'll turn it over to bts. Planning managing partner brian scott and andreas montavilla, partner, to present their report.

Speaker: Thank you, mr. Mayor. Members of the council, I'm brian scott, the managing partner at pds planning. Um, it was nice of you to name one of your city bureaus after our firm. We appreciate it. Um, uh, go. Glad to be here with you today and share our, uh, our report. Um, we want to do a brief introduction of ourselves and our firm, uh, give an overview of the assessment purpose and process. Uh, give an overview of national and international best practices related to place management organizations. Then spend most of our time on an assessment of the

Portland program and our recommendations options. And then andres will close with an overview of the stakeholder engagement and public comment, and some of our thoughts on that. Um andreas and I did most of the work on this in collaboration with our colleagues. Uh, jenny kovalchick and ishmael nunez. I've been engaged in downtown revitalization and place management since 1980. Uh, Portland native, um, came after graduate school, came back home to Oregon to work for Oregon downtown development association, helped write the state law to create economic improvement districts, which is where this stuff came from, and then played a meaningful consulting role in supporting the association for Portland progress when they formed what is now known as the clean and safe district in Portland in 1988, I played a facilitation and consulting role with them very actively. All the way through the 1990s, and then almost no connection since 2000. So uh, have that background here. Moved to Seattle in 2008 and founded this firm shortly thereafter here. Um, we do work, uh, across the country, uh, in, in community development and facilitation, a meaningful portion of our work is supporting organizations similar to the place management organizations in Portland. Um, I'm here with my partner, andres mantilla, uh, who I got to know when he was working for the city of Seattle as basically their esd coordinator. The words were different in Seattle, but he was my client. Uh, we worked for a number of years together. There um, we've also consulted together for a number of years, and he's been a partner in the firm now for a little over two years. Jenny kowalczyk has worked for two place management organizations in Seattle and one in michigan. So she brings direct, hands on experience working with those districts and ishmael is very active in our strategic planning work for downtown organizations across the country. So we bring a lot of experience to this, to this work. Uh, our firm focuses on our vision is vibrant, just and thriving communities. Our work includes consensus facilitation,

inclusive process, organizational development and place management, and esd is all of those things. So this is a real target of our work. Um, we've worked in more than a dozen states across the country with current active work with place management districts like Portland's isds and in austin, texas, Washington, dc, rochester, new york, chicago go, indianapolis, and several districts in Seattle and across Washington and Oregon. So this assessment, um, the Portland's enhanced services district program, uh, they provide enhanced services beyond the city's basic services. They're governed by the city code, chapter 6.06. They're proposed by the district or neighborhood stakeholders. The property managers in the district pay a license fee, which is collected by the city. The city then contract with and distributes this fee to a nonprofit created by each district specifically to provide services within the district. Currently each esd organization contracts with a district management association to operate their programs, and the city oversees these these services to ensure that they align with the city's goals and standards. That's what the program is. Uh, as I know you're all familiar, there are three district. It's in Portland, the downtown, clean and safe district. Uh, the lloyd district and the central east side. Um, uh, serves offices that these provide include cleaning, security, crime prevention, business development, transportation and public policy. Housing marketing and communication. Basically, any services that benefit the properties and the property. Uh, the users of the properties within the district, the downtown clean and safe district, uh, as I mentioned, was originally formed in 1988, reconfigured as an enhanced services district in 1994. It currently has a budget in the 5 to \$8 million range. They provide cleaning safety to community health outreach, abatement, business development support, and holiday lighting. The lloyd business improvement district has a budget of about about 6 or \$700,000. It was created in the early 2000. They do transportation management and eco district,

trash collection, neighborhood and community association, holiday street landscaping and advocacy and promotion. The central east side um together was founded 4 or 5 years ago. They have a budget of about a million and a half dollars. They do cleaning, graffiti removal, safety, mural preservation and development, and district enhancement. It's worth noting that the clean and the central east side district is bigger geographically than the downtown clean and safe district, and their budget is a quarter of that. So it's just a dynamic of what's going on there, which relates to the size and shape of the properties in that district. As as karl mentioned, there was an audit in 2020 conducted of these programs. Audit findings were that there was inadequate city oversight of services formation or governance of the isds that the isds might be providing basic city services rather than services that are supplemental and beyond city responsibilities, and that esd services decisions are being made. Opaquely by ratepayers rather than by public officials. As a response to the audit, there were concerns about the accuracy and balance of the audits findings expressed by the isds themselves and by others. Um, and as karl just said, uh, in response, the city hired an esd coordinator position, held a number of public meetings, and gathered a lot of public input, um, and established a more formal esd renewal process. Um, 6 or 8 months ago, they hired our firm to conduct an assessment. The purposes of the assessment was to review the city's current processes and procedures for forming and administering isds. Inchoun with ratepayers, develop, recommend options to improve the current system of rules and regulations, and be responsive to the findings of the 2020 audit of the program. Um recommend improvements to the rules and procedures for district formation, allowable scope of services within public spaces, inclusivity and governance and transparency and reporting and make recommendations for effective, ongoing city oversight of the isds. That's what we're here to do today. Our

process was fairly straightforward, and assessment of where we are recommendations on where we want to go and implementation, how are we going to get there in the fall? We reviewed all the documents that the city provided related to much of this history of the program. Um, and we interviewed key stakeholders from council staff, uh, executive leadership bureau staff, the esd staff and board and others that were interested. Uh, we watched all the, um, recordings of the public meetings held by the previous esd coordinator. Um, and then, uh, in November, we made preliminary recommendations on policy and procedures, city oversight, esd operations and reporting. We vetted those recommendations with everybody we'd already talked to and presented at a public meeting. And then there's been public comment since then on grace will touch on that later. And then here we are presenting to the City Council today. So quick overview of national best practices in place management. Um, in my 40 some years of experience at this successful district require economic fundamentals, design and development principles, sustained marketing and promotion, and maybe most importantly, strong leadership and consistent management and enhanced services. District is a way to pay for all of these things. Vitality depends on marketing and promotions, environmental services, hospitality and safety, retail and business strategies, planning and design improvements, and strong management. Again an esd can pay for each of these things. Where did this stuff come from? In the 1950s, downtowns were in a lot of trouble across America, declining as a result of the gi bill building the suburbs, the interstate highway system making it easy to get to the suburbs, urban renewal, tearing down much of the inner cities, and redlining, uh, causing disinvestment in inner city neighborhoods. In the 1960s, downtown started organizing to try and fight back, uh, in the 1970s, that had turned into public area management, mostly physical things like flower baskets and fancy sidewalks and

things to make it more pleasant to be downtown. By the 80s and 90s, the notion of assessment districts so everybody was paying their fair share came into play, uh, by the 2000, neighborhoods were getting more involved beyond downtown ones. There was more public space programming and social services. Today there are thousands of place management districts. Portland jumped into this game in a big way as a national leader in 1988, when the what is now the downtown clean and safe district stepped onto the stage and became one of the first big districts in the country. What is place management district? It's enacted by the City Council. As you all know, assessment on properties and or businesses, how the assessment is done varies by different districts. Sometimes it's square footage value sales, other metrics. It's managed in the district itself and typical services are public realm and physical improvements. Public events promotion, retail promotion, transportation services, parking and leadership. A handful of very small handful of examples. The metropolitan improvement district in downtown Seattle was formed in 1999, partly modeled on Portland's downtown district, which came on sooner. Uh, it was substantially expanded in 2013 and renewed and expanded again in 2023. Their budget's now \$18.5 million. They assess properties based on \$0.37 per \$1,000 of total appraised value, plus \$0.45 per land. Square footage and then there's some limitations on that. Nobody pays more than \$0.24 per building. Square foot hotels don't pay more than \$125 per room per year, and residential properties. This is going to surface later in the presentation on residential properties. Don't pay more than \$195 per unit per year. There's a limit on how much residential properties pay they do. Professional management, cleaning and services, hospitality and safety ambassadors, private security, activating public space, park management and advocacy. Another district in Seattle but much smaller in budget is the sodo business improvement area, created in 2013. In the area just south of downtown

