



CITY OF  
Portland, Oregon

Official  
Minutes

**February 3, 2021**

**Date and time**

February 3, 2021 at 9:52 a.m.

Council recessed at 11:44 a.m.

**Officers in attendance**

Keelan McClymont, Clerk of the Council; Robert Taylor, Chief Deputy City Attorney

**Consent Agenda**

On a Y-5 roll call, the Consent Agenda was adopted.

**Date and time**

February 3, 2021 at 2:00 p.m.

Council adjourned at 3:07 p.m.

**Officers in attendance**

Keelan McClymont, Clerk of the Council; Naomi Sheffield, Deputy City Attorney

**MARY HULL CABALLERO**  
Auditor of the City of Portland

*Keelan McClymont*

By Keelan McClymont  
Clerk of the Council

**PORTLAND CITY COUNCIL AGENDA**  
**City Hall - 1221 SW Fourth Avenue**  
**WEDNESDAY, 9:30 AM, FEBRUARY 3, 2021**

**Disposition:**

Those present by videoconference were: Mayor Wheeler, Presiding;  
 Commissioners Hardesty, Mapps, Rubio and Ryan, 5.

**City Hall is closed to the public due to the COVID-19 Pandemic.**

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of council are attending remotely by video and teleconference, and the City has made several avenues available for the public to listen to the audio broadcast of this meeting. The meeting is available to the public on the City's YouTube Channel, eGov PDX, [www.portlandoregon.gov/video](http://www.portlandoregon.gov/video) and Channel 30. The public can also provide written testimony to Council by emailing the Council Clerk at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov).

The Council is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

**Provide Public Testimony:** City Council will hear public testimony on resolutions and ordinances (first readings only). Testimony is not taken on communications, reports, second readings, proclamations or presentations in accordance with Code 3.02.040 F. and G. Public testimony will be heard by electronic communication (internet connection or telephone). Please identify the agenda item(s) you want to testify on, and then visit the Council Clerk's agenda webpage to register, [www.portlandoregon.gov/auditor/councilagenda](http://www.portlandoregon.gov/auditor/councilagenda). Provide your name, agenda item number(s), zip code, phone number and email address. Individuals have three minutes to testify unless otherwise stated at the meeting.

**The deadline to sign up for the February 3, 2021 Council meetings is February 2, 2020 at 4:00 p.m.**

**Email the Council Clerk at [councilclerk@portlandoregon.gov](mailto:councilclerk@portlandoregon.gov) with any questions.**

**COMMUNICATIONS**

**63** Request of Sarah Hobbs to address Council regarding need for broader discussion concerning suicide (Communication)

**PLACED ON FILE**

**64** Request of Marianne Fitzgerald to address Council regarding Southwest Neighborhoods need fiscal support (Communication)

**PLACED ON FILE**

<b>TIMES CERTAIN</b>		
<p><b>65</b></p> <p><b>TIME CERTAIN: 9:45 AM</b> – Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk, and stormwater improvements in the Errol Heights Local Improvement District (Resolution introduced by Commissioner Hardesty; C-10064) 30 minutes requested for Items 65-66</p> <p>(Y-5)</p>		<b>37530</b>
<p><b>*66</b></p> <p>Authorize the Bureau of Transportation to acquire certain temporary rights necessary for construction of the Errol Heights Street and Local Improvement District through the exercise of the City’s Eminent Domain Authority (Ordinance introduced by Commissioner Hardesty; C-10064)</p> <p>(Y-5)</p>		<b>190277</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Ted Wheeler</b>		
<p><b>67</b></p> <p>Authorize Intergovernmental Agreement with Metro to provide special appropriation operating support for Portland’s Centers for the Arts not to exceed \$1,600,000 (Second Reading Agenda 46; Ordinance introduced by Mayor Wheeler and Commissioner Rubio)</p> <p>(Y-5)</p>		<b>190278</b>
<b>Bureau of Emergency Management</b>		
<p><b>*68</b></p> <p>Accept the FY 2018 Federal Emergency Management Agency Pre-Disaster Mitigation Grant in the amount of \$150,000 from the Oregon Department of Emergency Management to update the City’s Natural Hazard Mitigation Plan (Ordinance)</p> <p>(Y-5)</p>		<b>190279</b>
<b>Office of Management and Finance</b>		
<p><b>69</b></p> <p>Create a new non-represented classification of Government Relations Specialist I and establish a compensation range for this classification (Ordinance)</p>		<b>PASSED TO SECOND READING FEBRUARY 10, 2021 AT 9:30 AM</b>
<p><b>70</b></p> <p>Approve a grant of \$150,000 to Travel Portland for a winter/spring advertising campaign (Second Reading Agenda 36)</p> <p>(Y-5)</p>		<b>190280</b>
<p><b>71</b></p> <p>Authorize City donation to Metro of three unplayable surplus pianos at City-owned Portland’s venues for disposal according to Metro’s surplus property policy (Second Reading Agenda 50)</p> <p>(Y-5)</p>		<b>190281</b>
<b>Commissioner Carmen Rubio</b>		

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**Bureau of Planning and Sustainability**

72 Authorize an Intergovernmental Agreement with Metro for a total amount of \$839,351 for the Annual Waste Reduction Plan, Business Technical Assistance & Outreach, and Business Food Waste Requirement (Second Reading Agenda 52)

(Y-5)

**190282**

**Commissioner Mingus Mapps**

**Bureau of Environmental Services**

73 Authorize the Bureau of Environmental Services to transfer up to \$166,250 to the Multnomah County Drainage District #1, under an existing Intergovernmental Agreement, for expenses related to a critical stormwater infrastructure replacement project (Second Reading Agenda 54; Contract No. 30003999)

(Y-5)

**190283**

**REGULAR AGENDA**

\*74 Approve Revised Settlement Agreement in the matter of City of Portland v. Monsanto et al. and authorize the process for use of settlement funds (Ordinance introduced by Mayor Wheeler and Commissioner Mapps) 15 minutes requested

(Y-5)

**190284**

**Commissioner Mingus Mapps**

**Bureau of Environmental Services**

75 Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Columbia Boulevard Wastewater Treatment Plant Outfall Diffuser Improvements Project No. E06923 for an estimated amount of \$5,500,000 (Second Reading Agenda 59)

(Y-5)

**190285**

76 Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Stark and Buckman East Reconstruction and Green Street Project, No. E10216, for an estimated cost of \$23,837,000 (Second Reading Agenda 60)

(Y-5)

**190286**

77 Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Columbia Boulevard Wastewater Treatment Plant Headworks Screening Improvements Project No. E10805 for an estimated amount of \$12 million (Second Reading Agenda 61)

(Y-5)

**190287**

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78	Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder and provide payment for construction of the Ankeny Pump Station Odor Treatment System Rehab Project No. E11093 for an estimated amount of \$1,200,000 (Second Reading Agenda 62)  (Y-5)	<b>190288</b>
<b><u>WEDNESDAY, 2:00 PM, FEBRUARY 3, 2020</u></b>		
Those present by videoconference were: Mayor Wheeler, Presiding; Commissioners Hardesty, Mapps, Rubio and Ryan, 5.		
79	<b>TIME CERTAIN: 2:00 PM</b> – Proclaim February 2021 to be Black History Month (Proclamation introduced by Mayor Wheeler and Commissioner Hardesty) 1 hour requested	<b>PLACED ON FILE</b>
<b>EXECUTIVE ORDER</b>		
80	Reassign City departments, bureaus and liaison responsibilities as stated in Mayor Executive Order dated February 1, 2021 (Ordinance; Executive Order)	<b>190276</b>
<b><u>THURSDAY, 2:00 PM, FEBRUARY 4, 2020</u></b>		
<b>DUE TO LACK OF AGENDA THERE WAS NO THURSDAY 2:00 PM MEETING</b>		

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**Closed caption file of Portland City Council meeting**

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

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

February 3, 2021 9:30 a.m.

**Wheeler:** Pregavel, I first want to thank any colleagues for their leadership and their guidance in these incredibly challenging times. I would also like to acknowledge the community members who are taking time to join us in council today. Thank you for being here. We are here this morning to share in a moment of reflection, to honor the victims of those whose lives were taken by -- by acts of gun violence in 2020 and 2021. Gun violence has been on the rise in the city since December of 2019. Two we are seeing more shootings than in decades. In January of 2021 alone there were close to 100 shootings and six deaths. When we hear the statistics it's easy to view them only as numbers. But it's important to remember that each number represents a child, a parent, a friend, or a neighbor whose life was taken too soon. Today we want to honor them and their legacies. We want to hold them in our thoughts. We must use their stories to inspire our ongoing work to address and prevent future gun violence. Gun violence is a public health issue. It's essential to diagnose and treat the problem just like we would a virus. All of us agree, the time for action is now. The office of violence prevention has made a video that honors each person whose life was taken by gun violence in Portland in 2020 and 2021. My colleagues will then have some remarks to share after. Keelan, can you please play the video for us.

**Wheeler:** Thank you. I would like to thank the office of violence prevention for putting that together. Colleagues?

**Mapps:** Mr. Mayor?

**Wheeler:** Commissioner Mapps?

**Mapps:** Mr. Mayor, colleagues, I would like to take a moment to thank the office of violence prevention for that powerful presentation. I have served on this council for 34 days. In that time, Portland has seen 108 shootings. And eight homicides. Including guns. If we go back one year to January 2020, Portland had just 51 shootings. And only one person died from gun violence. On this issue, my heart and my head say that we must, this must change. The rise of gun violence is

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unacceptable. I believe we must come together as a council. As a community to end the violence. I want to reassure the public that this is an issue that my colleagues and I work on every day. Here are some examples of some of the things I'm doing in my capacity as your representative on city council. First as the Commissioner for the bureau of emergency communications, I'm working with my staff to look at how we prioritize 911 calls. Our goal here is to make sure we are getting the proper response to gun violence as soon as possible. Second, also in my capacity as the boec Commissioner, we are working with the Mayor's office and with the police bureau to see what we can do to speed up the police response times to calls that involve gun violence. Third as your city Commissioner, I pledge to support gun violence prevention programs. Fourth, I pledge to support violence interruption programs, like those sponsored by the office of violence prevention. Fifth, I pledge to embrace the practice and the politics of peace. Violence is a disease as contagious as any virus. The only way to break the cycle of violence is embrace politics of peace. So let me conclude by asking every Portlander to join me in rejecting violence and choosing peace. Thank you, Mr. Mayor. That is the end of my comments.

**Wheeler:** Thank you, Commissioner Mapps. Commissioner Hardesty, you're up next. Then Commissioner Rubio.

**Hardesty:** Thank you, Mayor. Commissioner Rubio put her hand up first. I was just so still in the moment of the video that I had not responded. So I will go after Commissioner Rubio. Thank you.

**Wheeler:** Thank you, Commissioner Hardesty. Commissioner Rubio?

**Rubio:** Thank you, Commissioner Hardesty. First, I want to take a moment like my colleagues to appreciate this time and also the office of violence prevention. Their team, for lifting up the moment to honor these individuals who lost their lives to gun violence. The losses are felt uniquely painfully here today and it's also a terrible reality that right now this is an epidemic. This is plaguing communities around the country. And every single demographic has felt the sting of violence. But especially in the young people which is breaking my heart and I know it breaks everybody's heart. When we learn this. In my work out of youth serving non-profit, over and over again we witness the violence disproportionately happening in the BIPOC communities among young people. And the damage that it leaves is absolutely devastating to the families, to the whole community network that was touched by the lives. That this person is connected to in school and work and life. And in community. That is why the work of these agencies and the partnership with the city and county are so important because they prevent violence in order to

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save lives and they have also been doing so for decades in some cases. So we need to listen to community. We need to listen to them. As well as we need to listen to impacted families. To tell us what is working and to tell us where we can do more or what we can do differently. In honor of these victims, we as a council -- I heard Commissioner Mapps say, this too, -- we need to recommit ourselves to doing the hard work in our communities to get to the root causes of violence and focus on community-centric solutions. Now is a time for all of us to double down in our work with trusted leaders and with communities that are impacted. And organizations who are in this work for real to make our community safer, for children and families but especially for the front line communities bearing the brunt of the violence. Just yesterday, we engaged in a work session where we talked about all the upstream interventions in a culturally responsive way so we are catching the situations before they escalate to violence. But underneath it all, we need a foundation of trust with the community. We need to build meaningful partnerships based on that trust and mutual respect. We owe it to the faces we just witnessed to do the hard work to make it a reality. And recommitment to the community and do all it takes to build a safe and vibrant Portland is a tribute I hope we can make to the victims today and in the coming months. Thank you for the opportunity to say something.

**Wheeler:** Thank you, Commissioner Rubio. Commissioner Ryan?

**Ryan:** Thank you, Mayor, for this pregame moment. Thank you Nike Greene and your team at the office of violence prevention. That was powerful. I was really slow to raise my hand because I was numb. So thank you for leveling us. We needed that. My heart is with the families in our city who have lost loved ones to gun violence. The spike of the gun deaths we are collectively witnessing is nothing short than absolute tragedy. Gun violence is complex and it's deeply rooted in the inequitable systems that exist in the culture. This is a public health crisis. In addressing this real safety concern in the city requires renewed emphasis and commitment to find ways to address this crisis. As a council, we have that obligation to work together to prioritize the solutions. This is definitely one of them. That means building and strengthening upstream support. Working directly with the communities that are impacted and using data, I never forget there are people behind data to ensure we are successful. I look forward to working with my colleagues, especially my colleagues in charge of the emergency response bureaus to offer whatever support I can on this issue. Again, my heart goes out to you who have lost loved ones in the growing epidemic. Thanks.