sodo stands for south of downtown. Renewed and expanded in 2018, this is where the starbucks world headquarters is, and it's just south of the stadiums where the mariners and the seahawks and taylor swift play. Um, uh, they assess on the simplest formula. I'm aware of \$0.50 per \$1,000 of total taxable value. That raises a budget of about \$2 million. They do professional management, illegal dumping, homeless outreach, pressure washing, graffiti removal, providing district information and making connections to appropriate services. Picture of this mural here. There's an extensive mural program. If you've ever taken the light rail from the airport into downtown Seattle, you pass a whole bunch of murals. That's a project of the sodo business improvement area paid for by their esd like program in north Seattle. Ballard is a thriving and growing neighborhood. They created a similar district in 2015, which was renewed and expanded in 2023, has a budget of about \$1 million based on \$0.12 per lot square foot, 50 plus \$0.52 per \$1,000 of total appraised value. Residential units don't pay more than \$130 per unit per year, and nobody pays more than \$0.20 per building square foot. They do professional management, public realm advocacy, business support, events, and a tourism program. You'll notice as I read these lists that they're similar, but they're not exactly the same. Each one is tailoring their program to what's going on in the district. Why do these get created? In my experience, it's because people want to create increase cleanliness, public safety, sales and or rents in the neighborhood. They want to reduce crime. They want to improve the district's image. They want to activate public space. And probably most important, they want to make sure everyone pays their fair share. You could do all this stuff by everybody just throwing money in a hat and doing it. But then you get people that don't throw their money in the hat, which drives the ones that are doing it crazy. That's why we have these districts across the country. These districts are doing a crazy array of

stuff. Uh, environmental services and hospitality, parks and public spaces, homeless services, economic development, beautification, marketing, promotions and events, transportation. I'm not going to read this whole matrix. Nobody's doing all of this stuff. But somewhere in the country, somebody in a similar district is doing each of these things really a long list of services. So there's sort of laying the stage for what this is nationally. I want to get right to what is going on in Portland and our sense of ways that it could be upgraded. And, um, for national and historical concept context. Portland started as a national model in the industry as I noted today, there are 4000 organizations globally that are similar to your sd. There are 2500 in north America. It's a \$3 billion industry, employing more than 100,000 people. The eda or international downtown association, is the professional association where these groups get together. They have certifications and award programs and professional best practice is 2 or 3 images of what they do. Here's a before and after from the third avenue transit street in Seattle with, uh, clean and safe cleaners. Um, uh, upgrading the appearance, uh, the hospitality and safety ambassadors protecting the areas around the pike place market. Um, activation of public space, um, entertain movement. Um, this is on the in the national, the downtown dc business improvement district, quite close to the white house in Washington, dc, where they're activating a federal plaza. So national and historical context, Portland started as a national model in the place management industry. But as you all know, you didn't need us to tell you this, but central Portland's experiencing a crisis of confidence related to public safety, public drug use, remote work, office and retail vacancy and low foot traffic did proportionate esd resources are being put into clean and safe activities in response to the city's inability to maintain basic service levels, the city's esd oversight offers little guidance in forming or operating esds, and the esds are not aligned with national best

practices. The assessment mechanisms are complex and hard to verify, and the esd governance lacks clarity at times. We heard all this stuff loudly. Some of this stuff was highlighted in the audit. This creates an opportunity to refresh the esd program's vision, clarify its mission, and sharpen its operations. Our uh observations are in five categories. The city's oversight of the program, the assessment methodology, the governance of the esds themselves, the esd's operations and coordination and collaboration. Starting out with the city's oversight national best practices of city oversight of similar programs are most cities provide guardrails for district operations. Many cities provide active support and funding, informing and expanding districts. Some cities actively support collaboration among the districts and with the city's economic development agenda. In Portland city, communication with and oversight of the esd is inconsistent. There's little guidance or support for forming and expanding the esds. There's little coordination among the city bureaus interacting with the esds and collaboration among the esd and with the city's economic development efforts is inconsistent at best. One of the things that happened early in this process is andrés, our city guy, said, let's get a meeting together. Of all the folks at the city bureaus that interact with these esds and that meeting came to place. And what we noticed as these people were coming into the room is many of them didn't know each other, and they hadn't been together like that recently or ever. And we at some point we said how often do you all do this? And they're like looking around like, this never happened before. So there's an obvious opportunity, um, so our recommendations runs, um, uh, um, esd guide lines. There we go. Uh, esd guidelines develop a set of esd guidelines for the formation, operation, renewal, expansion and dissolution of the districts, encouraging an inclusive and culturally sensitive approach that aligns with the city's core values. Resolution and citywide racial equity principles. This is like give some

guidance to what you want these districts doing. Uh, created esd handbook and maintain it online to clarify the city's requirements and guidelines, as well as highlight existing esd programs. This is a way to help upgrade the current programs and maybe inspire some other districts to create a similar way where folks in the districts can pay for enhanced services. Um, continue charging all the esd the same administrative fee. That hasn't been always been the case, but you are doing it now and keep doing it. Um, and identify internal city roles in at least twice a year convene a meeting like the one I just described with the esd related agencies to compare information and update best practices and policies. Second, assessment methodology, national best practices. If there's a straightforward methodology that's easy to understand, the information is posted transparently for ratepayers as it's based on readily available public data and it includes near all beneficiaries of the district, including residential, both rental and owner occupied properties. Most public agencies and tax exempt uses nonprofits and religious organizations and so forth. In Portland, the assessment methodology is complex, to say the least, and the information is hard to find. Um, but most beneficiaries are included. You actually are among the national best practices in everybody that's in the game is paying into it, but it's hard to find the information. You probably all know this, but, um, some of the info for one of the districts is based on passenger elevator capacity, which requires going to a remote city or state government website to find that data. Um, there's also data that's no longer currently available online. It's on microfiche. So the data is just really hard to find out what it's based on. Our recommendations, data transparency, data currency phase changes, and residential assessments encourage straightforward methodology that, um, folks can understand. Encourage transparent to allow ratepayers to confirm their assessment calculations. You should be able to look up, see what your the data is

for your property, run the math yourself on the formula and come up with the same answer as what's on the bill in front of you and require readily available public information as the basis of it. Require assessments to be based on reasonably up to date information on now, doing what I just said is going to cause some change to who's paying what. If you start using different metrics that will be somewhat traumatic because people used to paying whatever they paid last year, and you're going to have some people whose rates go up or down in different ways, and that'll be a little bit traumatic. So we suggest it, um, that the methodology not change and tell the isds are renewed and that you allow that to be phased in over time. So property managers have time to phase in and adjust to those things.

Residential assessments were a favorite topic of stakeholders that were speaking up. I'm sure you heard from some of them. Uh, in this meeting, we recommend that you continue to include residential, both renter and owner occupied, uh, properties in the paying ratepayers because everybody benefits from these services. Uh, all different users, um, benefit from the services and from a vital district. But all ratepayers should be represented in esd governance. And you might want to consider limits on residential assessments because residential properties are more valuable per square foot than commercial property. So depending on how you do it, their assessments can be pretty high. And you saw what some examples I gave you from Seattle moving to esd governance, national best practices is the district's contract with the district management association for operations. Just like is happening here? Uh, there's transparent board selection process that's open to all ratepayers agenda and minutes are available to ratepayers in the public. Public visibility, budgets, annual reports, milestones, finance and governance board meetings are open to all ratepayers with clear ground rules for participation. Because the board is the board, they're the ones who get to have their meeting, but

other ratepayers should see what's going on. And then an annual meeting that's open to all ratepayers with opportunity for questions and sometimes those, uh, board elections and or budget approval by the ratepayers. In Portland's experience, um, the way the contracting with the district management association is familiar but it's hard to understand the governance procedures. A lot of confusion about that. There's confusion about elections, decisions, priorities and accountability as a result, there is a lot of speculation and suspicion about what's happening there. So just illustrating this relationship, uh, this is pretty common. This is more or less how it works in Portland and other places. You've got the ratepayers was represented by a district ratepayer board. You've got the City Council and the city administration. You've got a membership organization with an association board. Um, the district ratepayer board. Their job is approving and monitoring the program priorities. Budget and performance for this assessment. This esd and then with the association board, their role is to uh with their executive administration is to operate the program with the district funds to do clean, safe marketing activities, etc. The association may do other things. They may have other contracts paid for by other entities and or dues based activities like policy and public affairs. The key thing is to distinct out what are the ratepayers paying for or their program priorities, budget and performance, and the district operations. The ratepayer board representing the esd ratepayers should be identifying priorities and monitoring the performance of district operations, not the other way around. It's the board of the esd that should be directing how the funds are spent. So our recommendation is require the esd boards to represent all types and sizes of esd ratepayers, both by ordinance and in their bylaws. That means residents, nonprofits, commercial properties, public properties, whoever's paying into it, and transparency. Esd board roles, program priorities, budgets and accountability

should be visible to all ratepayers. Uh transparency and clarity of the role of the esd and the management association, specifically program implementer salaries and management fees and the esd board. Elections, meetings and agendas is um, should and minutes should be transparent. So there's a lot of room for improvement on the transparency and accountability of the individual programs. Two more categories esd operations, uh, national best practices documentation and service outputs like litter and graffiti. Um basic services agreements with to maintain city services in coordination with the place management district. Uh enhanced services clean and safe services do make up considerable place management resources and marketing physical improvements and economic activation are also important. Uh, some contracted services for efficient operations, uh, with local versus national in Portland. And, uh, there's some documentation of service outputs. There could be more, um, the city, their city challenges that you all know. The city has trouble meeting the basic services which is pushing the isds into dis proportionate, clean and safe focus, really important for the city to uphold its end of those basic services agreement and the city should be doing the city's job so they enhanced serve. This district can do enhanced services and then the city's current subcontracting requirements put some real burdens on these place management districts, and finding local contractors to do some of their work. And that's pushing them to use national firms. And you might get a better deal through local firms. Um, so recommendation is reporting a report, revenue and expenditures related to ordinances is creating them. Report board member and ratepayer representation and selection process that should be an annual meeting of all esd ratepayers and there should be a regular reports to the City Council as is taking place as karl mentioned, um, rigorous adherence to the basic services agreement and oversight by the esd coordinator and esd staff and then

subcontracting uh re consider the guidelines for esd, procure and subtract sub contracting practices. Finally coordination and collaboration. National best practice place management districts often form their own networks to promote idea sharing and collaboration. For example, the dc bid council is a council of the 11 business improvement districts in Washington, dc. In Seattle, the. 11 business improvement areas in Seattle get together regularly and coordinate closely with the city's economic and development agenda. The california downtown association is a strong statewide network of enhanced service district programs. In Portland's experience, there's sporadic communication and coordination. It's not really very deliberate and consistent, and there's confusion and lack of follow through on roles and responsibilities. Here's our recommendation on strong economic development. Collaboration between the isds with prosper Portland and with the larger business community like the governor's task force and implementation of its recommendations. We strongly think the isds belong in the economic development cluster and the city's reorganization with prosper Portland. They should be your strong partner in what you're trying to achieve. For central Portland, the program should be in the community and economic development services cluster, as I just said, that, um, facilitate strong collaboration among the isds on shared priorities and individual best practices, strong coordination between downtown clean and safe and Portland mall management incorporated for clarity of services and contracting there. Providing services in a in an overlapping area, which causes some confusion that should be clearly transparent and strongly coordinated and then coordination standards and reporting among the city. The isds and the private security contractors that are, uh, prolific in Portland. So there's our an overview of national best practices and our assessment and recommendations of what

happening here. We've been actively engaged with stakeholder at getting a lot of public comment on this is going to give you an overview of that.

Speaker: Thank you. Brian andres montavilla with bts planning partner. Just a few slides on stakeholder engagement and public comment process. Um just to reiterate the slide, earlier, we started this effort in the fall, uh, in our assessment period, reviewing and, uh, reading and listening to a lot of documents past testimony, uh, public engagement testimony that was previously heard about the audit interviewing key stakeholders, and then did some stakeholder vetting, as brian mentioned. More specifically, we did a document review and research starting with the 2020 audit, looking through the audit response audit service audit survey and results, uh, working through esd overview presentations, reviewing the city code. Uh reviewing basic service agreements and reports, council hearings, listening to public comment. Um, the district review meetings that happened in June and fall of the fall two year status report. And then met with esd staff with board members, public officials, civic leaders, broader community organizations that are stakeholders within districts might not be ratepayers, esd stakeholders and ratepayers and city staff. We also then as as uh, uh, as uh, the city staff mentioned, we had a public session on December 12th. Uh, it was a recorded session. We drafted recommendations and we presented our draft recommendations. Uh, and shared those recommendations on the city of Portland's esd website. And then we had a public comment period from December 14th to January 15th. Some themes and the full public comments are listed in your appendix. I'm not going to go through all of them, but just elevating some themes. Uh, we heard, uh, an opinion and theme around condominium owners should be exempt, as we included in our report, we think that residential property is both rental and owner occupied. Should continue to pay, uh, because residents benefit from esd services and vibrant

districts. We do think that residents should be, uh, represented proportionate on esd boards and that the city should consider perhaps some residential caps. Uh uh, in the in the assessment model. Next, we heard more city oversight is needed to address transparency and governance concerns. We agree and we included that in our recommendations. We heard that the city needs to meet their baseline and or base service agreements per esd contracts. We also agree and included that in our recommendations. There is a concern that esd resources are being used to support non esd related activity at partner organizations such as salary costs and or other advocacy efforts. Um isds, as we articulated and then showed visually, should operate with high levels of transparency. Um isds are operating with high levels of transparency in many cases, esd boards should direct the use of esd funds and services as was articulated in the chart. Uh isds cause gentrification and contribute to overpolicing. So, as brian mentioned, isds are funding mechanisms that are there to provide a certain level of enhanced services that are agreed upon at the local level. And those services should be, um, responsive to identified needs of the district. You know, we agree that esd boards and organizations should be working with ratepayers, with stakeholders and with the city to be aware of how their services are being implemented. Uh in adherence with city policy to prevent issues like this. And then finally, uh, a comment that the third party contributor or, uh, bts planning is biased, um, bds is a national expert in place management organizations, uh, and in district formation and operations. Our task was to represent and present uh, recommendations on. Transparency, governance and, uh, and we've done so here. It wasn't on whether esd should exist or shouldn't exist. So thank you very much for the time and as I mentioned, the public comments are included in the full, uh, in their full, uh, appendix and appendix b in the report. I will turn it back to, uh, mayor Wheeler. Very good.

Speaker: Uh, colleagues, at this point, before we get to public testimony, are there any questions as I had one, just clarifying question and it's back away and you don't need to find it in the slide. Presents but you have the, uh, rate board and you ascribed a couple of responsibilities to the rate board. And then you had the exact board. I'm not clear on what the difference is between the two. Could you just give us a few more sentence sentences? Is does the executive board supersede the rate board or is it the other way around? Are they completely independent, elected bodies? What how do you envision that?

Speaker: Great question. And let me use an example from another city. So I'm not confusing it with whatever, um, local stories are going on. For example, in downtown Seattle, there is the downtown Seattle association, which has been around for 60 years. It is just what it sounds like. It's an association of people that are interested in the vitality of downtown Seattle. There is also the metropolitan improvement district, which is different words, but it's an esd, essentially. Um, and it's an assessment on properties over most of downtown Seattle. Not all of it. The metropolitan improvement district board is officially appointed by the city, um, to be advisory to the city on the operation of this district is an authorized by the City Council in every case I'm aware of, it's being appointed by the city, um, with the advice of the people that put the district together. And basically the folks that want to do it as kind of a collaborative thing. But their job is to represent the ratepayers. They are the ratepayers. Their job is to represent the ratepayers. Make sure that that \$18.5 million that being collected is being spent for what is being paid for. There's also the board of the downtown Seattle association, which is a private nonprofit association that does a variety of things with membership dues. The metropolitan improvement district recommends to the city that they contract with the downtown Seattle association to operate the programs paid for by the

metropolitan improvement district, so the ceo of the downtown Seattle association is paid by the by the members of the downtown Seattle association, not paid by the ratepayers of the district board. Um, but there are many staff at the downtown Seattle association who basically their whole function is doing services of this district. The ratepayer board's job is to make sure that the assessment is getting spent the right way. The board of the association is to do whatever the association needs. To do, but they're basically they're basically an operation arm, uh, for the assessment. Did that.

Speaker: That's that is helpful. Um, one more just sort of basic question and maybe we could illustrate it through a concrete example. Um, and it's a hard one. And I'm deliberately picking a hard one. So there are people in our community who support homeless sweeps. There are people in our community who oppose homeless sweeps. How is that adjudicated through this process? Who decides what the policy of the esd would be.

Speaker: That so? So my immediate reaction is who decides about that? Or the five people sitting in front of me? And that's a city function.

Speaker: So I thought that's what you were going to say. So help me then explain is that in the original policy, the code that governs esd's, where you would locate that information, where would that information be? How is that the enhanced services district is entirely a function of the Portland City Council.

Speaker: Okay. The you know, the esd has no authority to collect funds. Their authority is your authority. So how the city contracts with that entity would govern how city policy is being administered. Andrés, do you want to add to that?

Speaker: And esd is as business improvement areas across the country have to adhere to the policy direction of the elected officials that represent them.

Speaker: And that's, you know, we and we have this debate here. And I was just making sure it doesn't happen in three different places simultaneously, uh, because all the legal authority is with the City Council, right now. You said in your public testimony, your public outreach, a number of condominium owners has objected to the idea of participating or paying. Um, could you elaborate, number one, on what was it they were objecting to? Number two? Um I find it curious that apartment rent hours were not included in that. But why not? And number three, when you say proportional representation, what do you mean ?