**Wheeler:** Thank you, Commissioner Ryan. Commissioner Hardesty?

**Hardesty:** Thank you, Mayor. Thank you so much Nike Greene for a very powerful video



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representation. I also want to speak directly to the families because unfortunately I've spent a lot of time comforting moms and family members who have lost loved ones to gun violence. And it is a devastating loss, potential an opportunity for so many of your community members. I am pleased to say that as a council, we are collectively addressing this "a," as a public health issue. Not trying to find simple solutions to very complex problems. Being open to innovation, like talking to the people most impacted by policing. Black men between 14 and 44. Making sure that they are part of what we build to make sure that we are reducing gun violence in Portland. We also know since the pandemic began in march, we have seen over 150% increase in domestic violence. We know that many of the deaths that we saw in the video can be tied directly to domestic violence-related issues. What we know is that we have people who are desperate, who have had no income and have no hope. It is our job as the council to provide that hope for the families who have been devastated, for the community who has to see us collectively setting a vision for where we are headed. And then for us in our own individual bureaus to figure out collectivity how do we make sure we are building the safety net that hasn't existed for decades. We have a lot of work to do. I look forward to continuing to partner with the office of violence prevention to see how we can collaborate both with the county and their outreach workers and front line community based organizations who have those deep relationships. I think a missing piece is also those coming back from incarceration. Because we send people back with nothing. And somehow expect them to fully function with housing and the employment and et cetera, et cetera. Mayor, it was funny to find out that you and I had the same vision about honoring these people who left our community too soon at the hands of gun violence. I appreciate your collaborative approach to allowing all of us to honor these families and make the commitment that their deaths will not be in vain. What we build coming out of this pandemic will honor where we are moving as a city. So, I thank you for your partnership on this. I'm grateful to all my colleagues and how collectively we all share both the devastation and the obligation to do better. We know what doesn't work. So now we have the chance to figure out what does work. And do it together. Thank you, Mayor. Thank you, council.

**Wheeler:** Thank you, Commissioner Hardesty. Thank you, colleagues. I appreciate it. Again, Director Greene, thank you for putting this together for all of us. So, colleagues, we are now in session. The February 3, 2021, session of the morning city council. Keelan, please call the roll.

**Clerk:** Rubio?

**Rubio:** Here.

**Clerk:** Ryan?

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**Ryan:** Here.

**Clerk:** Hardesty?

**Hardesty:** Here.

**Clerk:** Mapps?

**Mapps:** Here.

**Clerk:** Wheeler?

**Wheeler:** Here. Under Portland city code and state law, the city council is holding this meeting electronically. All members of the council are attending remotely by video teleconference. The city has made several avenues available for the public to listen to the audio broadcast of this meeting. The meeting is available for the public on the city's YouTube channel, [egov.pdx](https://www.egov.pdx), [PortlandOregon.gov/video](https://www.PortlandOregon.gov/video) and channel 30. The public can also provide written testimony to the council by e-mailing the council clerk at -- [cctestimony@PortlandOregon.gov](mailto:cctestimony@PortlandOregon.gov). The council is taking these steps as a result of the covid-19 pandemic, the need to limit in-person contact and promote physical distancing. The pandemic is an emergency that threatens the public health, safety and welfare, which requires us to meet remotely by electronic communications. Thank you as always for your patience, your flexibility and your understanding as we work together and manage what is a challenging circumstance. We'll now hear from legal counsel on the rules of order and decorum. Good morning.

**Robert Taylor:** Good morning. Thank you, Mayor. To participate in council meetings, you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the first reading of ordinances. The published council agenda at [PortlandOregon.gov/auditor](https://www.PortlandOregon.gov/auditor) contains information about how and when you may sign up for testimony while the city council is holding electronic meetings. Your testimony should address the matter being considered at the time. When testifying, please state your name for the record. Your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When your time is up, the presiding officer will ask you to conclude. Disruptive conduct; such as, shouting, refusing to conclude your testimony when your time is up or interrupting other's testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruptions may result in the person being placed on hold or ejected from the remainder of the electronic meeting. Please be aware that all council meetings are recorded.

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**Wheeler:** Thank you, Robert. First up is communications. Read the individual's name, please, item 63.

**Clerk:** Request of Sarah Hobbs to address council regarding need for broader discussion concerning suicide.

**Wheeler:** Good morning, Sarah.

**Sarah Hobbs:** For the record, I'm Sarah Hobbs. A field advocate with the Oregon state chapter of the American foundation for suicide prevention. I am on the Oregon health authority adult suicide prevention task force. In my now ongoing eight years of working in suicide prevention, I have found the continued silence and the part of members of city council to be deafening. One elected official once told me it was not the city's problem to address but the county's. Portland is the largest city in the county. It is our issue as well. What I need from you is to admit we have a problem. My work on the task force is to speak for those affected by suicide, whether through lived experience or those who are affected by it due to the work. I am not coming to demand something out of you but to offer something as well. I will work hard to address your concerns. I cannot do this if you do not first acknowledge the problem and talk to me. I will be in touch with your offices. I look forward to working with you. As I strive to be a voice and bringing suicide out in to the light. And in doing so, save Portlanders' lives. Thank you.

**Wheeler:** Thank you, Sarah. We appreciate it. I want to assure you that all of us on the city council take suicide and behavioral health extremely seriously. This is obviously a timely situation as we know that during the Covid crisis more people are seeking treatment. That is exactly the same time as I know you are aware that our service providers are struggling to stay in business. In fact, there is an article in this "Willamette week" about Cascadia behavioral healthcare, the state's largest provider of the mental health treatment. And it is, in fact, the largest contractor in the Portland area. It's in financial difficulties. That caught my attention because one of the first things that happened after I was elected, Multnomah county chair back in 2007, was Cascadia behavioral healthcare was forced to close its doors due to financial difficulties. That left a lot of people in dire straits. At that time, the county and Cascadia and many other community organizations came together to restore those efforts. I really applaud the great progress that Cascadia made over those years. It saddens me to see they are again in financial difficulties at time when so many people in the community are desperate for the services they provide. I want to applaud you personally, Sarah, for coming forward and having the courage to highlight this issue. I want you to know that we support your efforts in this case. I know that my colleagues all feel the same way. So, thank you, for stepping forward today.

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Keelan, the next individual, please. Item 64.

**Clerk:** Request of Marianne Fitzgerald to address council regarding southwest neighborhoods need fiscal support.

**Wheeler:** Good morning.

**Marianne Fitzgerald:** Good morning, Mayor Wheeler and Commissioners Hardesty, Mapps, Ryan and Rubio. Thank you for the opportunity today to talk with you. I'm Marianne Fitzgerald. For many years I have served in leadership roles in the local neighborhood association and district coalition. But my comments today are my personal comments on the issues in my neighborhood. The office of the community and the civic life administers city code 3.96 designed to encourage people in Portland to participate in the civic affairs. This geographically-based structure served people well by turning a big city to seven small towns and 95 neighborhoods that can effectively and efficiently respond to local needs. Last July, the Portland city council deferred funding to the southwest neighborhood inc. Coalition known by SWNI s-w-n-i. Sadly, over the past year there has not been much dialogue between civic life and people in southwest Portland about the issues raised by a few people. Now, seven months later, SWNI has depleted the funds it had and laid off most of the staff. These layoffs mean southwest neighborhoods now rely on the volunteer time and energy to provide minimal services to people in southwest Portland in a not effective and not very efficient way. Southwest neighborhoods need fiscal support for the people who need the neighborly help right now in this covid-19 pandemic. Southwest neighborhoods are at risk of losing access to the online meeting tools, websites and the newsletters that keep people in touch with each other and inform local issues and the local resources. Southwest neighborhoods are at risk of losing the fiscal sponsorships and the insurance needed to conduct work parties and the many community building events. District coalitions like SWNI have organized to help people locally meet the city priorities. SWNI has standing committees that take action to meet the city's climate action and the equity goals and to maintain and enhance the public safety, land use and transportation planning, schools, parks, water sheds and the other neighborhood needs. It's challenging to carry out this work when we face losing the tools we depend on to communicate and collaborate. Southwest neighborhoods can transform to meet the current city priorities, but it will take time and resources. It's urgent that you fund SWNI for this fiscal year, just five months left in this fiscal year, as soon as possible. These funds are already in civic life's budget. These funds would give the people in southwest Portland time to build relationships with the Commissioner Hardesty, with civic life and other partners in our community and transform this

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organization to meet both local and the city-wide needs. Thank you for your time.

**Wheeler:** Thank you. I appreciate it. Thank you for being here today. Next up our first time certain items. Keelan, can you please read item 65 and 66 together.

**Clerk:** Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk, and stormwater improvements in the Errol Heights local improvement district. Authorize the bureau of transportation to acquire certain temporary rights necessary for construction of the Errol Heights street and local improvement district through the exercise of the city's eminent domain authority.

**Wheeler:** Thank you. Commissioner Hardesty?

**Hardesty:** Thank you, Mayor. Good morning. I'm sorry. Did Keelan read the numbers that we are on?

**Wheeler:** Yes. 65 and 66.

**Hardesty:** Thank you. My apologies. I would like to introduce agenda item 65 and 66. 65 declares the intent for the local improvement district formation proceedings to construct street, sidewalk and the stormwater improvements for Errol Heights local improvement district. And 66 authorizes the bureau of transportation to acquire certain temporary property rights. I am going to turn this over to the esteemed staff at PBOT and the BES Project managers to present a presentation. ELizabeth will present to you.

**ELizabeth Tillstrom:** Hi, Commissioner Hardesty. Thank you for the introduction. Good morning, Mayor, Commissioners. For the record, ELizabeth Tillstrom, project manager with the Portland bureau of transportation. I'm joined today by my counterpart in BES, Sean Bistoff, the project manager for Errol Heights on the bureau of environmental services side. We are also joined by Ning Jung who helped with the public involvement on project and George Lazaboy from the port Portland and recreation. Finally, Marty Maloney, my colleague in PBOT to discuss agenda item 66 with regard to the temporary construction easement. We thought we would talk about the project, provide background and dig in to the local improvement district process, which is why we are here today. If it's okay with you, I will share my screen here. Let me know when you can see it.

**Hardesty:** We see it, ELizabeth.

**Tillstrom:** Great. Thank you so much. So, the Errol Heights neighborhood technically within the Brentwood-Darlington neighborhood association. But before it was annexed in to the city in 1986, this area was known as "Errol Heights." our project area sits between southeast 45th and southeast 52nd avenues. And then southeast malden to the north and nehalem court to the

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south so, the map in front of you shows all the streets that will be involved in the street improvement project. All the blue lines you see. This is adjacent to the Errol Heights park, which we'll talk about later. But that is another exciting project moving forward. In this area, it sits just north of Johnson Creek. The existing conditions for Errol, 88% of the streets within this neighborhood are unimproved gravel streets. These are images of all of the streets that will be involved in our capital project. And apologies to the Errol Heights property owners that we have joining us here today. The images make these roads look pretty time. They were taken on a nice dry sunny day so they look like evenly graded gravel roads, country roads. But, you know, come winter or some of the wetter seasons we have, this is what the roads, this is a more accurate depiction. They become heavily rutted. Some sections of this neighborhood become impassable. Over the years the neighborhoods have taken it upon themselves to fill in some of those depressions and gaps and potholes. Throughout the neighborhood, so that motor vehicles, small motor vehicles as well as delivery trucks, mail service, emergency response can make it through the neighborhood. Not quickly. But at least it's passible. So, that is what the roads look like. Currently in Errol Heights. This is a project 12 years in the making. We have been working on this project to improve the roads in Errol since 2008. There have been two previous L.I.D. Efforts. The previous efforts never made it to the petition process. But we had started the conversations with the community. Both of those efforts in 2008, 2014, were unsuccessful due to the high cost that would have been born by the property owners at the time. In 2008, PBOT only had our current full street standard for improving roads. And the assessment would have been \$80,000 for an average 5,000 square foot lot. In 2014, when PBOT had released its shared street design, which I'll talk about in a moment, the price tag was a lot lower. But it would have been 100% funded by the property owners. At that time, 5,000 square foot -- for a 4,000 or 5,000 square foot lot the assessment was \$25,000. So still proved cost prohibitive. The community was concerned with the traditional L.I.D. And the payments needed to be made following construction there was a risk of displacing individuals on fixed or low-income in the community. So neither moved forward. But in 2015 the city went back to drawing board to see how we could make it happen. 2016-2020, working with the community we identified funding to help offset the cost of the L.I.D. We refined our designs to help true up our engineers' estimates, get the cost down as much as possible. I'm proud to say that here we are now in 2021, the design finally been completed. We received the final plans from the consultant yesterday. And we are just checking off the final pieces, the milestones before going to the construction this summer. So when we came back to the table with the community in 2016 following that recalibration, we developed

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the project goals and objectives. We wanted to improve access for the pedestrians, bicycles and cars and emergency vehicles. We wanted to improve access to the schools, parks and the community centers. We wanted to address the safety and the livability issues that existed in Errol. As well as the storm water conveyance and water quality. Sean will talk about that in a moment. But one of the big issues throughout the neighborhood is with the unimproved roadways and the topography, many property owners were experiencing basement flooding and were being severely impacted by the unimproved roads. Our goal is maintain the low traffic volume and speeds. Errol Heights has a special character. It's close in, in the city. But it feels like a different place. So the goal was to continue to keep traffic low throughout the area. As well as the speeds. Once the roads are paved. Maintain the character and feel of the neighborhood. We were committed to providing a low-cost street design. And also committed as city staff to look for as many funding opportunity as we could to offset the cost of the property owners. I talked about or I mentioned shared street. I want to provide what that is. Definition means everyone can use that space equally. Pedestrians, cyclists, motor vehicles. We may have to amend our sign for Errol. They have a really special family of 16 peacocks that also roam the streets. So the definition of shared streets will be expanded for Errol. But PBOT design standard can only be applied, this standard can only be applied to the residential streets. They must carry less than 500 vehicles per day. If we are building a shared street, we have to lower speed limit to 15 miles per hour. And post those at entry points to shared streets. And then include this shared street signage so that the messaging is really clear of how this road operates. So here is a rendering of what the shared streets will look like in Errol. All the north/south streets in Errol will be shared streets. It's a narrow 16- to 18-foot center strip paving. Adjacent to that will be gravel parking shoulders. Next to the parking shoulders, working out are the stormwater conveyance facilities. And then between the facilities and the private property is a transition zone still in the public right-of-way but we'll be planting over 100 trees throughout the neighborhood. To further help with the stormwater management and air quality. So we have the shared streets on the majority of streets in Errol. But the main street in to and out of the neighborhood will actually be separated -- what we call "separated streets." meaning we will pull the pedestrians out of the roadway and construct sidewalk. The reason being when we worked on the design and we did the traffic modeling, by improving the roads the model indicated that there could be some additional traffic assigned to these streets. So we want to ensure that pedestrians are safe. With the risk of the volumes exceeding the criteria for shared streets. So in addition, so we'll be building sidewalk. Then in addition to that we'll apply additional traffic calming measures to

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meet that goal of keeping vehicle volumes low and the speeds low. So for southeast malden and southeast tenino drive and court, we will be building them as chicane. It won't be a straight cut-through. We think it will help to meet the goals, the two stated goals of the low volume and the speed. So that, those are the specifics of the transportation elements. At this point I'm going to turn it over to Sean Bistoff to talk about the specifics of the stormwater design.