Speaker: So i, I'm sure you're going to hear from some of the folks that have an opinion about this in the next few minutes. Um, but trying to summarize, I think that residential condominium owners, those that are motivated to, uh, to give input, feel like. They have 2 or 3 issues that that are of concern to them. One is that this is a business thing and they're not a business. Um, that the particularly the downtown district is operated by a business organization that they're not eligible to be members of, and therefore board members of, of, um, and that they are being charged more than once for the same set of services through various things, through their city taxes, through their trimet taxes, through their the esd assessment. I'd say I think those are the three categories. Um you know, our sense is that everybody that's using the district is benefit. If the district is doing good works with its money. Everybody that's using the district is benefiting from those services and from the vitality of the. District. That's why everybody should participate. And we thoroughly agree that they should be represented as appropriate to how much they're paying into the district.

Speaker: So when you said proportional, you were talking in terms of revenues going into the district, is that it seems to me that if residential properties are putting in 10% of the money, then roughly 10% of the board members ought to be

representing residential properties. I'm surprised apartment renters were not mentioned more more prominent. Is there a reason for that?

Speaker: Well, they didn't know. Nobody spoke up loudly. Asserting that something was needed to be addressed. There we think that they should be treated the same. The ownership properties as well as the rental properties.

Speaker: One last question, then I'll stop because I know there's people who want to testify, and perhaps my and my colleagues have a couple of questions as well. So so who who pays? So if I own a an apartment building in Portland, which I don't, but let's say I own an apartment building in the esd, do I pay or it sounds like what you're saying is the tenants pay annually. How is that done? How is that assessed?

Speaker: Watch my hands closely. This is tricky. Um um, so in Portland, you're enhanced services districts are a fee for the privilege of operating property within in the district. And it's paid by the property manager, which is defined as the person who pays the water bill. Um, that's different than. Most other places. And there's reasons for that that we could get into. If you want. Um, and, and in the case of a rental property, an. Apartment building, it's going to get paid by whoever pays the water bill for the apartment building, which is probably the whoever's operating the apartment, you know, the apartment operator, which may or may not be the property owner. Um, and they are certainly building that cost into to whatever they're charging for rent, either as part of the rent or as a surcharge on top of the rent.

Speaker: So I may not be complete transparent if I'm a renter, I may not know that I'm actually being assessed for.

Speaker: And I don't. I have not done the arithmetic on any rental residential property in Portland, so I don't know. I would guess that the cost of the esd is in the tens of dollars a month, and that the rent is thousands of dollars a month, so it is a

pretty small number. Um you know, in I know I can think of several places in Seattle where I did get all up in the detail and the numbers where it was literally about ten, \$12 a month was what the assessment was. And you know, on apartments that were renting for two and \$3,000 a month. So it's not, you know, whether it's tacked onto your rent as like the electric bill is or not. Very few renters would even notice.

Speaker: It's going to be a case by case example.

Speaker: Understood. I mean, the arts tax is a little over 30 bucks per year. Here we hear about it all day long. So just just so you know, yes okay. Great. Thank you. Uh, commissioner Rubio, I think you had your hand up and commissioner gonzales, thank you.

Speaker: Um, thanks for the presentation. It was really, uh, helpful. And um, the report reading it was helpful, too. Um, I have a question about about the your recommendation for readily publicly available data. Can you talk and then then I was quite surprised about the elevate that it's based on elevator capacity. Maybe that seems, uh, dated. Um, can you talk a little bit about that, that methodology that is being used right now and then what what is used in other cities is I would just love to understand that a little bit more.

Speaker: The Portland esd program is carefully crafted to be a surcharge on properties in a specific district for the privilege of operating property in that district, as opposed to a tax on the ownership of the property and so it is not based on property value. Value. Um there was a district in place in downtown Portland before your ballot measure five passed that was based on property value. When measure five passed the Oregon supreme court ruled that and economic improvement district was what it was called then would fall into measure five compression. That was problematic. Um, for a variety of reasons. So this was created as a different methodology. We, the folks managing the program at the time I was involved, I was

there when it happened. We're trying to create a formula that was very similar to what they'd had before, and they tried to use as many factors as they could figure out to try and get something that wouldn't cause too much change. It sort of made sense to solve the problem they had in 1994. The bad news is that it hasn't changed since 1994, and that's 30 years. And and they're still using some metrics from then. So that's why it got out of date. Because it was it was it was inconvenient to change it. So it didn't get updated. And then you show up and look at it now and it's like that's weird. So we think it needs to get updated and be using current and publicly available information that will take some work. But we think that would make it a much easier to understand program. But the mechanism that you're talking about, uh, with elevate like that is not.

Speaker: So then you're saying by your, um, review that is not publicly available. Well, it's technically it's publicly available, but you've got to be a data sleuth to find it.

Speaker: We had to get coached by folks in your the city finance office about where it is, because they have to go find it. And we did go look it up and it's pretty hard to follow.

Speaker: Okay. But broad strokes, the search approach is, is one approach that is used across the country in or or as I'm hearing you say, it's based on tax value. Well, it's there's two, two things there that are all intertwined.

Speaker: One is this a surcharge for the privilege of operating property versus a tax? Okay. And then the other is what data points is it available on. We think it needs to be a surcharge for the privilege of operating property in because of Oregon law. Um, but it could be based on more readily publicly available data. And that's our recommendation.

Speaker: Okay. Great. And I have one more question. So you use the example. Um, I'm just trying to get a picture of, um, what what it could. Or is here. Could look like here, um, use the example about the ratepayer board in Seattle and then, uh, working alongside the business. Uh board or district, um, with the convener being the city or like, what are the lines of like, what's the staffing model and what are what is the connection from one board to the other? I'm just trying to apply it to how something like that might work here.

Speaker: Good question. So you have the Portland metro chamber, which has been around for a long time, and they are the organization that they are. Let them speak for themselves. But but one of the things that they do is operate the downtown clean and safe district. But they do many other things. Um, and then you have the downtown clean and safe enhanced services district, which is a very specific thing created by the Portland City Council. And and it is convenient for the enhanced services district to hire the chamber to, to operate this program. But they shouldn't but the but the esd board made up of esd ratepayers should not give up their oversight of the funds. Okay. And so it's the supervision of, you know, are we getting our \$5 million worth. Is it getting applied to what we're what what it says in the ordinance that we're paying for is that getting used? That should be the esd board's job.

Speaker: I'm sorry. That's it's clear. Thank you. I was thinking you were talking about an entirely new board aside from the esd board, I was conflating the two things. Um okay, i'll hold for now. Thanks

Speaker: Commissioner Gonzalez.

Speaker: Um, I have a technical legal question, but it's really for context. So if you don't know the answer, that's fine. But in your report, there's reference to ors 223. When the district was for at least with, uh, downtown was originally set up is your

take that that's still is implicated here or after the tax measures. It's no longer, uh, part of the structure. I'm just trying to reconcile. Like, where is are we truly am purely the product of city code? Or is there still a dimension that is shaped by state law? Because it certainly was when it was created, but I'm not I'm not a lawyer.

Speaker: Okay, that's fine. But the answer to your I'm quite certain that the answer to your question is what you have going here is fully a creature of the authority of the city of Portland. Yeah. And it's operating in the same state where there is an enabling statute and enabling statute that would allow for an economic improvement district. And that the most recent legal consideration is that if done that way, it would fall into, uh, property tax limitation zones following Oregon law. Got it.

Speaker: Okay. It's always on these more comp flex areas. It's important to kind of parse out what is truly city and what sometimes has some overlap with state, but that's that's clarifying. Um, I probably have a number of questions on your on your recommendations, but I'd rather get to public testimony. Um, and then maybe circle back to it. But the high level from your vantage point and anyone can answer this or any of these recommendations is currently being implemented from your vantage point. Yeah

Speaker: Well, with the hiring of devin as esd coordinator, uh, there's, uh, kind of an increase in coordination internal to the city of Portland. Um, kind of the example of bureaus kind of working more closely and collaboratively. That's happening. Um, you know, we think it should happen more, you know, consistently and regularly. The formation of or the ministrative fee that's being charged as part of the, uh, kind of renewal that was evened out. So now each district is being charged the same administrative fee by the city of Portland to, um, you know, collect the fees and distribute and more and more, there's kind of closer collaboration amongst the esd

themselves that since also spurred by by devin, I think, um, as we've started to have some of more of those coordination on some of the things around clear governance, it's clear best practices are starting to come up. But now the step is to formalize those in both kind of code word necessary, and then in a guidebook or in a handbook that can be a little bit more user friendly to folks that, uh, want to, you know, perhaps change, create, establish these districts. Um, the, the spaces around data transparency and data clarity are still areas where we need to think, take some more significant steps. Those are a little bit more involved, though. Um and would take a little bit more time.