**Sean Bistoff:** Thank you, Liz.

**Hardesty:** Excuse me, Sean. Before you start, I was still a bit discombobulated when I presented this. And I didn't take the opportunity to talk about what an incredible partnership this is with the city bureaus, really thinking outside of the box about how we invest some very small resources in to communities that have not had access to, shall I say it, sidewalks and a good street improvements. So I wanted to acknowledge that having PBOT and BES Work in partnership about how do we do this once and how do we do it in a way that is really the kind of city we want to live in? I want to take the opportunity to also say this says a lot when you have been working on a project like this for so long that you have over 80% of community approval about the design and the direction that the project is going. I know we have some neighbors two will speak later about how they have been involved in this process. I did not want to do a disservice to either PBOT or BES For the incredible effort you have taken on in a community that has lacked sidewalks and infrastructure for so long. And I'm really excited about this project from a personal level because you are in my neck of the woods. I appreciate the fact that this collaboration is happening. And that you brought the community along with it. So, that is all I wanted to say. Sean, feel free to take it away. Elizabeth, great job. But I was still discombobulated from the film we watched as we convened this morning. It was kind of hard to set that aside. Thank you for great work you are doing. Please continue.

**Tillstrom:** Thank you.

**Bistoff:** Thank you, Commissioner Hardesty. I agree. It's been tough to reorient after that film. You touched upon something I will get to in a couple of slides, the community impact. And also I'd like to mention that the Portland parks and recreation has no small part of the effort in the neighborhood as well. Which I'll segue in to. So the Errol Heights stormwater design is fairly unique. The initial concept was with vegetative planters and green street. We moved to the geotechnical and the stormwater analysis we realized the geology, the steep slope and the surface type will limit that infiltration and that moved us in to look at the deep infiltration with sumps. That was feasible. So our current design is a hybrid approach of conveyance ditches you can see in the image on the right. That convey water to sedimentation manholes that provide



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pretreatment prior to moving to the sumps that provide deep groundwater infiltration. Where sumps are not feasible we have vegetative facilities that will be pleasurable to the neighborhood and visible -- pleasurable to the neighborhood and visible. The city will be maintaining the project. Property owners are encouraged to help care for maintenance of the ditches on the frontages by removing the trash, and weeds and so forth. I should say that Errol Heights stormwater design isn't just critical for the L.I.D. Area itself, but for Johnson Creek which is the immediate receiving water body just downstream of the steeply sloping area. Next slide, Liz. So, the Errol Heights, runoff from the Errol Heights and the current situation flows directly to Johnson Creek. These slides, two of the slides were taken in storm conditions. So you can see that, you know, there is a lot of erosion that moves down slope from Errol Heights to an outfall to Johnson Creek, the upper right photo shows the creek and the outfall. With that sediment comes a lot of the known urban contaminants that we see in the stormwater. Oil and grease, sediment, itself, is not good for the fish. And there is often metals and so forth transported with urban stormwater. The other notable thing about the outfall it's in the middle of a larger BES Restoration project to restore Johnson Creek. Errol Heights project will help address the sediment coming out of the outfall. Next slide, please, Liz. I would like to touch on the Johnson Creek -- the Johnson Creek and oxbo project. This is a few images of the creek in the area. That will provide the habitat for the endangered salmon and the other neighborhood species. The Errol Heights L.I.D. Will eliminate a source of pollution to Johnson Creek. This is another project I'm managing and it makes the oxbo project better and easier to work with when we know that source of the contamination is being dealt with. In combination with the Errol Heights park, the oxbo project will provide the improved community access to the natural areas. The next slide we'll talk about the Errol Heights park. But I really see the oxbow project, the Errol Heights park project and the Errol Heights L.I.D. Project as three parts of a whole that are really going to improve liveability in the neighborhood, access to the natural areas and really help improve the neighborhood overall.

**Tillstrom:** Great. Thank you, Sean. We wanted to be sure to include just a bit of information on the Errol Heights project that is currently in design and will go to construction this summer. This is a mix of the improvement and the restoration for the lower part of the park where there is a natural area and the wetland area and then at the top, the plateau of the park will serve as an area for the play, picnics and gardening or Errol Heights and the surrounding Brentwood-Darlington community. We want to share information about the public involvement summary. There is a lot over the 12 years. For the latest effort we had multiple public open houses and we

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held a design workshop on a Saturday in the neighborhood. We have held multiple drop-in what we help design office hours to set up a tent. The picture in the top right is one of the sessions where the property owners could drop in and look at the design on the street or in front of the property. And discuss with the engineering team and make adjustments as needed since there is an L.I.D. Component and the property owners are paying for this, they want to make sure that the design worked for the PBOT and the BES But for the property owners and the way they are using the community and the property. We had individual property meetings one-on-one in front of their properties and we had multiple briefings with the Brentwood-Darlington neighborhood association. We sent out mailers and letters and e-mail update moving through the design milestone and the notification us and the posters placed throughout the neighborhood. It was specific to the L.I.D. Petition process. We wanted everyone to be aware it was happening if they missed it in the mail. A bit about the local improvement district for Errol. This is different than the traditional L.I.D. We have capped the assessment per property owners at \$2.55 per square foot. So, for an average 5,000 square foot lot, it's \$12,750. Average assessment in Errol since there is a range of lot sizes \$14,137.58. The map to the right, those blue parcels are all of the properties that will be involved in the L.I.D. I'm totaling 116 properties total. One of the reasons we were really successful with the L.I.D. Discussion this time around was not only that we had identified public funding to further reduce the cost of the L.I.D., but that we are offering a full deferral until such time as the property is sold. So immediately following construction, we will file the assessments with the county. A lien will be placed against the property. But then the property owners do not need to do anything until, you know, if and when they sell the property. So in the interim, PBOT will be paying for the cost of the L.I.D. Up front with the transportation s.d.c. Costs. When we set out on this latest L.I.D. Petition effort -- well, first I should say the city council's requirement for L.I.D.s is that we receive greater than 50% support before we bring this forward to council for consideration. Our specific project goal for Errol Heights was that we receive over 50% support independent of waivers. So the map to the right, all of those yellow par shells that you see, those are properties that have waivers of remonstrance on file with the city. That means over the years as the development occurred, the city allowed developers to forgo the required frontage improvements. It didn't make sense for them to build a little segment in front of the project. However, in doing so we made them sign a waiver of re-monstrance saying if and when the city moved forward with the L.I.D. To improve the road, they could not protest against the project. They were an automatic voter yes for the L.I.D. So you can see there is a significant number of waivers in this community. The concern was

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from some property owners that PBOT would take the amount, the high number of the waivers, add in the property owners that were supportive. We would have over 50% and move forward with this. Our goal was to gain majority of the community support without relying on the waivers. The actual support we received is proud, independent of the waiver status for Errol Heights, we received 56, or almost 57% support for this L.I.D. When you factor in the waivers, we are closer to 68%. I want to flag. This doesn't mean that there is 32% not supportive of the project. Instead, most likely what happens is the property owners just don't respond. When we bring the actual L.I.D. Formation ordinance to council in March, it will be at that point where any dissent or waivers of demonstrative we receive or any protest will be presented by that time. A funding breakdown of the L.I.D. Total project. We have, we have \$9.3 million project. This is all of the phases, planning, design, right-of-way, construction. The L.I.D. Amounts to almost -- excuse me it's \$1.6 million. Or the 18% of the total project value. Then we have a number of other public funding sources that are applied. So years ago, some general fund program money allocated to Errol. Transportation system development charges assigned to the project. Then the bureau of environmental services and the Portland parks and recreation have funding assigned to the project as well through their capital improvement projects. At this point I'm going to turn it over to my colleague Marty Maloney. The right-of-way agent for PBOT to talk about briefly agenda item 66 which is the temporary construction easement for Errol Heights.

**Marty Maloney:** Good morning, Mayor and Commissioners. I'm Marty Maloney with the PBOT right-of-way. 66 gives PBOT authority to compensate the property owners for needed temporary easements if necessary to condemn for the property rights associated with the Errol Heights L.I.D. Project. Permanent right-of-way is not necessary. Only temporary rights is needed for four properties to support construction of the project improvements. These temporary easements will allow construction, support of the certain a.d.a. And the sidewalk facilities being placed within the existing right-of-way. All affected property owners have been informed of the project. And the need for the temporary property rights. They were all invited to attend the reading today. I'll ton it back to Liz to continue the presentation.

**Tillstrom:** Great. Thank you, Marty. Okay. So I want to share individual on the schedule and the next steps. Here we are today. The city council session, with the resolution identifying our intent to form the L.I.D. And begin the formal proceedings. From now until first week of march will be moving forward with the required public notifications outlined in the city code. Then sometimes in march, following the required timelines for those notifications, we'll come back before council and present on the official formation ordinance. At the same time, concurrent with the efforts

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we are obtaining the final permits required for construction. Then our intent is to wrap all of that up, advertise the project for construction in April. And then break ground this summer in July. Finally, I wanted to acknowledge as a 12-year project, many people have touched this over the years. And worked tirelessly to help really get to us where we are today. Sean and I are lucky to be the ones presented here but we want to take a moment and acknowledge all the past and the present leadership and the staff from BES, PBOT, Portland parks and recreation and probably other bureaus that touched this and other organizations that I haven't listed here. But I wanted to acknowledge everyone, as well as the Brentwood-Darlington neighborhood association that have been champions for this project over the years. There are a number of gravel streets throughout Brentwood-Darlington. So they are very interested in seeing Errol Heights move forward and hoping to be a model for the rest of the streets in the neighborhood. Last but not least, the Errol Heights community. The property owners and the residents within this special community that have worked really hard over the years to keep this moving forward. So to that end we invited testimony from three property owners in Errol over the years, long-standing project champions internally in the community, working with their neighbors to bring them along and also with the city, keeping us on task and helping us develop the best design possible for Errol. With that, I'd like to turn it over to them and call up Molly Stiles first for testimony.

**Molly Stiles:** Is it on? Okay. Hi. My name is molly stiles. I am not a lobbyist. I have been living here on 52nd since 2012. I strongly would love to have this road put in. So, my biggest concern used to be every time we get a heavy rain in Portland, our basement floods. The most recent one was a couple of weeks ago. I recently just had a baby. I had an infant. And around 1:00 in the morning I asked my husband where he was. He was in the basement siphoning out water from our basement. He thinks it was 150 gallons that night. Then we spent \$300 in fans and dehumidifier to dry it out. That has happened six or seven times since we lived here in 2012. What is important is we have this park going in, that is happening. But I have three small children, and, you know, the roads get the gigantic potholes in them. So when you are on the gravel road and taking a walk it's unpredictable to know what direction the cars will take. Because they are either generous and drive through the potholes so you don't have to move or swerve around the potholes and then you have to decide whether or not you have to move or the car will move. It's very unsafe. Especially when you have a stroller and you have a child on a bike. It's just nerve-wracking, unpredictable to determine what direction these cars are going to take. It is throughout the entire neighborhood. So, yeah, I am super excited to see this get passed. I am all for having the community help pay for it. I don't care how much it costs. I just

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want this done as efficiently and soon as possible.

**Wheeler:** Thank you, Molly. Thank you for -- it's awesome to see the multitasking going on there. That is great.

**Hardesty:** Yes. Molly, you want to introduce your daughter?

**Stiles:** This is Mazie. She is in kindergarten this year. That is yet another thing as well that, you know, the school is very close. Within walking distance. So having safe roads to walk the kids to school every day is something that is really important to us.

**Hardesty:** Cutie. Take her everywhere. We will do whatever she says. [laughter]

**Stiles:** Yeah. Most people do.

**Tillstrom:** Thank you so much, Molly. Now I'd like to call up Paul Tourville.

**Paul Tourville:** Thank you, Mayor, Commissioners for the opportunity to speak today on behalf of the Errol Heights community. My name is Paul Tourville. I have been a resident of Errol Heights since 2006. And I have been invested in partnering with neighbors civic groups since then and the efforts to make the neighborhood healthier, safer and more connected since about then. I have fully support the formation of the L.I.D. To fund and describe improvement in the neighborhood. Along with many of the neighbors. I have been pleased with the partnership and the level of the involvement we have had. Allowed through the many iterations of this project. This is not a one-size-fit-all approach. Many group are PBOT, parks, et cetera, heard voices throughout the project and incorporated that in to the design and the real positive changes that will occur in the neighborhood in the near future. There are many draws to this neighborhood when my family chose to put down roots here. The rural feel of the little pocket within the city and the proximity to the Errol Heights natural park. But the tradeoff of the unincorporated or the unimproved roads are real. And were quickly apparent to us. Simple things like opening your windows on a hot summer day because impossible because of the dust clouds from the passing cars. There are safety issues from the people that treat the roads, like off-road motorcycle tracks at certain time of the year. Neighbors who are wheelchair bound are only able to pass from their home to public transportation only when the potholes are not present. So while there are some tradeoffs to improvements and the neighborhood will probably lose some of its rural feel, the tradeoffs are all positive in my view. And will benefit all of us with safer, more equitable and the accessible walking spaces. Healthier air quality. Better water quality in the surrounding rivers and the streams like we have been shown. And this will all be accomplished in a way to allow the neighborhood to hold on to the character. And its identity maintaining some of the rural natural charm with the less developed approach that has been take within the project. The smaller

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streets. The slower traffic and the incorporation of the on-site water management. Lastly, the way that this is being financed is greatly appreciated. The partnership and the subsidized costs to those living here is what is really making it palatable to most of us. I have been here since 2008, seen the prior iterations of the project and the ability to defer payment on improvement until the homes are sold are making this possible to drive a support for it. So thank you for the support. Helping us make it happen. I really appreciate all the hard work from the parties involved. And I appreciate you hearing our voices.