Speaker: Got it. I mean, my general observation here, outside of the context of esd, is we struggle in our community for, uh, on the basic question of accountability, what level of government is accountable for this issue in front of my home or in front of my business? And I guess I would just submit that as we're thinking about the right architecture of governance here, that that we take into account the broader context of so many boards and lack of clarity sometimes in the city, we're obviously not alone in this, but, uh, is that a city, county, metro or is this an esd board or is this a state issue? And I would or is it some other committee created by charter or city code? Um, the decision making here, it's just a fundamental issue in the city right now as we face some really difficult challenges. Who is who is the board or the elected or that is accountable and responsible for this issue. And I would hate to exacerbate the lack of clarity. Um, in in what we do going forward, I will observe that nationally.

Speaker: Um, these esd programs are what their respective names, business improvement districts. The closer that they're aligned to comprehensive kind of economic development activities, the more that they're able to participate with information and actively and proactively in some cases, in kind of all of those issues

that you're talking about versus more of a contractual relationship around clean and safe services, um, more economic development and wide scale kind of support nationally. That is the trend of where these organizations end up in terms of how they interact with the city department.

Speaker: It's very helpful. Thank you.

Speaker: Thank you. Uh, great. Shall we get to public testimony? Uh, how many folks do we have signed up? Keelan

Speaker: We have seven people.

Speaker: Very good. Uh Keelan will call you up. Name? For the record, you don't need to give us your address unless you really want to. Uh, three minutes each, please.

Speaker: First step, we have jesse pressley, glisan, online.

Speaker: Welcome, jesse.

Speaker: I think they might have left. We'll move on. If they come back, we'll circle back. Uh hyoung. Nam hi, this is hyung nam.

Speaker: Um, can you hear me?

Speaker: Yes. Loud and clear. You sound great.

Speaker: Great. Um, so there are a lot of things that are not addressed here in this report and in this presentation. First of all, it's very unclear what happened with shawn campbell all the previous, um, coordinator for the city. He, um, he really conducted extensive community meetings where so much testimony was given, um, including by myself, multiple times. And the majority of that was very critical of the isds and specifically clean and safe. We have no idea what happened with that. Um, this is the first time I'm hearing that he has left many of us were wondering if he was fired, if there was a non-disclosure agreement because there was just no information about that and no information about the extensive multiple meetings

and all the records that he took. And now we're just all of a sudden jumping ahead with this totally different people and a new organization pretending that, um, all those things that were addressed, um, just kind of did not even happen. And let's remember why the audit happened in the first place. The audit happened because of the large context of, um, the housing crisis and seeing how we were using the police, um, to just sweep away, um, unhoused people and that the majority of the rest of the police had made were of unhoused people for low level offenses that were not even crimes. And that, um, and on top of that, the ninth circuit court ruling, um, that it is unconstitutional to um or sweep and arrest unhoused people when there are no shelters available for them. Um, it's interesting in that context that brian admitted that one of the so-called benefits of isds is that it would increase rents, that is a problem. Um you know, we've had these same interests that are behind clean and safe behind the downtown task force and behind Portland business alliance and the dark money group, people for Portland, that even mayor ted Wheeler had criticized before. Um basically trying to, um, make us believe that the problems with downtown is because of drug use, fentanyl or something like that. Um, if that were the case, the largest, um, homeless crisis would be in west virginia, and it's not it's really the problem is the housing crisis. Um, and if you look at who's behind and, um, clean and safe, it is the interests of jordan schnitzer, greg goodman, vanessa sturgeon, etc. And, um, they're the ones who are profiting from, um, the fact that downtown and the pearl district has been declared an opportunity zone, that, um, journalist david wessel has written about and in fact, written about those families, um, in a chapter of his book, only the rich can play. Thank you.

Speaker: Next up, we have anita davidson. Welcome.

Speaker: Thanks for being here.

Speaker: Okay. Thank you very much. You've seen me before. Uh, we're going to stick around until we can see this process through as best as we can. Uh, my name is Anita Davidson. I'm a downtown condominium owner, and I'm here with some extra requests about this report. There's much good in the report. I do want to say I support a great deal of this, because it's. These are steps forward, and these are things that we do need to see. But first off, I ask you to do not implement the recommendation to include condominiums as ratepayers do include and expand on the recommendation to coordinate better with the Portland Mall Management, Inc. In the past year, since I spoke to you, I've done a great deal of research about the funding for PMe. My condominium sits right over the Transit Mall Pbot and Trimet and Portland State pay an additional \$2 million to PBA for services, which I believe in many cases are being duplicated with the services already provided by Clean and Safe. So I encourage the Council to look closely at this, and I thank Bts for including that as one of their recommendations. Uh, two small ones that I'd like to address. Do not implement the recommendation to expand ISDs. Uh, until many of these issues are fixed and do not allow um, do not implement the recommendation to phase out the annual report. Last year, we had our first annual report from the ISDs here before Council and it's unclear why Bts would say, stop doing that when we don't yet have any of the other reporting requirements in place. Okay, so let me let me dive in quickly because my time is so short with why we condemn VMS do not believe we should be included. A great deal of it centers on representation, and I'll give you my own take on the difference of these boards. Bts also in its reports, speaks only of nonprofits as if they're all alike. They are not 500 and 1c3 nonprofits or public benefit organizations. Those are the ones that we commonly think of as charitable organizations. Clean and Safe is one. And the ESD, uh, ones are our public benefit. 500 and 1c6 organizations is what PBA is.

That's a private membership organization. Unions and chambers of commerce fall into that category. So when bts recommends that we have proportional representation, they're talking about giving us a seat that we already have one seat on the clean and safe board. And now what? What good does that seat do? Let me give you an example. In may of 2023, I appealed following the city code, the cpi increase that was about to happen. And this was in a period of high inflation. I sent my letter to um as the code required to the clean and safe board and to the city omf what I got was a return from both of those pointing the finger at the other organization as the one which was responsible. Whereas there was precedence already in 2009 to 2011 for the cpi index to be paused. Interestingly, right before that renewal period. But what happened was no pause happened and our rates went up 7.35. And I sat in a meeting with you, mayor, where you said, let's try and make it easier on the downtown folks. And we got hit with 7.35% with neither organization. My point is, we know that the pba controls the clean and safe. The executive ceo of president and executive are the same person, the vice president and the executive director of each organization are the same person. It's hard to say that any way that bts says those two can be separated, it's impossible to say as a ratepayer that we will ever see that happen. So when we do not have representation on a private membership organization that we cannot join, which is the pba, we will never have representation. And without representation you are charging us homeowners essentially a tax without representation. We're talking about democratic representation. Okay. Thank you. I can stop right there. I can answer a question if you have any. All right.

Speaker: Commissioner Gonzalez, I think has a question. Thank you for your testimony. All right.

Speaker: I don't want to put you on the spot. I really appreciate your testimony, but would possibly help calibrate it for just one commissioner up here. How much are you paying a year from your vantage point as an owner?

Speaker: Our yes, our condominium pays \$47,000 this year. Since I first started looking at this from 2011 to now, \$532,000, we have paid. And that's on top of us paying for basic services through our taxes. We pay for our own 24 over seven security at our condominium, and we pay for pmi because we're taxpayers paying through that that \$532,000 would pay two years of insurance on our condominium building. It would pay two years of our own private security. And it's not a matter of how much we pay, necessarily. Although bts agrees, many of us, which would include our condominium, pay too much in one category, they say, oh, you're different than businesses. So you should pay less. And the next minute they say you're just like apartments because you're you're the same. But we're not. We are residential owners, so it's a significant amount of money to us even. In fact, the five years that will happen between 2021 and perhaps policy change in 2026, we will have paid another 2000 \$200,000 into this.

Speaker: Got it. And maybe trying to be relatively precise, just to quantify. So 47,000 is what we your \$400 a year for me, \$400 a year that that was my question. Okay thank you.

Speaker: Thank you very much. Long way around okay. Thank you. Anything else? Thank you.

Speaker: Next up we have mark wells. Oh, wow. Welcome mark.

Speaker: Dramatic dramatic entrance. I know.

Speaker: Good to have you here. Thank you.