**Wheeler:** Thanks, Paul. It looks like there is a cheetah about to pounce on you there.

**Tourville:** Yes. [laughter] her name Sylvie.

**Hardesty:** Everybody bringing their cute little ones today, huh?

**Wheeler:** Hi, Sylvie. Awesome. Thank you.

**Tourville:** Absolutely.

**Tillstrom:** Thank you so much, Paul.

**Hardesty:** I hope you got a cutie with you there, too.

**Tillstrom:** No pressure. So now I'd like to call up Roshan Bellavara.

**Roshan Bellavara:** Thank you for the option to talk today. I would bring them but they are in the zoom classes right now. They are already predisposed. Better than not being in class I guess. I have been here since 2008. This project as Liz first said started when my daughter was 8 months old. So the running joke is do we get a street first or does she go to college first? You know, that is kind of what it has become at this point. This is the furthest the project has gotten. I appreciate Liz's work, George's team and their work and the BES Work that has gone in to this. And like Paul said, the cost and the way the cost is being distributed right now makes it palatable for everybody. And the development of the park behind us. Try to keep the rustic and the natural area as it is. While doing the development. That will still keep the rural feel to the area, as Paul said. Yet at the same time, provide us with the basic infrastructure that we need. My kids, she is in sixth grade right now and she could not ride the bike outside the street. We had to take her somewhere else. My neighbors, molly's kids, they can't ride their bike outside. There is no place to ride. They share the street with the cars that swerve every way to avoid the pothole. Asking for a paved street is something that we need as a neighborhood to have kids play safely outside on the sidewalks. I fully support the formation of the L.I.D. Hopefully we're at a point to bring the project to fruition and set a precedent how to -- the Errol Heights project could be an example of how we can improve entire Brentwood-Darlington neighborhood area. Thank, y'all.

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**Wheeler:** Thank you.

**Tillstrom:** Great. Thank you so much. So that concludes our presentation. We want to turn it back to council for any questions you may have.

**Hardesty:** Thank you very much, Liz. Colleagues, are there any questions about the presentations that you have heard this morning? Commissioner Mapps, I see your hand is up.

**Mapps:** Yeah. I don't have a question, but I do have a statement. I just want to express my appreciation to all the staff and the people who have helped make this really innovative project come together. For those who are just tuning in to this, you may not realize how unique this is. This is in many ways a collaboration between three different bureaus, transportation, environmental services, and parks. The impact it will have on the particular community is really profound. It will help the quality of the life above ground for the neighbors like the ones we have just met. And as the Commissioner in charge of the environmental services I can assure you it will make a big difference below ground, too. I'm deeply excited about the ability to make some environmental changes here that will help keep grease and oil and other pollutants out of Johnson's creek. If you add on top of that under Commissioner Rubio's leadership we have a new park in the neighborhood. This is a transformative project. I want to congratulate everyone who made it happen.

**Hardesty:** Thank you.

**Wheeler:** Commissioner Ryan.

**Hardesty:** Sorry, Mayor. Do you want to take over the facilitation?

**Wheeler:** Yeah. That is my job. Commissioner Ryan?

**Ryan:** I want to compliment the presentation. It's thorough. I enjoyed the testimony from the neighbors. Paul, when you were doing your testimony, I think you had a slip but it was well-founded. You started to say "unincorporated." I think it wasn't incorporated until '86 so I'm sure at times it still feels that way. So these examples are everywhere. And I have been out there and I agree with the uniqueness of the area. So, I'm not surprised all of you have hung in there. Because it's a beautiful place to live. I do have a question about the funding model. Really I think I'm asking for if the voters watching this right now, I know we passed recent transportation bonds, and much of the motivation to vote yes on that was to really look at the issues like this to provide sidewalks. And I think some of the unincorporated neighborhood that have been lagging with the investments. So I want to hear that explained, the funding model. I couldn't see it in what you presented. If money could come out of what the voters passed or if it's just a different setup. If you could educate me and the voters, that would be helpful.

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**Tillstrom:** Absolutely. Thank you, Commissioner Ryan. No it's separate from that measure. We are using other buckets of money within transportation specifically. So we have our transportation system development charges on this project. And then some out of the m. U.d. Program money. Money to improve the gravel streets throughout the city. That was funded by general fund. So those are the two funding sources we have on this project.

**Wheeler:** Thanks, Commissioner Ryan. Commissioner Rubio?

**Rubio:** Thanks to everyone for bringing this presentation today. And also particularly I want to lift up exactly what Commissioner Mapps also did. Really great collaboration between BES, PBOT and parks. So thank you all to the staff for tireless work on this project over the years. Is a wonderful example of the kind of the collaboration and the cocreation with the local community. It really sets a really great standard for the project -- future projects. I want to thank the Errol Heights neighborhood and the Brentwood-Darlington neighborhood for your dedicated and sustained involvement, which has spanned several years to see this issue through. I'm excited to see this project move forward. And it is critical we continue to make investments like these in the underserved area of the community, which there are many. I'm also looking forward to building of the sidewalks and the natural park, too. Congratulations to everyone.

**Wheeler:** Very good. Thank you. Commissioner Mapps, you have your hand raised again and then Commissioner Hardesty.

**Mapps:** Yeah. This time I do have a question. This is such an interesting approach to bringing about infrastructure to a neglected neighborhood. You know, we have the roads, sewer systems and we have parks. I'm wondering if we learned anything here that could be brought to other neighborhoods? In other words is this a strategy we could use to get, to pave some roads and to provide better infrastructure to the other communities in Portland that are still dealing with the gravel roads we all grew up with?

**Tillstrom:** Absolutely. This is Elizabeth Tillstrom, PBOT. That is our intent with the pilot project. And so, taking the lessons learned from Errol and starting to get at the rest of the 40-plus miles of the gravel streets we have throughout the city. We have the projects queued up over the next few years to do just that. Since we no longer issue waivers to developers, the city now collects fees through the I.t.i.c. Program. So using the funding and money that is being collected there, and taking the lessons and the model from this project and working on the other gravel streets. Street projects moving forward. So, yeah.

**Mapps:** That is great. I'm delighted to hear that. I'm sure every Portlander who is still living on a gravel road will be relieved to hear that there is help on the way. Thank you very much.



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**Tillstrom:** Thank you.

**Wheeler:** Commissioner Hardesty?

**Hardesty:** Thank you, Mayor. Thank you, all. You really appreciate everyone taking the time to be here. Especially the Errol Heights neighbors being here this morning. One thing occurred to me. As someone who has been a long-time supporter of the Brentwood-Darlington neighborhood association, and I know how hard they work to actually build community and a place where it lacks significant public investment. I just have to say how proud I am that city bureaus and the Brentwood-Darlington neighborhood and the business community in that community could all come together around this effort. I want to caution because it takes a long time as we have heard today for these kind of projects to move forward. And I don't want us to leave this conversation thinking that this is going to be an easy fix for the thousands of road projects that we need to build in this city. I'm looking forward to seeing the outcome of the pilot project and what we learn and how we take that learning to the other work as we move forward. I want to thank everybody for their good will. And for sticking with it. Great ideas at the city don't happen overnight. This takes a lot of the work from a lot of people. It's fabulous to see the bureaus working cooperatively on a community concern. Yes, I have walked around Brentwood-Darlington area. In the rain. It is always a frightening experience because you never know how big the pothole will be. So thank you again. I appreciate everybody.

**Wheeler:** Thank you, Commissioner. Commissioner Ryan, do you have your hand raised again?

**Ryan:** No. It's my bad habit of taking it down.

**Wheeler:** Not a problem at all. It looks like everyone has the initial questions answered here. Keelan, do we have public testimony for 65 or 66?

**Clerk:** Yes. We have three people who have joined the meeting to testify.

**Wheeler:** Perfect. Thank you. Plea -- plea minutes each. Name for the record.

**Clerk:** First up Zach Katz.

**Wheeler:** Good morning.

**Zach Katz:** Good morning. Can you see me or just hear me?

**Wheeler:** We can hear you but we can't see you.

**Katz:** That is fine. Thank you for the opportunity to speak. I really support this project. I'm really glad that you are making this neighborhood better for walking. Better for biking. And safer for driving as well. Better for all modes. And I kind of want to tie it back to a project that is coming up this summer on the hawthorn boulevard. Which I have devoted my heart and soul to over the past year. The repaving the street and repainting it as you might know and it is an opportunity to

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transform the street in to one that serves the community. And the neighborhood for the 21st century in the same way that the Errol Heights project does, to make it safer for people to walk and bike. And because hawthorn is a commercial district, improving the business prospects for local businesses, especially to assist with the Covid recovery. And so, I just hope that everyone here I guess recognizes, appropriates the importance of the alternative with protected bike lanes. And one driving lane in each direction. I don't want to get too wonky here but this is super important for safety, first and foremost. As you know, small girl was killed four years ago at the currently dangerous lane configuration east of Chavez. Also, like I mentioned, Covid recovery protected bike lanes are extremely good for small businesses by bringing in entirely new stream of foot traffic, cycling traffic, increasing the visibility and has been proven to contribute sales to the local businesses and improve the local economies in cities all across the country and the world. I don't know how much time I have left. I had a lot to talk about. I hope that for those reasons and also for just equity purposes, climate purposes, this is a really important project. I hope we recognize how crucial it is to get it right. Thank you.

**Wheeler:** Thank you, Zach. I appreciate it.

**Clerk:** Next up we have Emily Roland.

**Emily Roland:** Hi. I am happy to be here. I am a resident on the corner of stark and 41st. And actually, Zach was the one that informed me that I could do some public testimony. But, yeah, I also just want to took on what Zach already stated. I hope I'm commenting here on the right issues. But you know, in the same mode of public safety, that has been a real theme in today's meeting on a bunch of different fronts. Being in Portland for the past year and a half, formerly a resident of Burlington, Vermont. I haven't felt the most safe on the streets which is unfortunate. I think it attributed to a couple of things I want to mention. I work on hawthorn, so this potential project from PBOT is of a particular interest to me. I use Hawthorne to my gateway to go to work and the post office. So I come from a place and yeah, of wanting to prioritize the safety of biking. And transportation on foot for a number of reasons. Obviously one, to address the climate change. That is huge. If PBOT wants to stand behind, you know, the claim that it wants to make the changes for environmental reasons then we need to have a serious conversation about how public infrastructure should incorporate more biking and walking. If parking is the issue, which it seems like it is in a lot of cases, you know there is a lot of the pushback from the residents about not having street parking. While I think that could be addressed. It feels like a moot point if we can figure out a way to have better parking infrastructure. That diverts people from having to park on the street of hawthorn. Again, I worked in Burlington in get bike lanes on streets that are

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heavily traveled by cars. And parking was always kind of an issue. So, if that is going to be a theme here, a pilot program that addresses that by having bike lane, turning lane in the middle and incorporating the bus lanes as well, that increases the safety versus me having to -- not just me. I know other folks, too, rely on the bikes to go on to the side streets that often have confusing layouts with the stop signs here and folks who don't know how to dry through the street, blow through the stop sign. I have had a couple of scary encounters. So anyway, I guess I just want to throw my support behind this potential bike lane project on hawthorn. And just continue to be an advocate for the safer streets for bikers and walkers in addressing the climate change as well. Anyway, kind of rambling. I appreciate the space to be here. I thank you for hearing my concerns.

**Wheeler:** Thank you. Appreciate it.

**Clerk:** Next up we have --

**Hardesty:** If I may, Mayor.

**Wheeler:** Please, Commissioner Hardesty.

**Hardesty:** Yeah. I think the other two people are testifying on an item that is not in front of us today. We will be hearing about a plan around hawthorn maintenance project. I'm just confused about whether or not people thought they were signing up for public comment where they can talk about anything. Or that people are just premature in testifying about the hawthorn maintenance project.

**Wheeler:** Keelan, how many more people signed up?

**Clerk:** We have one more person for this item.

**Wheeler:** Could we inquire whether that individual would like to testify on the local improvement district formation or whether they are here for some other purpose?

**Clerk:** Sure. Xavier Stickler is the next person.

**Xavier Stickler:** Yes. Hello, everyone. I'm here to testify on the Errol Heights improvement district.

**Wheeler:** Perfect. Go for it.

**Stickler:** Excuse me. Good morning, everyone. Good morning, Mr. Mayor and members of the council. I'm Xavier D. Stickler, student of architecture with a focus on urban design in Portland and I'm testifying in favor of the Errol Heights improvement district. As proposed the improvement district would bring much needed side street and improvement structure to an area long underserved by capital investment and services. It's essential that all of Portland have access to basic resources and the public amenities, especially in this moment over racial

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consciousness, cognizance. One of the things that is in the current ethos of education how do we tackle large problems with the small solutions? That is the easiest way. To a large degree we are only going to meet our climate goals if we start making wide-sweeping transitions to how our economy and the transportation system works. Obviously, big changes are hard to do and take quite a lot of time. As you have seen on this project, even the small changes can drag out over the course of years. Of course, we suffered a major defeat in the transportation advocacy community this last November with the defeat of the metro bond. And Trimet's lukewarm plan, shall we say, on how to respond to that. However, even with small changes like this, you can see major improvements. Portland's east side is come praised of large swaths of gravel roads that are hostile to pedestrians. And the people with disabilities who are going to be disproportionately transit-dependent and disproportionately more likely to live in these lower cost of living areas. If we want to see more support for the transit, a great way to do that is simply by putting in the infrastructure that will help people get to the buses, get to the schools safely. If we want to see increased morale and increased public support for the types of the changes we are going to need to make that will be transformative to how the city functions, we need to start with the small solutions and echoing off of what Commissioner Hardesty said, this is a great pilot project. This will be a great opportunity to see what works, what doesn't, and see how to copy and paste that and tailor it for each neighborhood moving forward. And hopefully even come out with even less expensive outcomes. So thank you to Commissioner Hardesty. Thank you to all the work from PBOT and thank you for letting me speak today. I very much appreciate it.

**Wheeler:** Thank you for being here. We appreciate it. Very good. Colleagues, any further questions on either of the items before we call the roll? [no audible response] seeing none, please call the roll on 65, the resolution.

**Clerk:** Rubio?

**Rubio:** Aye.

**Clerk:** Ryan?

**Ryan:** Aye.

**Clerk:** Hardesty?

**Hardesty:** Aye.

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Wheeler?

**Wheeler:** Aye. The resolution is adopted to the emergency ordinance. Item 66, please, call the

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roll.

**Clerk:** Rubio?

**Rubio:** Aye.

**Clerk:** Ryan?

**Ryan:** Aye.

**Clerk:** Hardesty?

**Hardesty:** Good job, everyone. Aye.

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Wheeler?

**Wheeler:** Aye. The ordinance is adopted. Thank you, everybody. Great presentation. Thank you, Commissioner Hardesty. Next up is the consent agenda. Any items pulled?

**Clerk:** No questions.

**Wheeler:** Please call the roll.

**Clerk:** Rubio?

**Rubio:** Aye.

**Clerk:** Ryan?

**Ryan:** Aye.

**Clerk:** Hardesty?

**Hardesty:** Sorry. Aye.

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Wheeler?