Speaker: Good to be here. Hopefully I won't fall down and make a fool out of myself. Ah good afternoon, mayor Wheeler and Portland city commissioners. Thank

you so much for having me. Um, I'm speaking on behalf of the three enhanced service districts. Um, so I work with my counterparts, the executive directors. We submitted a joint letter to your offices yesterday. So you have that for your records. What I'd like to do for my testimony is just read this joint letter. So, um, parts of it as part of my testimony. Downtown Portland. Clean and safe, central eastside together and golden enhancement service enhanced service districts write together to express our united support for the assessment and recommendations provided by bts planning regarding Portland's esd program. The comprehensive review undertaken by bts planning offers a roadmap for how Portland can modernize its esd program to maximize the benefits of this essential private public partnership model. Bts planning approach is grounded in an analysis of national best practices for enhanced service district operations, and affirms the esd management association structure used here in Portland as a national best practice. This also recognizes that this institute collaboration between private and public sectors is crucial to maintaining the livability and economic vibrancy in cities across the nation. We recognize the need for greater, greater clarification in fee calculate. As we discussed at length here, especially for residents in our districts, the proposals for an updated assessment mechanism, including a cap on fees for residential units in the center city, represents a fair and equitable approach to funding enhanced service districts. We are committed to working in support of the city in its efforts to evaluate and modernize these policies, as we are also pleased with the proposal to create guidelines facilitating the creation and operation of esds. We recognize that current assessment and fee collection methodologies de facto only allow for the formation of an operation of esds in the central city. We strongly support the adoption of new policies and policy changes that will help facilitate the growth of new esds around Portland. Just for context, Seattle has 11 esds. Uh, los angeles has,

I believe, over, over 70. So we're of major cities, over half a million. We are we are the outlier in the number of business improvement districts, or esds city policy should be updated to ensure that every neighborhood, business district in the city has a realistic path to establishing its own esd. These recommendations are a step forward and distributes the benefits of esds citywide, so all communities, regardless of density, can enjoy the services. Esds can provide. And we wholeheartedly agree with the recommendation that the city of Portland should meet its baseline service agreement outlined in each of the esd scopes of work. With the contracts with the city, esd continue to spend a disproportionate amount of our budgets and staff time on security and janitorial services, deviating from national best practices and our stated purpose of providing enhanced service districts, enhanced services, and economic development related activities. Esd support an updated scope of work and tracking mechanisms to provide greater accountability. See the emphasis on governance. Transparency is also well received, both downtown Portland clean and safe, and central eastside together have embraced updated reporting requirements during recent renewal processes. While we support the intent and recommendations to require public comment at esd board meetings and the posting of public meetings, we suggest a better approach requiring annual meetings of all esd ratepayers to ensure that all of these voices are heard equally with stake holder input, and I think I'm out of time. I just very quickly commissioner Gonzalez to your point and your questions, what's being implemented right now? I'm very proud to report to you that this is completely independent of what you decide to vote in and change the rules and regulations and city code regarding isds, we have just started a community engagement subcommittee, of which we have a condo owner on with the clean and safe board. Uh, their job is to create and implement a robust community outreach strategy for

the future. Um, we will be doing we will be doing an annual ratepayer meeting regardless of your recommendations or city code changes. And we will also be doing an open house where anybody that lives, works or recreates downtown can come down and meet everybody that has a footprint from Portland metro chamber to our newest cleaner that just started their road to recovery. So those are going to be implemented. And I look forward to sharing you more details on that. When I come back to give you our annual report, which we are doing this year. Again, thank you very much.

Speaker: Thank you very much. Uh, commissioner Mapps has a question.

Speaker: Sure, mark, great to see you. Good to see you. About the foot. Frankly I didn't recognize you with the beard too.

Speaker: I'm very incognito. I'm limping, and I have a beard, so, uh.

Speaker: Well, you still me. You look great. And I appreciate you being here today, especially under these, uh, trying circumstances. And if I just want to clarify a couple of things you're representing today, you're speaking on behalf of all three esd. Is that. Yes

Speaker: And it's very it's in the bts recommends actions. The three esd have formally we've always worked together well and collaborated but not in a formal process about a year ago, we started meeting monthly the three executive directors. We've done, uh, joint outreach education on esd. So yes, absolutely. I'm here with the permission of my fellow eds, from those other esds to a lot of acronyms to come and represent and speak on their behalf as a joint esd program.

Speaker: Well, that's great. I'm glad to see that collaboration and to see that collaboration grow, uh, more formal. And I wanted to just tease out one thing, which I think I heard in your statements, which is that there's a consensus across all three esds that it may be time to take a look at the fees that residential customers,

in particular, pay. And maybe even look at, um, residential representation on esd boards to make sure that we're dialing this incorrectly.

Speaker: 100. Uh, we're in full support of the recommendation. Again, I'm national best practices in almost any industry is I'm a big fan of that. Yeah. Even though it's interesting that, you know, a lot of isds and business improvement districts formed theirs after hours. And that's what we should be proud of. We've been trendsetters and a lot of things, um, but absolutely, we support that for all residents at cap following national best practices so that it is in line with that, because if you look at the current hoas, some pay close to that cap, some pay exceedingly higher than that. And that's simply not fair and equitable.

Speaker: Well, a great I'm glad to hear that.

Speaker: And I'll tell you, that's basically where I'm at too, as I think a lot of people in this room know I'm a big fan of isds. Uh, I've been involved in this space for a long time. I do hear the concerns coming specifically from condo owners. And frankly, if I can just turn to my con, my colleagues on council, I do hope that's a space that we can make some progress on. Uh, what I'm hearing in this room is a broad consensus around that particular piece. I want to also want to say, um, all of the recommendations that are put forward here, uh, I broadly support I'll be interested in having a conversation in terms of what happens next.

Speaker: And there's a lot of next steps. And we're looking forward to working with council on next steps and implementation reporting that back to not only our ratepayers but to the community at large.

Speaker: Great. Thank you.

Speaker: Thank you sir. All right. Thank you very much. Thanks.

Speaker: Next up we have Steve Wycherley.

Speaker: Welcome Steve.

Speaker: Much more.

Speaker: Good afternoon, mr. Mayor. Commissioners my name is steve wycherley. I'm the director of operations for downtown Portland. Clean and safe, responsible for the public safety, janitorial and street outreach work. I want to thank bts for their thorough work. The analysis, producing the recommended actions and in particular the interactive public meeting event we had on December the 12th. I've been in this role for two years, and from day one, my posture has always been one of an open door policy whereby anyone who has any questions or an interest in understanding what we do has the opportunity to meet with me in person and even take a tour of our work. So um, have taken me up on that offer, including some of our hoa representatives. A tour begins at 630 in the morning with a janitorial program, where you'll grab a coffee and a donut, and you will meet, uh, and witness the strong community of people who all come from either houselessness addiction, incarceration to employment and recovery and the on ramp to a new life. It's a community of recovery, care and belonging where larry, kelly carlin, laura, roy, gabe, justin, just to name a few, find meaning and purpose and enjoy in one another and giving back to the community through keeping downtown clean with central city concern this year we co-hosted a fantastic christmas party with over 130 clean and safe and clean employees, where together we feasted on turkey and all the trimmings with live festive music and everyone was served by a banquet staff. It was an amazing community and family event together. And then on the tour we would swing by our public safety program whereby under a new vendor with training including de-escalation, trauma informed respect and dignity, we respond to calls for service to address behavior that presents challenges to the livability and public safety environment. At our methodology is one of safety first for all involved customer service, including the

person who may be the subject of the call and problem solving, whereby we try to connect the best solution to the problem at hand. You would meet a diverse team of people from all genders and race strong LGBTQ+ representation and people from diverse lived experience, including experiencing homelessness who have chosen public safety as their profession. A team that has been first on scene to over 120 overdoses. Keeping someone alive until medical could arrive. In fact, just today, two of our patrolling officers found a missing person who was an elderly lady who was. We had a notification that had been missing for two days. We found that person waited with them for about three hours until Multnomah County could dispatch the appropriate people to take custody. It's a team that joined the ice storm, continued walking beats downtown, checking in on every person they came across, huddled in a doorway or against a building offering hats, gloves, hand warmers, information about warming centers, a walking escort to the ground, school day shelter in old town, waiting with a distressed person for almost two hours until a busy Portland street response unit was able to arrive. The primary purpose of keeping people alive. We help 45 people over two days recently with the joint office of homeless services, we discussed how best we can partner in emergency outreach for future extreme weather events. Our street outreach team this last year, a new project with Bybee Lakes. We've helped 393 individuals contacting getting records of those folks referred 100 people to services within the district and transported in the hope van. Over 40 people to services including Bybee Lakes. I have some more to share, but I'm out of time. But a new portfolio of our work is activations downtown and in partnership with Portland Parks and Recreation, we had 80 events at Directors Park. Change the environment around the park last year, and we look very much look forward to do more work in that arena in the coming year. Thank you. Appreciate it.

Speaker: Next up we have Caitlin online.

Speaker: Welcome, caitlin.