**Wheeler:** Aye. Consent agenda is adopted. To the regular agenda then. Item number 74, please.

**Clerk:** Approve revised settlement agreement in the matter of the city of Portland v. Monsanto et al and authorize the process for use of settlement funds.

**Wheeler:** Today, Commissioner Mapps and I are cosponsoring an ordinance that follows an action we took last summer to settle the city's suit against Monsanto. The city of Portland joined many other local governments across the nation in holding Monsanto accountable for decades of pollution. Monsanto manufactured the chemical p.c.b. From the 1930s to the 1970s, which polluted the Willamette river and many other bodies of water throughout the united states. This ordinance would approve the city's revised settlement agreement with Monsanto. The administrative revisions accommodate the federal judge's request for changes and provide more

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clarity on where the settlement funds will go once the city receives them. I will turn it over to Commissioner Mapps for introductory remarks.

**Mapps:** Thank you, Mr. Mayor. Colleagues, I would like to add I'm incredibly excited about this particular project. It will both further the cause of environmental protection and further the cause of environmental justice. I'm ultimately these funds will be administered by the city's brownfield program, which lives in the bureau of environmental services. As the Commissioner of environmental services, I'm delighted to announce that the funds will be used to help clean-up the pollution here in Portland. Especially in low-income neighborhoods and in communities of color. I'm here today to tell us more about the program we have Nanci Klinger, the city senior deputy attorney. And Annie VonBurg the bureau of environmental services. Miss Klinger, welcome. Please, tell us more about the program.

**Nanci Klinger:** Thank you, Commissioner. Good morning, everyone. Councilors, Mayor and all of us who are in attendance today. I'm Nanci Klinger, senior deputy attorney and I work on environmental matters for the city. I will try to keep this brief. Give you a short history of the case. Some of you have heard this but others have not. So it will sound familiar to some. Describe why and how the settlement agreement was revised. And then finish with today's ordinance. The history of the case was 2016, city council authorized the city attorney's office to pursue Monsanto company for under various tort claim theories. Mostly around the idea of public nuisance. Monsanto was the only company that produced the toxic chemicals p.c.b.s between the '30s and until 1979 when they were banned. So, if there were p.c.b.s out there, they were pretty much Monsanto's. We did this with the outside counsel on contingency basis and then after 20167 it went through discovery, trial date was set and extensive motion practice. In that time, several other cities, counties and port districts across the country joined and also -- they didn't join us our litigation. They also filed suit against Monsanto. And those cases also were progressing toward the trial. Trial was set. But no trials had happened yet. I think it prompted the settlement discussions. The discussions led to the proposed settlement that came before the council in July. And it takes these 13 individual port city-states that filed the cases and put them together as a class action suit that covers all cities, counties, port jurisdictions across the country who have permits to discharge under the clean water act in to the water bodies that are impacted by p.c.b.s. Thus, they have a lot of expenses because of the increased monitoring and steps that they have to take because of the p.c.b.s getting there. The settlement was approved by the city and the other named plaintiffs in the litigation. It went to the California district court for acceptance of the class action. And also for the proposed settlement. The judge denied that

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motion. And had some very specific issues that the judge wanted clarification on. These were not big changes in the settlement as much as confirming some things that the judge wanted to make darn sure this is what was happening. One of them is that the attorney fees were going to be paid by Monsanto directly. They were not going to be coming out of the settlement fund itself. That is not a change, but it is worded more directly now in the settlement. I also confirmed the scope of the release that all the city and counties and Portland is providing and that it really is narrowly tailored to the claims that were brought in the case. Previous version was, shall we say, verbose. It went on and on. Now it's trimmed down to a narrow release as it should be appropriate. Address some other issues raised by attorneys general in other part of the country that were not relevant to Oregon. So, the revised settlement addresses the issues. In course of doing it, it made one other change that will be helpful for the city. That is, originally the distribution of funds was going to be done over the course of four years. Now the settlement once the funds are distributed, it will be distributed over a single payment. So, what the settlement means to the city remains the same as it was before in July. Monsanto will put \$550 million in to an escrow account for payment to the class members. The funds will be distributed based on the different formula that take in to account different level of damages that different cities and ports have. Some place like the city of Portland has more damages because we have had to do quite a bit of the work in Columbia slough based on the tmdl there. There has been issues in the Willamette river that have to do with the p.c.b.s as well. We also have incurred costs because we were an original plaintiff. Although it was done on a contingency basis. The city still does have some costs. So the formula tries to be more equitable in how the funds are delivered to the cities and the states. All of the 2,500 class members who remain in the class will get a certain amount for sampling and investigation in p.c.b.s. The final apportionment will be done by a special master who is appointed by the court. In exchange, all of the class members are releasing Monsanto from claims regarding Monsanto's distribution and manufacture of p.c.b.s. It's not releasing them from super fund claim or any specific clean-up claim. Those are explicitly cut out of the settlement. It doesn't release any of the third parties who have used p.c.b. Products and may have improperly disposed of them or released them in the environment. It's not that. It's about the nuisance and the damages done to holders of clean water act permits. This is about Monsanto as the manufacturer of the product that caused those damages. So the next step in the court process is that council approves the revised settlement. The city would become one of the named class action plaintiffs in the national class action. It goes back to the u.s. District court for the central district of California. The California district hopefully will approve the settlement

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this time. If approved, the city's case in the local court would be dismissed. The city will provide the documentation to the special master showing our damages. And then the special master will review all applications and then the money will be distributed to the various city, counties and ports. So we won't know the total amount of the funds that the city receives until all of those steps happen. The settlement has to be accepted. The application received. The special master comes one a distribution plan. And the court approves that plan. That said, we are expected to go through the steps within the year. As in the previous settlement, it does not require or direct that the funds are used in any particular way once they are received by the recipient. So the ordinance before you approves the proposed revised settlement. It does not authorize expenditure of the settlement funds received because that process has not been determined yet. The July ordinance stated council's expectations that the funds be focused in communities that have been disproportionately impact -- disproportionately impacted by the environmental contamination. It must be cocreated with the impact community. They tasked BES With creating that process and returning to the council for approval and the use of the funds. The ordinance does not touch any of those findings. It does not specify how the funds will be used. It will depend on the outcome of the public process. Today's ordinance does specify the Portland brownfield program within BES Will take on the ministerial function of facilitating that public process. And so with that, you'll turn it over to Annie. Before I do that, I would like as a final note to extend a thank you to my co-counsel on this complex and challenging matter. Monsanto is not an easy party to work with on the other side of the table. Scott Mody and Karen Moynahan did a lot of the heavy lifting. Jan Betts retired from the city as well. And there were many long and difficult meetings. Welcome guidance from the former city attorney Tracy Reeve. I would like to turn it over to Annie VonBurg and Jen from BES Who can discuss the process for developing, cocreating the process for use of the settlement funds. Thanks.

**Annie VonBurg:** Great. Thank you, Nanci. Thank you Mayor and Commissioners. I'm Annie VonBurg, the environmental remediation manager for BES Nanci said the purpose of the council action is provide authority for the city to enter into the settlement and ultimately, hopefully collect the funds and establish a landing spot for the funds once we do collect those. The direction you provided us last summer that the funds be focused on the BIPOC communities disproportionately impacted by the environmental contamination has not changed. And in fact has been stronger reinforced by the placement in the brownfield program. The city's brownfield program is the only program in the city that was created and currently charged with advancing the environmental justice by addressing environmental contamination. So, they are uniquely



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qualified to shepherd the process for us. Besides the direction that the council has given us to focus on the most impacted communities there is no limitation that has been placed on the funds. Which means they don't necessarily have to be spent on brownfield projects. Since it is still uncertain if the settlement will be approved through the federal court, we have not started any process on how to spend the funds yet. We do not anticipate on starting that until we get more finalization of whether that settlement is approved. We want to make sure we are thoughtful to cocreate the plan from the beginning with the community partners. So, once we know more we will be reaching out and starting that process. I'd like to extend an invite to any -- extend an invite to any of Commissioner offices who are interested in participating, we would love to have you involved if you would like. With that, I would like to open it up. I think that is the completion of our presentation. We are here to answer any questions if you have them.

**Wheeler:** Awesome. Colleagues, any questions at this particular juncture? Seeing none, good. Thank you. Excellent presentation.

**Hardesty:** Sorry, Mayor. I have a question. This may be more of a BES Question about kind of what will the process be to engage the community members? As you know, there has been a significant development. I'm curious if there has been any thought to what it looks like. If not, I'm fine to wait until that happens.

**VonBurg:** Right now there hasn't been any thought. We waited, we didn't want to use anybody's time up on something that maybe we didn't know would happen. So we have been kind of holding back, waiting until we get more certainty. Then we are hoping to really create a process from a clean slate with the community partners that we know that were engaged in the environmental contamination issues up to this point. And others that have been disproportionately impacted as a result of the p.c.b.s. So we look forward to starting from the very, very beginning with the community on this and what that looks like.

**Hardesty:** Well, I just want you to know 30-plus years ago when I came to Portland it was the first issue I became an activist around with the environmental justice action group. Led by Jerry Sandoval at that time. So, I go way back on this issue. I want to say to both of you, thank you so much. Excellent legal representation. Excellent leadership for us to be the ones actually drawing the line in the sand early. And glad to see we have partners across the country who will also benefit from the work we did. I greatly appreciate the work that got us to this place. I certainly understand why the need for modification.

**Wheeler:** Very good. Thank you. Colleagues, any other questions before we call for public testimony? Keelan, do we have anybody signed up for public testimony on this item?

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**Clerk:** Yes. We have four people signed up. First up is Michael Pouncil.

**Wheeler:** Welcome.

**Michael Pouncil:** Hello. Can you hear me okay?

**Wheeler:** Yep. Loud and clear.

**Pouncil:** All right. All right. First, thank you for the opportunity today, Commissioner and the Mayor. Thank you for that recognition of those that we lost in the rose city. So many are so close in degrees of separation to us. So I want to thank you for that acknowledgement. My name is Michael Pouncil and I chair the community advisory group. There has been a history in Portland of the reallocation of funds away from poor communities and communities of color. And to the pockets of the developers to develop extremely affluent areas that are overwhelmingly white and/or affluent populations. There has also been promises to clean up the communities in north and northeast Portland. And provided a quite amount of the affordable housing. But instead we got these, you know, high-rises, the luxury high-rises that were built on remediated south waterfront land for Portland's most affluent. The BIPOC communities have had a lot to deal be. You know, there has been a history of the manmade pandemics like rampant evictions, foreclosures of black-owned homes, intentional contributions to white influx and to historic black communities. Increased segregation within the regional communities. It's common knowledge that it takes resources to talk to the lawyers, designers. Unfortunately, it takes time. A lot of time to talk with policy-makers. Working middle class income and poor and working intergenerational families do not have the time nor the money or the extra energy required to seriously pursue their own community's interest at these times. So I am here to say that the funds should be used with a lens of recognition and responsibility of environmental injustice within the brownfield program in a meaningful way through oral history, apologies and the educations to convey meaningful recognition. Also, there should be meaningful community-based reparations with these funds and the funds should be beginning to a healing process. Not the end. And the fund should be used as a shifting of power paradigms for working class people who do not have the time, the money, the energy to influence or be heard because of the existing power dynamics of time, money and access. Within BES Brownfield program, there has to be serious discussion about the possible negative impacts of the brownfield remediation in the BIPOC communities -- remediation in the BIPOC communities. Coming in to BIPOC communities and repairing brownfield communities for influence of outside developers is an inadequate solution and it serves nothing for the BIPOC communities and it does not serve justice in our community. Once again, BES Brownfield program must use a lens of restorative

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justice and reparations with the Monsanto settlement and the BIPOC communities. Thank you for your time. Thank you for broaching this.

**Wheeler:** Thank you.

**Clerk:** Next up we have Elijah Cetas.

**Wheeler:** Welcome.

**Elijah Cetas:** Greetings, council. I'm Elijah Cetas and I organize with the Portland harbor community coalition. I grew up in north Portland. I want to echo my colleague's comments about just to give thanks for advancing this work. And also for your words this morning about the gun violence in Portland. So one of the tenets of the environmental justice movement is the pace. This acknowledges in making of profit through environmental harm a debt is generated to the people who live, work and pray in that space. The work of restoring justice starts with ascribing a value to the harm and paying reparations so the wealth is redistributed. The late Commissioner fish understood that and identified this. This is why we are here and his spirit animates the discussion. Thank you, Commissioner Mapps, Mayor wheeler and types staff for continuing this work. Another environmental justice tenet is just as important, however. That is nothing about us, without us. The phrase comes from the disability activists in south Africa under apartheid thought to end the suffering and inherent right to speak on their own behalf to decide how benefits will be distributed. North Portlanders harmed by the pollution, environmental racism and dispossession in the harbor hold the same rights of self-determination and should decide how the settlement should be restituted. It's imperative for council to set up a meaningful collaborative process for the people most impacted to be at the table. We are glad for the commitment you made in the July ordinance it is not acceptable for the community to be given little more than a week's notice to prepare for meetings; such as, the one occurring today. We need dialogue up front early and often. I'm a paid organizer so it's my job to be here on short notice but I'm not person you need to reach. You need to build the trust and hold accountability to the elders, tribal members, fishers, people who live by the river, house and unhoused and who have faced the harm. Ten miles of the p.c.b. Pollution intersected with the lives of real human beings. They are owed collaborative process. Otherwise we know it's too easy for knows who have already benefited in the harbor, developers, wealthy businesses and the polluters, to use the funds and profit from the clean-up and the up zoning, commercialization and the gentrification. The Portland harbor is at a crossroad and we need you to take the community side intentionally. To make a real process for impacted people to speak on their own behalf and decide how the money they are owed will be used. Thank you.

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**Wheeler:** Thank you.

**Clerk:** Next up, we have Cassie Cohen.

**Cassie Cohen:** Good morning. Mayor and councilmembers. I'm the executive director of the community coalition and we are to elevate the voices who are impacted by the pollution of the Portland harbor super fund site in the Willamette river to ensure equitable clean-up process and also to secure the community benefits in the clean-up and the redevelopment processes. Since Commissioner Hardesty mentioned this, I also wanted to honor the work of her and Jerry Jimenez and so many others -- and Jerry Jimenez and so many others' fights to clean up the river for decades. It's exciting to have the settlement funds coming to the city and the residents from one of the most egregious international polluters and the corporations today, Monsanto. That remains libel with the parties to clean up the Willamette river super fund site. In talking to the brownfield and the super fund staff here at the city over the last several days, I am more encouraged. But I am also one that has the privilege of having easy access to the staff. And so many others don't. I'm pleased to hear about the city's plans to cocreate a process with the community members for the funds to serve. Especially the BIPOC communities and the others that are impacted. However, let this be a reflective moment, too. A handful of leaders learned late last week that an ordinance passed in July and plans for this current ordinance was up for a vote today regarding the Monsanto settlement. The lack of the early communication and consistent update about the settlement and what the city means by "cocreation" led to unnecessary exacerbation of the community concerns, fears, mistrust and the unanswered questions. The factors make it harder for the community leaders to trust a cocreation process is coming, not already decided or legally restricted. The city must begin to systemically overhaul the cycle of the public involvement that is driven by urgency and the decisions driven by risk aversion. The next project plan, let's all start months earlier. Let's be in dialogue many months before any report to council or decision made. Even if there is uncertainty. Let's be sure the bureaus generously apply the city of Portland public adoption principles that were adopted in 2010. I invite the city to assess early if you have the right representative of the community members historically harmed by the p.c.b.s in the river and fish to jointly launch this cocreation process. Bring back the focus to human health and wildlife. Thank you.

**Wheeler:** Thank you.

**Clerk:** Finally we have Barbara Quinn.

**Wheeler:** Welcome, Barbara. Barbara, are you muted? Keelan, what can you tell me?

**Clerk:** It looks like Barbara might still be muted. Barbara, are you able to unmute?

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**Wheeler:** Looks like she is calling in.

**Clerk:** I believe she is connected by internet. Barbara if you are on the phone and try star-6, that would unmute your phone. Yeah, it looks like she may be having trouble unmuting.

**Wheeler:** Okay. Can she -- huh. Can she provide written testimony?

**Clerk:** Absolutely. She can submit that to the [cctestimony@PortlandOregon.gov](mailto:cctestimony@PortlandOregon.gov).

**Barbara Quinn:** Can you hear me now?

**Wheeler:** We can hear you no.

**Quinn:** So sorry. I had a glitch.

**Wheeler:** We have all had those. Welcome. Glad you are connected.

**Quinn:** Yes. I'm Barbara Quinn. Thank you so much for allowing me this opportunity to speak. I have understood -- first, I would like to say I agree with everything that the previous testifier said. I would like to ask a question about the ordinance. And also I have been told by various representatives of BES That the funds are not necessarily going to be used at the Portland harbor. They can be used in any way. And this is a little bit problematic for me, because it was originally several of us from the Portland harbor community advisory group that went to nick fish and talked to him about the possibility of joining this action, class action. So that is a little problematic. It seems ironic that then the funds may not be used on what is probably the most significant p.c.b. Site. Certainly in Portland and possibly in the state. The question I have is this, concerning the ordinance. It says that the city can apply for the funds as a sediment site. Specifically, the Portland harbor sediment site. An I'm wondering if that is what we are going to do? If we are going to do that, it makes ultimate sense to a lot of us activists that those funds would be used on the most significant site we have, the Portland harbor. Certainly there must be a way to hold potentially responsible parties liable at the same time using the funds -- parties libel and at the same time to use the funds where they are needed most. I feel the northwest and the northeast community have been most affected by the site because in spite of what anyone in the agency may tell you, those smaller molecules of the p.c.b. Can go airborne and they go airborne in a five-mile radius according to dr. David carpenter of the university of New York-Albany. He has 450 peer reviewed publications. So he is informed. He is a scientist, Harvard-educated. I think we have to take that seriously. I think the people in the neighborhood have been adversely affected by the pollution. And this is a site that needs to be addressed. The funds should be used where they are needed most. They are needed most in my opinion and the others' opinion here in this ten-mile stretch. So thank you very much.

**Wheeler:** Thank you. I don't know whether Annie or Jen can answer that question on the fly that

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you posed.

**VonBurg:** I think this is probably best for Nanci to address but it is important to note that the damages as a result of the claim aren't specific just to Portland harbor. These are waterways within the Portland area. So this is much broader than just the Portland harbor super fund.

**Quinn:** No, it's not. No.

**Klinger:** I can provide some clarification on how the city will apply for the funds if the proposed settlement is approved.

**Wheeler:** Yeah, that would be helpful.

**Klinger:** Yeah. The settlement has a rather complicated -- has a rather complicated setup. To try to apportion the funds in a way that addresses public nuisance issues from the p.c.b.s present in stormwater. So there are four separate funds out there. One sub-fund that you apply to help distribute the funds. One are sampling and investigation to every entity across the nation that holds the ms4 permit. One is for the legal fees. One is for areas where a stormwater discharge is in to a water body that has an e.p.a. Enforced p.c.b. Tmdl. I don't want to get too technical but particular limitations on it. And those who have actually incurred costs for federal super fund site clean-ups. And this is a way to distribute the funds. There is no part of the settlement agreement that is mandating how the funds will be used. It's a way to distribute the large pot of money.

**Wheeler:** Appreciate it. Very good. Colleagues, any further questions on this item?

**Hardesty:** Do you need a motion, Mayor?

**Wheeler:** This is actually an ordinance so I don't need a motion. Just we'll go ahead and call the roll, please.

**Clerk:** Rubio?

**Rubio:** I want to say thank you to Mayor wheeler and Commissioner Mapps for bringing this forward today. Also I really appreciate the community that testified today. And I appreciate hearing their thoughtful recommendations about this. And the ones we should be using and how we need to authentically engage the community. I believe it's critical we center and uplift voices of the front line and the impacted communities. So I'm very happy to hear that these are the communities that will benefit from the settlement. As such, I agree 100% that the communities should be directly involved in shaping how we spend these fund dollars in the community. I would be very eager to hear more about this as we get closer. So I for one would like my office to be per annie's invitation to do so. So thank you to BES Staff and the city attorneys for moving this to the next phase. I look forward with all of you and with my fellow Commissioners to ensure this happens. I vote aye.

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**Clerk:** Ryan?

**Ryan:** Yeah. Thank you, Mayor and thank you, Commissioner Mapps bringing this to the dais. I thought the presentation was really, kind of dense at times but it was very, it was very insightful. I thought the testimony raised did bring up some great questions. I trust that Commissioner Mapps and the team at BES Will take those enter consideration. I know it's not exactly the same thing but we have a lot of leg work going on with the Portland clean energy fund and I hope that the intelligence we are gathering, the deep-rooted community work that we are doing there, that we cash in on that work if you will. So, I just hope that the dots are connecting with that work going on. I'm sure that Commissioner Hardesty and others are already on top of that. It's just my chance to weigh in on this. As somebody who grew up in north Portland, and didn't even know where the Columbia slough is, you wonder why I'm still alive at times. I have attachment to this issue. And I did hear what you had to say that it spreads beyond the local area. But that is still a lot of rights that need -- a lot of wrongs need to be right there. I appreciate the testimony that spoke to that. Anyway, I look forward to the updates on this. I think that it is moving in the right direction. I vote aye. Thanks.

**Clerk:** Hardesty?

**Hardesty:** I really appreciate the very thoughtful presentation. I appreciate the legal guidance that has got us to this place. I really am especially appreciative of Michael and Cassie's presentation. Because it really actually focused on how this is going to benefit the front line communities. Those who have most often bared the brunt with poor air quality, et cetera, et cetera. I'm happy to hear we have not made decisions about how these dollars will be invested. Or what part of the city. I would say that every single part of the city needs investment and has environmental challenges -- investments and has environmental challenges and environmental justices issues. I live in east Portland and we could talk about the environmental injustice in my community. So I look forward to the intentional process that Commissioner Mapps and his team will use as we start having those conversations proactively, long before we know how much money we have. Long before the money hits the bank. Because as you know, it's much more difficult conversation once we have the dollars in hand. If we can start working with the communities today, I think that we will end up with some real investments that will benefit BIPOC communities for generations. I want to piggyback on something Commissioner Ryan said, which is if we are not looking for opportunities to actually get a better bang for our buck with the Portland clean energy fund and where we are moving based on our climate action plan, then once again we will miss an opportunity to truly be turning the ship in a way that -- sorry, ex-navy.

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Had to use a ship metaphor. Turn the ship in a way that is intentionally beneficial -- beneficial to the BIPOC community members. Happy to vote aye. I would also like my office involved to let us know how to best support your efforts to make this the most inclusive, engaged, intentional process that the city of Portland has participated in. I vote aye.

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Wheeler?

**Wheeler:** I want to thank everybody in the community who has been working -- who has been working on this for years and you want to appreciate the testimony we heard today. I absolutely agree with everything my colleagues just said with regard to making sure that those who are disproportionately impacted by the issues initially are equally disproportionately included the solution and the distribution of the settlement agreement. Thank you, Nanci, Annie and Jen for excellent presentation. I know it probably seems anti-climatic given the work you have put in to this and I appreciate it very much. I want to thank the resident who testified who raised Commissioner fish. This really was the work of Commissioner fish that got this rolling on behalf of the council, by taking into account and understanding the importance of what the community was bringing to our attention. And I want to link that all the way to the other side, to the testimony we heard as well as my colleagues comments around the community ahead. And the ability to not only start to right some of the previous wrongs, but also leverage the new opportunities we have as a council around our aggressive climate action goals, some of the tools we have in the toolkit, including the Portland clean energy fund and the other resources. And the opportunity to engage with and build the trust with the community that is looking to us for the leadership around air quality, water quality, address and the climate change and making sure that we are protecting our immediate environment. So this has the feel of a great opportunity. Commissioner Mapps, we are putting all of this burden squarely on your shoulders. Now that you have been here for 34 days. We know that you are completely up to the challenge. And all of us look forward to working with you and supporting you and your staff as well as the bureaus in these efforts. Don't think we are sending you out alone. We all have something at stake here. I'm just personally very appreciative for your leadership on this. Very happy to vote aye. The ordinance is adopted. Next up we have several second readings the first one is item 75.

**Clerk:** Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for the construction of the Columbia boulevard wastewater treatment plant outfall diffuser improvements project no. E06923 for an estimated amount of \$5,500,000.



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**Wheeler:** Colleagues we have already heard very interesting presentations on this matter as well as the opportunity for public testimony. This is a second reading. Is there any further discussion? Keelan, please call the roll.

**Clerk:** Rubio?

**Rubio:** Aye.

**Clerk:** Ryan?

**Ryan:** Aye.

**Clerk:** Hardesty?

**Hardesty:** I look forward to working with the Commissioner Mapps as we make sure that our entire community benefits from the real opportunities that all of the proposals that we'll be voting on today provide. I vote aye.

**Clerk:** Mapps?

**Mapps:** I want to reassure my colleagues we will be looking at how we can diversify this work. So, and anyone else who has concerns about the contracting pieces of this, our doors and the phone numbers are open. I'm excited about this really interest project that we have before us. For those of you trying to tune in, this is the pipe -- these are the pipes that release the clean water in to the Columbia. Really interesting and the technically challenging project. And I am proud to vote aye.

**Clerk:** Wheeler?

**Wheeler:** Aye. Ordinance is adopted. Item 76. Also a second reading.

**Clerk:** Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the stark and Buckman east reconstruction and green street project, no. E10216, for an estimated cost of \$23,837,000.

**Wheeler:** Colleagues, also a second reading. Any further discussion? [no audible response] seeing none, Keelan, please call the roll.

**Clerk:** Rubio?

**Rubio:** I want to say thank you for presentation last week. Community engagement and the language with both important priorities to me and also I know to the rest of council. And so I want to thank Debbie Castleton for leading the public involvement on this project. I vote aye.

**Clerk:** Ryan?

**Ryan:** Aye.

**Clerk:** Hardesty?

**Hardesty:** Aye.

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**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Wheeler?

**Wheeler:** Aye. Ordinance adopted. Item 77, also a second reading.

**Clerk:** Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for the construction of the Columbia boulevard wastewater treatment plant headworks screening improvements project no. E10805 for an estimated amount of \$12 million.

**Wheeler:** Any further discussion? Seeing none, please call the roll.

**Clerk:** Rubio?

**Rubio:** Aye.

**Clerk:** Ryan?

**Ryan:** Aye.

**Clerk:** Hardesty?

**Hardesty:** Aye.

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Wheeler?

**Wheeler:** Aye. Ordinance is adopted. Last item, 78, second reading.

**Clerk:** Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder and provide payment for construction of the Ankeny pump station odor treatment system rehab project no. E11093 for an estimated amount of \$1,200,000.

**Wheeler:** Any further discussion on this second reading? Keelan, please call the roll.

**Clerk:** Rubio?

**Rubio:** This project is important for multiple reasons. Including improving the working conditions for employees. So happy to support this. I vote aye.

**Clerk:** Ryan?

**Ryan:** Yes, thank you. I will never forget that presentation as long as I live. It was very thorough and well done. And I vote aye.

**Clerk:** Hardesty?

**Hardesty:** Aye.

**Clerk:** Mapps?

**Mapps:** Aye.

**Clerk:** Wheeler?

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**Wheeler:** Aye. Ordinance is adopted. And that completes our business for this morning. We are adjourned until 2: 00 p.m. We'll see you all later.

**At 11:44 a.m., Council recessed.**

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Closed caption file of Portland City Council meeting

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

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

February 3, 2021                      2:00 p.m.

**Wheeler:** Wednesday, February 3rd, afternoon session. Please call the roll. [roll called].

**Wheeler:** The Portland city code and state law, we're holding this meeting electronically. All council attending remotely by video and electronic communications. The city made several avenues available to listen to the audio broadcast of this meeting. The meeting is available to the public on the city's YouTube channel. [www.Portlandoregon.gov](http://www.Portlandoregon.gov). The public can provide comments by e-mailing the clerk. The council is taking these steps as a result of the covid-19 pandemic and the need to limit in person contact and to promote physical distancing. Covid-19 requires us to meet by electronic communication. Thank you for your patience and understanding and your flexibility as you manage through challenging times to conduct the city's business. We'll hear the rules of order and decorum. Good afternoon.

**Naomi Sheffield:** Good afternoon. The council meeting, you may sign up in advance with the council clerk's office to speak about any subject. You may sign up for public testimony and first readings of ordinances. The council agenda contains information about how and when you may sign up for testimony, while the city council is holding electronic meetings. Your testimony should address the matter being considered at the time. When testifying, please state your name for the record. Your address is not necessary. Please disclose if you're a lobbyist and if you're representing an organization, please identify it. Individuals generally have three minutes to it testify unless otherwise stated. When your time is up, the officer by ask you to choo. Disruptive conduct and shouting and refusing to conclude the testimony and interrupting other's testimony and deliberations won't be allowed. If there are disruptions a warning will be given. Be aware that all council meetings are recorded.