Speaker: Hi. Can you hear me? Yep loud and clear okay. Good. My wi-fi was a little spotty. Um, but yeah, I'm caitlin. I really wanted to be there in person today, but I ended up being sick, and I didn't want to infect a bunch of people. Um but I'm still here virtually. And basically, I just wanted to talk about the audit process in general. Um, so I think most everyone here has heard from me before. I was one of the initial stakeholders that brought up some of these issues to the auditor's office. Um, but I feel like that process got very undermined by clean and safe in Portland business alliance, specifically by creating this narrative that the audit was coauthored by by me and other stakeholders who initially worked with the auditor's office and brought these issues to be very clear about that. We suggested this as an audit topic because we were trying to get more information about the isds and realized there was extreme poor oversight. Um and when the drafting process actually happened with the audit, we were not allowed to be involved in that. And I feel like clean and safe should definitely know this, because you did a public records request for all of our emails and you would have saw emails with the auditor's office basically telling us that once we had our initial meeting with them that they were going to draft the audit and all of that happened within the auditor's office. And so what what bothers me about this is I feel like we're really undermining the importance of the auditor's office existing, which is to investigate these kind of things where there's not oversight and provide these recommendations. And I feel like consistently pushing this narrative that this audit was basically this political agenda by the auditor's office is really inappropriate. And makes me worry about the future of the auditor's office being able to do this kind of work. Um especially considering this audit, it won an award. Um, so, so that's kind of my frustration with this audit process in general. And quickly, I do want to

get to the recommendations. And there's a lot of problems I had with them. But the main thing is one of the biggest focuses of this audit was talking about how there was a lack of oversight of the public space services that provide, and I feel like that's very much lacking in these recommendations. So the concerns that we initially brought up to the auditor's office was around the use of private security and the recommendations rarely bring up private security, because right now there's not any actual oversight. Like, for instance, if you're going to submit a complaint, clean safe now has an option on their website where you can submit a complaint, but then what happens to those complaints? There's no process put forward. And that was something that was kind of completely ignored by these recommendations, which is very frustrating. So those are just some of the issues I have. And again, I want to be in person because I did want to like talk to some of the people here like Devin Reynolds. I'd love to connect with you. Now that you're the ESD coordinator. Um, because these are going to be ongoing issues and this isn't the end. So that's all. Thank you.

Speaker: I appreciate your testimony. Katelyn thanks.

Speaker: Next up we have Dan Handelman, Portland, Copwatch Online.

Speaker: Hello, Dan. Uh, good afternoon, Mayor Wheeler and, uh, commissioners, um, Gonzales, Maps, Yea. Rubio and Ryan, I'm Dan Handelman.

Speaker: I use he/him pronouns. I'm a member of Portland Copwatch. The report in front of you today gets at some issues around the governance of enhanced service districts, but it does not address some of the fundamental issues we and others have raised repeatedly over the years. The word accountability is only applied to the management of the districts, not to the private security. Acting on behalf of mostly moneyed property owners and businesses to push around houseless and other people who are deemed unwanted. In 2021, Clean and Safe

promised to set up a system to file complaints against this private security. As you just heard, but it's not clear how effective it's been. The head of clean and safe is supposed to be conducting the investigations, and presumably issuing corrective action if needed. As much of a problem as we have with the current police oversight system, there's at least some reporting that goes on indicating how complaints are handled. Not so with clean and safe. The timing of this report is crucial, as the current contract with clean and safe for downtown district calls for the four officers currently paid for by private tax dollars, I mean fees to be phased out at the end of June. We are aware there's a constant drumbeat to hire more police officers, but we repeat our simple observation that the police bureau is hiring officers but can't fill all the positions they have funding for. The most recent report from early January, shows 90 sworn vacancies despite chief de saying that the police bureau received 1200 job applications last year. Other key issues that aren't adequately addressed include the social contract between government and the public is that everybody pays their fair share of taxes and gets the same services as many people with more money pay for extra services runs contrary to this premise, there was a limit set on how many security guards patrolling at one time could be armed, 25. There does not seem to be anything in the report addressing whether this has been followed or is even necessary. The report also doesn't touch on how houseless persons have their belongings confiscated and thrown out, and they're supposed to be tagged and stored for easy retrieval. We also noticed that the last contract renewal that clean and safe, pays money for special prosecutors in the district attorney's office, which speaks to the goal of the program criminal using people rather than helping them. In short, this report is very inadequate and will require either this council or the new one coming in next year to actually tackle the question head on about whether those with money get to have more service on public property than those

without, and it was stated several times that the people who are involved in the board and the people making decisions about what's going to happen in the spaces that are downtown, that a lot of people use who don't live there or own property. There are going to be set by a board that's exclusively made up of people who are paying into this program. Um, it's got to include other people who come downtown, including the workers, the workers that you all want to come down and be part of. What's happening down there. But, you know, anybody who's going to be affected by this policy, you should have a say in what the policies are going to be. Thank you very much.

Speaker: Thank you.

Speaker: Dan, uh, next up we have jesse presley gruesome online. Welcome. Jesse. You're muted. There we go.

Speaker: Hi. Um I'm going to keep this brief. My main concern is what this will do to further policing our unhoused neighbors. Um i, i, I have seen so many of them already be mistreated and even harassed by security. Uh, that, I guess, works for the esd districts and I'm just I'm very disheartened by it. I think we need some something in place to keep this from happening. Um, I honestly don't support isds at all, but if they're going to be a thing, we need a way to protect our community members from abuse of power. Frankly um. That's all. Thank you for your time.

Speaker: Thank you. Sir

Speaker: That completes testimony. Mayor

Speaker: All right. Very good. That completes testimony. Uh, do we want to have our illustrious staff members come back up? If there's any further questions? Otherwise, we can take a vote to accept the report.

Speaker: I do have a question or two.

Speaker: Yeah. If you if staff could come back up, please. Commissioner Mapps. I don't think it's.

Speaker: I think it's just staff. Right. Well everyone's.

Speaker: Well I think we probably although frankly my questions are going to be directed towards staff.

Speaker: Uh, first I want to thank everyone, both for the public testimony, um, and the presentation. I'll tell you, I think this assessment and the recommendations are very, very compelling. Um, so, uh, given that we have a third party outside, uh, assessment and recommendation on what to do with this, I suspected a couple of minutes. Council is going to accept this recommendation and report, then what happens? It's a good question, commissioner.

Speaker: Um, so we wanted to, um, not get too far ahead of things and bring, you know, the clear next steps until we had this conversation and we kind of gauged the room a little bit on whether this feels like the right path forward.

Speaker: Um, staff's very excited about all the recommendations in the report. And I think you've seen there's a fair amount of support, not not every unanimous, but but a fair amount of support for it. So Devin is on board now. And really this will sort of become his work plan. Honestly for the next year or two to get all this stuff implemented. And I think the first steps of that are really putting together a work plan matrix. Some of this stuff is low hanging fruit. We'll be able to act on it quite soon. Uh, doesn't necessarily even require council action. A lot of these other things are going to require code tweaks and changes or contract changes. And so those are going to take a little bit longer to implement. But our intent is to, you know, if we're getting sort of head nods today to go ahead and get started on that, uh, that's very helpful.

Speaker: Um, to dive down just a little bit deeper. If we were to take the issue of, um, frankly, the taxation of or the fees paid by, uh, residential customers and the representation of residential customers, um, on isds, does that come to council? Is that something?

Speaker: Yeah. The rate structures are actually set in city code that 6.06 section now.

Speaker: So those will be code changes. If we do change that rate structure. Uh, and those will come to City Council.

Speaker: Well, uh, colleagues, I just want to share with you, I think all the recommendations, uh, look really compelling.

Speaker: I'm not 100% sold on all of them. And I think we heard some testimony, both written, uh, and oral today, which suggests that maybe there's some issues that we haven't gotten. But this is a great roadmap forward.

Speaker: Um, I sure would like to see, um, a deeper conversation and maybe some recommendations about possibilities for tweaking.

Speaker: Uh, or perhaps capping the fees that, uh, condo owners pay and taking a look at, um, basically having proportional representation for residents on esd boards. I feel like that's, uh, compelling. I think commissioner Gonzalez you might be can't remember. I think you might have missed some of the conversations the last time this came around, but at least in my experience, um, on this council, the condo thing and the representation thing are a consistent concern. In addition to, um, the houselessness and the public safety stuff too, which I would actually bracket into another bucket. But in terms of the things that are before us today, uh, that's what I hope that we move forward with this and in particular, and hopefully sooner than later, uh, pin down the, uh, the fees and the representation questions. Uh, that's all I got. Thank you. Commissioner

Speaker: Commissioner Ryan. Yes. Uh, thank you, mayor. And thank you, commissioner Mapps. The points about the condo associations. It's, uh, we've heard this before. Yeah, and we were going to act on it. I just want a little more clarity on timelines. So the audit came out once. The actual date of that audit.

Speaker: I don't have that handy 2020.

Speaker: I think it's in the ordinance. And then and then this, uh, then you dove in in the last year like at least two years later, two and a half years later, three years later, and then what happened from the audit between the audit and then finally getting this report that's like almost four years, uh, well, um, a few things. And I'm really wanted staff because I think it's more our side of the street, so to speak, on this one. It's I'm not talking about the people who are contracting with. It's more like, what are we doing on our side so that we don't we receive an audit in 2020, and it's four years later and we're just doubling down on the audit. And we haven't taken action. It's okay to say like just say what happened. I just want to know what happened.