**Wheeler:** Thank you very much. We have one important proclamation on our agenda this afternoon. Keelan, can you please read item 79 tonight.

**Clerk:** Proclaim February 2021 to be Black History Month.

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**Wheeler:** Commissioner Hardesty.

**Hardesty:** It is an honor to honor black history month. I'm excited that we continue to honor and center black voices at city hall and Ken has done a fabulous job as always in putting together the program for today. I did not get a list of the speakers, so I'm hoping one of our invited guests have planned it facilitate our conversation this afternoon. And let me just say, I welcome each and every one of you. You're at the people's house today, even if it is virtually. And I look forward to the next time we have opportunity to be in the same space and share food and culture and opportunity. So without further adieu, I will turn it over to the panel and hope that all of us will have additional comments after the panel has spoken and at the end, I will read the proclamation. Thank you very much. Let me also say that one of the first conversations I had with Commissioner Mapps was about this and Commissioners were committed to this on the council. Even though I have the privilege of reading the proclamation, it absolutely shares the the thoughts of the council.

**Jay Brannon:** I want to introduce. I'm Jay Brannon. I'm one of the members of cam leadership up. We're an affinity group through diverse employees of Portland. This is the fifth or sixth year that Ken and the black employees volunteered their time to help organize black history month proclamations. That's something we continue to do and put together. Sometimes last minute. It is a very different one than normal. We're doing this virtually. I like to start by introducing, before we begin, with something a little different. We have a -- a -- a recognition to be writer Donovan Smith. He'll begin and I'll introduce the panelists after that. Take it away.

**Donovan Smith:** Thank you. Can you all hear me? Okay. Appreciate you inviting me into the space. We recognize that the person in 1619, we recognize genocide and crimes against humanity that have been inflicted on people that were made black in this land. We're the architects of this land and the country's wealth. Through colonization and genocide, this land became known as the Oregon territory encompassing land in modern day Washington, Idaho, Wyoming and Montana before finally becoming the 33rd state of America, despite the conclusions in state law, we have been here since the early days, living, stewarding, laboring and building families in this land. We're descendants of the great migration. We recognize that in the demise, albino became a nucleus, we continued, we have been here and still here. Thank you.

**Brannon:** Thank you. We have a great panel of testimonies from our own city of Portland black employees as well as community members. We get started with the city's mental health specialist and part of the cam leadership board, Tyesha McCool-Riley. Next up after her, we will

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have Arianna Morehead who is a teen who is miss black teen. Then we have Donovan Smith and doing this work every day in the streets. It is impressive. The last is smith, director of the office of equity and human rights. We're thankful for her as well. With that let's get started. Thank you.

**Tyesha McCool-Riley:** I'm Tyesha McCool-Riley. I'm going to look at my big screen so I can read my testimony for you all this afternoon. First I like to start off by saying good afternoon and welcome to the black family. Those of you who work for the city and live in the city and work in the city, we thank you for joining us today. Also good afternoon, welcome to you Mayor and Commissioners and all other city staff and affiliates. Thank you all for joining us as we acknowledge and celebrate black history month. Again, my name is Tyesha McCool-Riley. I'm a Portland native. I'm the program specialist for the city of Portland, working from the office of active city life and with cam leadership with the city of Portland affinity group. This afternoon we come together to recognize February 2021 as black history month with the theme being the black family identification and diversity. I come to pay tribute to the black excellence that has built our society despite the obstacles and hurdles that we continue to fight through. Today we celebrate our blackness without reservation but with pride and honor. If we ponder the theme this year black family representation and identity and diversity, without a shadow of a doubt we will defer to our historical oppression. From the days when earn with -- we were identified as property and we were dismantled if status and stability and the black family system suffered. Complex trauma, dehumanized treatment, brokenness and work identity deprivation. Today we're saying no more of the same. I'm black and proud. We're positioning ourselves to be represented in positions of power and influence across all industries that shine a light on our talent, our value and passion. Where we are infiltrating systems to champion change that creates space for diversity and equity and real inclusion for us, where we're shouting our humanity matters. Our struggle matters. Our accomplishments matter. Our lives matter. And our black excellence matters. At a time when we see someone as the first female black president and prior to that a black first family in the white house, people will say we made it, we arrived. Progression is happening. If we're to take a step back and reflect on what I call the black family, the proof is evident that the majority of us have not gotten to a mace of accomplished. Not because we have not tried or worked or persevered but because we're working against the system that was not built to support us, to empower us, or to create success for us. Let us take a moment to reflect on who has power and influence and put in confines of a societal block. The black family is they pictured as hopeless, lacking direction and dysfunctional. While the white family is depicted as

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well off, happy and healthy and successful and the standard. Our stories may not a line with perfection, but let's be real, neither does dominant culture. Our truth must be heard loud and clear. The black experience is powerful, majestic, as graceful and driven and plentiful and flourishing. It is not nearly enough to speak the truth on black history month, but rather to live the authentic truth throughout the year. Trials and tribulations extend beyond February. We throughout our existence, we will continue to rewrite the narrative of the black family and continue to break barriers, challenge the status quo and create at any times for our contributions to be highlighted and embraced. Again thank you all for your time and attention today. I wish you love, light and laughter. I will pass it on to the next testimony.

**Brannon:** You're up Donovan.

**Smith:** Can you all hear me? I'm only asking, zoom has been lagging on mute. You must be special, it wants to act right. So I was invited here it speak about the black family. In doing so, I'm going to present a question, when are we going to actually invest in the generational futures of black families in the city of Portland. I'm going to tell the story of my mom, Lavern, to help guide this question. For years, my mom has been driving for [indiscernible]. Everyone calling her essential worker now that she's gambling with her life every day but for many years she was just another uniform. After years of paying rent on 42nd, my mom was able to do something nobody in our immediate family had done again since my great grandmother and become a homeowner. I watched her come home every day after working overtime shifts with just enough energy to make a good meal to go to bed and to it all over again. To keep that roof, our roof, been decade of injuries from turning the bus, caught up with her. She tried to work but assigned to what they call light duty. Her supervisor denied her and then the crazy thing about it, she was fired for missing too much work. She applied for another job within the company, and then denied and then another, and then she was denied and just like history does, it repeated itself again and she was denied. So she finally filed a lawsuit against her employer, a clear system has governs, one for black employees, and one for white employees. And we know which one was wrong. Our house became filled with papers proving they were wrong. Some days you thought she was the lawyer. The supervisor who fired her called her arrogant and said that he wanted to make sure that she never worked this again in the e-mail. This is the type of place that we're talking about. By the time I graduated high school, dreams with about true, with mounting legal and medical fees she was bankrupt and lost her home. While on the phone with Wells Fargo to make a plan to stop the foreclosure, they told her that the house had been sold and auctioned, just like that. After years of doing all of the right things, working a decent job, working overtime,

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buying the house, has was she left with to show for all of the essential work she had been doing. She's been a renter ever since that day we last shut the door to our home. Now I did say in my opening demo, mom currently is an essential worker. That's because she was actually -- she's working for tri-met again, but why? After years in courts, they finally were forced to settle with with her through a federal agreement or federal case that forced them to reinstate her. They even had to adopt a policy called the ballard rules. No formal apology was issued, just her job back and trail of debts with little change. When she first purchased that home in the early 2000s, it was about 189,000 dollars. Had it sold again last year, it was worth nearly a half million dollars. By the time her age, 51, how much do you think that house would be worth. How much by the time I have kids and they're adults. She's now in the very same unit on 42nd and Sumner that she had escaped to become a homeowner, paying American property management to have a roof over her head each month. You would be a fool to say it was for any other reason than tri-met. Y'all may wonder what this has to do with city council. It is worth mentioning that -- that tri-met is a quasi governmental agency. All of that red lining and being bussed and demolitions, we're descendants of that. We talk a lot about equity. We talk about correcting wrongs in the city. Where is the justice for my mom? Ever day, today, as we're talking, she's literally risking her life at that same job to return to a home she doesn't even own through no fault of her own. Let's really think about the question I presented at the beginning, where we actually going to invest in the futures of black families and the city of Portland. We're faced with a decision to expand interstate renewal area. The Mayor said twice in this testimony and then again during the vote which counts will unanimously take on. Has vote was not restorative justice. If that wasn't restorative justice, I have to ask what was it? When -- when we're forced with decisions around truly reckoning with restitution or met with platitudes without urgency, we need it call for they funding the local military, has we call the police, not even halfway, while spending millions on overtime to allow him to poison our citizens and the missed calls for black liberation. It is great to hear rep par -- reparations are part of the push, but what about repairing the harms that are happening locally for people like my mom, for my mom. Still with this injustice and and in order to restore our communities, we must actually account for what has been taken through generations and invest accordingly. We must institutionalize restitution and make sure the wrongs of people has -- that make the wrongs done by -- done to people like my mom are made right by making sure she has house keys to her own home again. This is the black future that we need in the city of Portland. Thank you.

**Brannon:** Next we have Arianna Morehead.



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**Arieanna Morehead:** Hi, my name is Arieanna Morehead, I'm miss black teen Oregon ambassador 2020. Within my platform, my platform is sexual orientation, I have more at Instagram. I couldn't write a testimony because I can't put into words how -- how I feel about -- about everything -- my black community in Portland. I want to start off by saying what don was saying, this is a big problem in Portland. It is sad to see what was my great grandpas house and where my aunts and uncles were, it is a coffee shop that is making a lot of money because my grandpa was forced to move out of his house. That's because like, well, if we already lived in Portland before, where can we go? Where is affordable it us. They're only moving us to places has are convenient to the city and they can build mansions and apartments that are skyscrapers. The Wi-Fi may be trippe, if it cuts out, let me know. So being one of the youngest people, a part of the black lives matter movement, especially in Portland, it is very traumatizing. It is a lot of work that I have to put in. It seems like our government officials just don't care about me, they don't care about making the tear gas or anything. They don't care that I'm hesitant to fight for my life on the streets of Portland because the police, they don't care that the police have beaten me, shot rubber bullets at me. They don't care. And that's a problem. We need to care. Caring if -- I'm so tired, but Commissioner, if you -- I called you out for it, I called you out for one time, I'll call you out for it again. You need to change that and help the black youth. Sorry to get sidetracked there. This stuff is really heavy in our hearts. You don't give a lot of opportunities to express this or -- I have plenty of opportunities, but not on like webinars or stuff like this. The community in Portland was struggling, struggling, we're struggling constantly as far as gentrification, racism, discrimination, just in Portland. Being black in America is hard enough, but being black in a white supremacy state is even harder. What have you done about the white supremacists? They sent death threats. What are you going to do? It is black history month, why hasn't the city planned if black history month. There's Covid but there's more you can do. They continue to abuse us and tear gas us. That's all you can do, because you have so much power and you guys are not going to do anything to change that. All you're getting is money. All your doing is making money off our pain and trauma. That is not okay. I've dedicated my whole life to this movement. I've dedicated my whole life. I'm graduating a year early. I'm going to ACCU, but it is so exhausting. It is worth the fight. I hope that -- I'm sorry. I'm getting really -- I'm getting riled up because I start to get into everything. My activism in Portland to show how desperate I want change is to show how much I want justice for black lives matter. Everything I've been doing should be paid off. It hasn't. That's why you keep getting harassed in public, because you haven't changed the problems that we've been having. Just change that, if you showed your

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dedication for your black community in Portland, if you did that then maybe something would change on your behalf. You aren't doing anything about it. So what is going to be happening? Black history. Why isn't there [indiscernible] in schools? Don't you think -- I've been in high school for -- for years. Don't you think I'm tired? Don't you think I'm tired of hearing my people were beat killed, I still hear that. Don't you think I'm tired of that? You guys have so much power to make change. This is your month to step up and do something. It is black history month. There need to be change in Portland. I'm glad that we're -- we may be given reparation, but that's not must have. That cannot make up for all the other things that you've done. Reparation is just a start. Next, we have to work on giving justice.

**Brannon:** Thank you. I like to transition. I appreciate your passion and tenacity, thank you.

**Dr. Markisha Smith:** Okay. Good afternoon, everybody. I'm Dr. Markisha Smith, and I'm officer for director of equity and human rights. Share a few words, I don't know if I have much to add, but I'll read what I have prepared here. So today we come together to affirm our commitment and core values of racism and equity by collectively acknowledging February 2001 black history month. This year's theme, the representation identity and diversity and the perfect way to honor, beauty strength and vitality of the black family and community, despite the continuous threats that inequitable anti-black systems structures impose on the sustainability of black ancestors could not be defeated. And as Commissioner Hardesty mentioned earlier, may we all be reminded that the history and contributions of black folks should be honored and celebrated every day of the year. I would like to end with a poem by the late poet laureate, entitled the black family pledge. My analysis of this poem. I feel like it is a call to remember who we are and the power of our history. So the black family pledge, because we forgot our ancestors, our children no longer give us, because we lost the path of our ancestors, our children cannot find their way, because we have banished god of our ancestors, our children cannot phrase, because the old wells of the ancestors have faded, our children cannot hear us crying. Because we have abandoned our wisdom of mothering and fathering, our children give birth to children and they understand. Because we forgot how to love, the adversary is within us and hold up to the bod shouting, regard the loveless. There by we pledge to embrace our loneliness and to feed our starving and to clothe and to do all of the things knowing we're more than keepers of our brothers and sisters. We are our brothers and sisters. In honor of those that toiled and in gratitude to the same god we make this pledge. Thank you for the opportunity to speak with you.

**Hardesty:** Thank you. Thank you to all of our speakers. I'm going to ask my colleagues if they like

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to -- like to make any statements before I read the resolution.