Speaker: It's a fair question.

Speaker: Absolutely. So I mean, the big step timeline since 2020 was we did hire, um, the enhanced service district coordinator. Uh, in early. Well, I can't actually tell you exactly when, but that was kind of the first step that took some time to bring that person on board. And the first course of action was immediately to go through the process of renewing downtown clean and safe contract, which was a, you know, a pretty extensive process. You probably remember a lot of those public hearings. That was, uh, pretty contentious and took all of the all of the time of the folks working on the esd program to kind of get through that immediate after that, we had the central eastside together renewal process, which benefited greatly from the work that downtown clean and safe, kind of, you know, paved a path, plowed

the road a little bit. But that was also a lot of work. Um, in 2022, we lost the enhanced service district coordinator. I'm not prepared to, like, go into any details about that hr matter, but that person left the position and then we didn't have those resources to really take on the next step, which was starting to get into the bigger audit response questions. It took us over a year to refill that position largely because of budget issues. That position was originally a kind of a temporary position with limited time funding. We had to go through, and we weren't going to be able to hire somebody with, you know, six months of limited firm funding left. Who would you know, we wouldn't have gotten devin, right. We wanted a really good candidate who was going to be committed to this role, going forward. So we had to go through the budget process to get that funding converted into permanent funding. And just for your information, you may know this already, but the districts are actually contributing, paying half of the cost roughly of the enhanced service district coordinator, um, through withholdings from, from the collections and then the general fund contribution from the city is the other half. So it's a true partnership there. We had to get that funding converted into permanent funding before we were able to really do a good recruitment and get devin on board, and he joined us in October of this year before that. And actually, the good news about that process is we did get some salary savings over the year that we didn't have anybody in the position, and it was just sort of me limping along, checking the boxes with downtown clean and safe, trying to do as much oversight as possible, while I also have some other things that are going on in the city to look after. But so we got through that period, uh, and, uh, and then but but we did we were able to use those salary savings to, uh, bring in the consultant team to really give us this expert view. Uh, best practice based assessment of where, where we really are and what we can do to sort of make, make our districts as good as they

can be, um, and respond to those audit issues. So in, during the summer, we brought them on board. They had already gotten started with Devin, and then everything was really sort of firing on all cylinders again, by the by. The fall. And so that's where we are. And I think that if the concern is going forward, are we going to stall out again? I don't think we are. I think we have a good a good path forward. We have a clear roadmap with this report. We've got Devin on board, fully dedicated to this and up to speed. It's a good working relationship with the stakeholders, and I think we'll be able to move fairly quickly on some of these recommendations.

Speaker: I think you got to the heart of the matter, and I enjoyed meeting you last week, Devin. And you know, onward. Anyway, thanks. Thanks for giving, um, an honest, um, uh, rear view mirror about what's happened on the city's side of this relationship over the last four years. Great

Speaker: Any further questions? If not, I'll entertain a motion to accept the report. So moved. Commissioner Mapps moves. Can I get a second? Second?

Commissioner Gonzalez seconds. Any further discussion? Seeing none. Please call the roll. Keelan yea. Rubio I want to thank the mayor for bringing this forward and also thank the BTS team, uh, for their thorough work on this report and also the people who testified today and provided important perspective on this work was that's an important feature of this work to me is that I appreciate that the consultants have a lot of experience working around the country, so you have some good perspective in your recommendations.

Speaker: Um, and I agree with the number of them. Um, and I also hope to dig in more on others. Um that we've heard being discussed, like the homeowners and renters issues with respect to the fees and also representation. Um, it's, you know, the positive economic and partnership work that these ISDs have had on our districts have have been important. And like all programs, um, that have been

operating for a while, it's also important to periodically assess our existing strengths and also looking at the areas for continuous improvement. And I think it's timely because our landscape in every way has shifted or changed since even a few years ago. Um, so we too just need to do our best. Um as a city to sort of step up and provide our city services and structure and guidance to the isds and do our part as government, um, and set set them up for success while also ensuring consistent city and ratepayer oversight. Um, and even though we have some work to do here, um, I'm glad that there's some there's partnership here. Um, and I appreciate the joint letter in support of the recommendations. Uh, from, from downtown clean and safe and lloyd district and central eastside together. That was read into the record. So I look forward to digging into these recommendations and working with my colleagues and also the esd team, ratepayers and stakeholders as well in um, reviewing these recommendations and taking subsequent actions. I vote yea. Yeah

Speaker: Um, thank you, mayor, for bringing this forward. Clearly, it was, uh, important to bring this forward. It's been smoldering for a little while, and, uh, pdfs, you did a great job. That was really easy to follow. Um, and again, much needed. Clearly it's time for us to take action. Um, and we had an audit and we have, uh, more clarity about some details that we need to work on. And, devin, it was a pleasure meeting you. As I said earlier last week, you clearly come into this position with the right experience. And you're it's the right hire because you're basically I could tell as sitting across from somebody that was excited about being in their position and had some enthusiasm for actually doing the job, and I didn't feel that before. So that's wonderful that you're in this role and it's, uh, I just if we have another meeting like this in a year, I don't know what will happen, but it won't be good. And so we need to actually do what? Um, some of these recommendations

have. We've all mentioned that we have a lot of love, um, and concern for it's valentine's day. So I said the word love. Um, we have a lot of concern for what the condo lobbyists have been saying, and they've been saying it for some time. So there's fairness. I will always, um, mention this. I think there are small business owners and say some of our other isds on the east side, especially lloyd, that are being left out. So I think we have to continue to look at how the main street small businesses get worked into this, and I look forward to hearing about that. It's good to know we have a contact person that's actually accountable for this role. And I think the movement towards prosper Portland under commissioner Rubio brings more accountability. Quite frankly, this has been lost in the bureaucracy of our fascinating organizational chart that a. New city manager will have to really, um, do a lot of surgery on. So onward I vote yea I accept the report. Gonzalez.

Speaker: Uh, extremely helpful. Uh I'm going to vote to accept the report, too, just to give some flavor. I think I'm in general, uh, uh, support or at least don't have a strong negative opinion to any of the recommendations. Uh, at this point, I want to echo support for reevaluate the assessment for proper, uh, for condo owners. Uh, I do think that tension will be trying to figure out the right representation. Yea. Ryan. As you adjust assessment and whether we go with kind of a pure economic contribution option model, you know, for example, port of Portland, when you're talking about the airport, they make big decisions based on kind of a weighted voting model. Get given each airlines relative contribution to the air to the airport, is that the right model here or not? I just want to call out that as we reassess this, the way people are getting assessed and still want to address what's the right representation, might have to think about the relative economic contribution to the body, not that that's a complete way to do it, but I think we probably we have to think that through. Um I do want to get out one other you know, I think is, is you've.

Given us the history here. They're always going to have a place they make sense for focused attention on the needs of. Uh, business districts in particular. Um, but the crisis we're facing in public safety and confidence that are in, uh, I also don't want to run from sort of the underlying equity arguments that we have to struggle with as a community, that we have to raise the expectation for public safety, for all in the city, whether inside or outside isds and, and, um, this becomes a flashpoint because they're dealing in a focused way at the perception of, you know, at the behest of large owners in the city. Uh, but the core expectations of public safety, the core realities of public safety that is on us to address comprehensive and isds cannot be the sole, uh, not that there's any implication of such, but that that cannot be the sole outlet of our attention on that. So I just would, uh, point that out. I am very interested in thinking about that. The another part called out in your report about how we've gotten so focused on the public safety aspects for isds and how the relative share of business development, promotion has really gone by. The not by the wayside, but has been really minimized as a as a percentage of the dollar spent. I think that's problematic over the long haul. Um, and, um, I'm not sure what the solution is. On the one hand right now, but thank you for calling it out. And I'm very intrigued by the connection to prosper Portland. Uh, as and how to deepen that all so calling out I think prosper Portland's going to go through its own exercise of defining what it's going to be 2025 going forward, and maybe, you know, crystallizing what its real purpose is. Um, at this point going forward, I think that overlaps with how it would interact with isds. But again, I vote to accept the report. Thank you for the good work here. Maps

Speaker: Um, I want to thank, uh, staff and our guests. Uh for the testimony today. Also uh, I thought we got some really good public testimony. Um, I've intervened in this conversation several times over the afternoon, so I think people have a pretty

good clear sense of where I'm at looking forward to seeing these recommendations get fleshed out and come back to council, obviously concerned. What happens with residents in terms of taxation and representation in this space? I hope that we can get some of this work done in this calendar year while we're still sitting here. That would be deeply satisfying, given the amount of time and energy that we've all invested in that but that I will vote to accept this report. Thank you, mr. Mayor.

Speaker: Good report. I vote I the reports. Accept it. Thank you. We're adjourned.