**Mapps:** Commissioner Hardesty. I would.

**Hardesty:** Go ahead.

**Mapps:** Commissioner Hardesty, colleagues, thank you for this opportunity to share this report with you. Black -- black history month is important to me. Obviously this is a topic close to my heart. The story of African Americans in Portland is the tale of -- of tragedy and triumph. This is part of my story and regardless of the color of your skin, it is part of your story too. The history of African Americans dates back in Oregon dates back to at least 1788 and about 60 years later Oregon's provincial government passed the first of Oregon's black exclusion laws. These stated that blacks that settled in Oregon would be publicly whipped. 39 times, repeated every six months until they left the state. Well, looking around the zoom call this morning, you can tell we're still here. And over time, the black exclusion laws were repealed but the last black exclusion law was repealed less than 50 years ago. And after they were repealed, our friend and colleague Jo Ann Hardesty became the fifth to be elected to the state legislature and the first to serve on the council. I think accomplishments like that deserve recognition. I thank Commissioner Hardesty to the city and the people. Commissioner Hardesty, you're a true Portland trailblazer. Now emergence of plaque office holding is a sign of how much work there is left to be done. Indeed a lot of work left to be done. In Portland today, black Americans are more likely to be victims of crime and more likely to be subject to arrest than their white counterparts. Here in Portland, there is no neighborhood where the average black family can afford the average rent. Here in Portland, African Americans are more likely to catch Covid and succumb to the disease than their white neighbors. I think we're the generation of Portlanders that must right these wrongs. Our work is to guarantee civil rights and social justice and economic opportunities for today's generation of African Americans and for future generations of African Americans. We find the following proof, black lives matter. Thank you Commissioner Hardesty, I cede my time.

**Hardesty:** Thank you Commissioner Mapps. Mayor Wheeler your hand went up next and then Commissioner Rubio.

**Wheeler:** I defer to Rubio.

**Hardesty:** Excellent.

**Rubio:** Thank you, Commissioner Hardesty, I think this is the most important proclamation and the recognition by lost families and individual experiences in the city and also the tremendous contributions to this -- to our city as well. I also want to -- want to extend appreciation to the African American network every day bringing this to your jobs in service of all of Portland and

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the voices that all of us are offering and spaces for us to do work and improve and make things better as a city of Portland. As for ever day, in the just this month. That's -- that's where a year of advocacy and change, I can't think of a better way to honor black people and families. I especially love the quote in the proclamation that I read that talks particularly about the attacks on plaque -- black families and it created deeper roots from a strength and in addition to all of the amazing contributions in those areas. Because, it is true, that generation of new activists leader have way more to contribute than any of us do in this meeting today will continue to shape and be shaped of the strength of purpose and the challenging times. Also shape the love for -- that exists in our communities and our people and the resilience and life of black families from generation to generation. This was despite our state's history of white supremacy. It continues to grow and nourish and thrive and our community supports. This is the reason we need to tell our stories of our aunts and uncles and history. It is ever impressive. You have white nationalism that has become mare mainstream. I'm aware of the black exclusion laws that they talked about and recognize that it is just well over 100 years, Commissioner Hardesty and I were able to sit together today in this meeting, elected in a city wide election. So I want to draw attention to all of this because we as members of council are -- we believe that things need to change. I strongly believe black lives matter, as to all of my colleagues do. And we must act on these beliefs as some of you mentioned. So many Portlanders demanded over the last year that we to so. This includes authenticity and rebuilding trust and -- or establishing trust where it never existed. Authentic dialogue on engagement on what we know matters. We talk about the future and civic and economic violence on plaque families. All of the things that were mentioned, gentrification, loss of generational wealth, substitute conversations about this and what that actually means to make sure we're using the same definition. Taking action about reimaging community safety which we're well under way to do that as well and police accountability. But also as well as that, recognizing black communities in strong and measurable contributions to the community. The creation. The business innovation. Arts and culture. Culinary art. Education. So many things where black lives is Oregon life. Is our collective work to insure that city government acts on our values. Black families thrive, Portland thrives, black history is American history and Oregon history. We continue to ask for their values and do the hard work of systems that with so long put people on the outside and work to receive the same support. I'm proud to listen to these words and proud we have leaders like we have today working on behalf of communities. And we need to hear more of these experiences to go relevant in a community session work like we heard today and where black community

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experiences the presence of justice and just nearly living every day. So I will continue to consider the things I heard. I know my colleagues are very interested in that as well. We talked about it on one-on-one conversations and collectively as well. I look for more opportunities that are authentically to doing that. We're hopeful and excited to sit on the council with Commissioners Hardesty and Mapps and other colleagues in this time of change because I'm hopeful that -- that we have an unprecedented opportunity to grapple with the legacy. I want to learn more and how we can collectively do more to work towards that -- that permanent presence of justice in the city. So thank you, Commissioner Hardesty and Mayor for bringing this forward.

**Hardesty:** Thank you very much. Commissioner Rubio, Commissioner Ryan, you get to go next.

**Ryan:** Thank you Commissioner Hardesty and Mayor for bringing this, not just to the council but making a special moment in time, the one agenda item, it is worth it. It is great that we're here together and focused. I also really want to pause and thank the city's African American network. You're the reason why I got so much out of this time that we're here together. And we need to call out Donovan Smith. I really appreciate you telling the story of your mother. It was very moving. And it is having an impact on my listening to that story. I think like a lot of people I learn from stories. When I was in high school in the 70s, I want to acknowledge my English teacher who was ahead of her time and had us read African American literature. From that moment on, James Baldwin has been my favorite writer. And I'll take a moment to recall when I was living in New York in 1987 and his funeral was nearby, where I lived, I'll never forget has day. And all of the people that were going to the -- to the cathedral to honor his life, even though he had to leave our country to actually have a good life so he could actually do his art as an African American, he didn't feel safe in our country. But he did come home at the end of his life to be honored. Anyway, I just want you to know how much I celebrate African American history about the year and reminder that once every four years, 166 days, I was going to say 365 but I always agreed with -- with people wondering why I have black history month as the shortest month of the year, it is not right, it is something I celebrate year round. I learn and go deeper through artists, whether author or musicians or whether it is play writes, I've always been attractive to African American artists and play writes and that feeds my soul to have a deeper understanding. I'll continue to do my allied learning and listening and advocacy and to be with this team and the Portland city council to make sure that we are -- we are challenging always to go deeper, to go further for justice. Thank you for being here today. I'm humbled.

**Hardesty:** Thank you Commissioner Ryan. Mayor wheeler.

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**Wheeler:** Thank you Commissioner Hardesty and thank you colleagues and to everybody that spoke today. For too long I think all of us can agree that the dominant culture created a history which intentionally sought to might not nice and offered to raise the stories of black Americans. Each February, we worked to correct this and as Commissioner Ryan just said, it should be each and every day. I'm deeply appreciative of the time people took to be here today and share their stories for the heart, from their lived experience. I appreciate the call to accountability. Black history month is an opportunity to uplift and honor black Americans who shaped our society in extremely important ways. We recognize the vast contributions black Americans have made throughout history in science, in medicine, art, education, and human rights, and sports, finance. Politics and many many other areas. We recognize the black leaders who risked their very lives to lead social movements in the name of justice, and equity and those movements continue to this very day. John Lewis comes to mind. We recognize contemporary black Americans who are leading our country it a better future, including Kamala Harris. And black history month is a moment to reflect on the countless barriers faced by black Americans not only in the past but as we heard property testimony today, all the way into the present day. These barriers are fortified by white supremacy. This year's black history month is themed the black family, representation, identity, and diversity. For centuries black families have been marginalized by society. We heard that history today. Slavery of course violently ripped black families apart. Oregon's founding documents as we heard earlier forebayed African American families from settling here. Our city has ugly history through unjust laws and redlining. It is important that we speak these truths because until we acknowledge, we cannot understand. Until we understand, we cannot overcome. We cannot move forward together until we had that opportunity. It is a painful process. And for those who are directly impacted generationally through their lived experience, we heard the word used today, exhausted. I've heard that before. That's an extra added burden on top of traumas already realized. And already personally felt. I want to acknowledge that. I want to thank you because I understand that even coming here today, insuring these stories, this testimony inflicting -- inflicts more trauma. I want to mention that. Despite all of had, black families have been sources of incredible strength and love. In order to create a society that is truly equal for all, we must correct the misdeeds of the past. In 2020, our city council unanimously passed a resolution that named anti-racism inequity as two of the city's core values. We center these values in every decision we make as a council. We're committed to making Portland a place where all black individuals and families can thrive because black individuals and families are not thriving, their community is not whole. Through acknowledging the past and

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present, I'm confident, I'm optimistic that we can build a better future, not only for all of us who are here but for the generations that come. Through celebrating black history month, we take a step that I think is important. We use it to strengthen or collective understanding of history with this collective knowledge, we can create a society that is safe, that is supportive, and that is just for all black Portlanders. Again I appreciate the work that people put into this. To the folks that testified and Commissioner Hardesty. This is an important acknowledgement and it is just that, it is acknowledgement. It isn't the work. But through there acknowledgement, we're committed to that work. I have nothing but complete confidence that the public will continue to hold us accountable to insure that our deeds match our words. Thank you.

**Hardesty:** Thank you. Thank you to all of my colleagues, your words were very heartfelt. And greatly appreciated. Donovan smith, I've known you for about a decade. And today I learned something about the legacy and the shoulders you stand on. And I want you to know how grateful I am that you took this moment today to share that legacy because it is in the an unfamiliar legacy to me. And certainly to any other African American who has lived in the united states of America for 60 some plus years. So you honor your mom by being here today and sharing your story. I'm grateful, thank you. I want to tell miss teen Oregon that though I appreciate her advocacy, my mom taught me a long time ago that you get more with sugar than vinegar. And what I have seen over the last year is an acknowledgement that I never thought I would see in my entire life-time. I saw global movement for black lives. I saw activities happen that -- that I expected would not happen here at city hall at least until my second-term. I saw -- I saw us declare that -- that black employees and employees meet briefly and was approved unanimously and it happened. I saw this council make Juneteenth a national holiday. I saw this council and let me say that -- that the majority of the council today was in the here last year when -- when this movement began. I have an expectation that -- that with this council we're four fifths of the city council being grass roots community people that the conversations and the dialogue and investments we make will be a lot different. I want miss teen Oregon to understand that in order to do anything on city council, you need three votes, we with like five votes because we're in lock step, but three votes will do. There was some things we didn't do last year that I wish we had. One of them was so can didn't have to look for resources to educate city employees and the public about the value of black lives and the black lived experience. That's why my budget funded this year's programs for can because I made a personal commitment. As the first black woman on Portland city council, I take offense when people say to me that I'm in the doing things for black people. Now I may not be doing what you want me to do at this

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moment but I've been a black woman for 60 some odd years and until I take my last breath I'll be a black woman. I spent the first six months on this council proving I was smart enough, that I did my homework and I read it and analyzed it and I knew policy. I had to prove that when I took my seat. I had to prove I was not the angry black woman that was just going to come in and create hell throughout the city of Portland. I have earned my seat and I will continue to earn my seat because I know who I represent. I represent who I've always represented, those voices that are not in the room, voices that are not at the table, those lives that are impacted by every decision we make. So while I don't mind anybody disagreeing with me on the policy positions I take, I will not accept anyone telling me I have done less than an optimal job in representing black voices, and bringing those voices into city hall and creating spaces where those voices matter. I can tell you every bureau I had in my portfolio, I met with every black employee in those bureaus and I'm doing it with my new bureaus. I meet with the other employees, I meet with everybody. But I made sure that those black employees knew that they could talk to me. Today is really about celebrating the black family, but I did not want this opportunity to pass without being very clear, we can talk about disagreements and policy, but you will never approach me telling me who I represent. I know who I am. I know what I have to do every day to stay in this position. And I am proud of every decision that I've made that has moved equity, justice, fairness, into city policy and practices. I will continue to do that. So. I'm sorry I went on my own tangent there. You can disagree on policy, but you won't get into debate where my loyalty lies. I have a history, when your history is as deep as mine, you can challenge whether or not I'm doing enough. Thank you very much can for what you do every day for the city of Portland. Thank you for your bravery. Thank you for crying with us last year as we all went through a series of traumas. It was in our face. We could not avoid it. But guess what? You came to work every day, you gave the city 110 percent. And you continue to be the best ambassadors hat city of Portland has about who we are and how we do our work and how we value black indigenous and others of color and honestly everyone else in the city because guess what? When we center black and indigenous and other voices of color, everyone else will benefit. Thank you. This is a great opportunity to celebrate black history month because me and my colleagues are planning on what a more just city looks like when we come out of this pandemic. And we need everybody. This is an all hands on deck opportunity. But we need people who really are going to do the hard work, be critical but it is harder to stay at the table for 30 years when with no one else is listening. Now let me read the resolution. And by the way, again, the resolution is from all of us on the Portland city council. Whereas, the city of Portland takes pride in ginning Americans throughout the country



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in recognizing February 2021 as black history month. Whereas, black history month recognizes and pays tribute to the contributions that African Americans have made to American history and their struggles for freedom, equality, and deepens our understanding of our shared history. The theme for 20 21 black family, representation, identity and diversity, acknowledges the historic and modern day challenges faced by people of African descent, denied opportunities to be represented and devoid of limits that tend to marginalize and perpetrate the negative constructions that are made by white with supremacists and white supremacy and all of this an indirect impacts of this decrease lar race. The plaque family has historically been a target of attack and disregard since the beginning of this country when black individuals were dehumanized and treated as property and families were torn apart for profit. Whereas, generations of African Americans individuals and families and communities have played a significant role in protesting the necessity for black individuals and families to be viewed and valued as full human beings, respected, dignified and worthy. Whereas local laws were to exclude African American families and insure their representation was limited to certain areas and restricted from being represented in others. The black family has been victims of stereotypes. Whereas we believe emphasis needs to be put on putting forward people of African descent and all of our complex and multi-facetted humanity. Rather than relying on tired stereotypes to perpetrate negative perceptions. And whereas, as we commend the many achievements, successes and contributions of African Americans in various movements as they had been a significant risk of black representation and diversity locally and nationally. This has been intended to harm the African American community. If many instances it has created deeper more determined roots from which a foundation of incredible strength, resiliency and creativity, love, and unity, supporting in areas of education, science, medicine, arts, sports, and financing and politics. And whereas, to this day, millions of African Americans across the country are experiencing representations of themselves through our government, politics and entertainment and spiritual sectors and medical and wellness industry, business and media and inspires and motivates and models attainable possibilities. Where as there are a few in any more beautiful than the loving touch of a strong black mother and the kind and encouraging words of a strong black father, the genuine respect and consideration of a strong, understanding child. And African Americans are prepared to go to battle for what should be rightfully ours. This preparedness is a part of our narrative and has cultivated our courage, drive, and resilience in the face of adversity and inequality and all of which is their identity of the black family. And whereas, inequality and injustice of black people continue to playing our cities and states and country and

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it is the responsibility of residents to advance the American notion of life, liberty, and pursuit of happiness for all. And where as, acknowledging the significant contributions of how our diverse culture enriches and broadens the American experience of which black heritage is inseparable as it reaps throughout our country's history, profoundly influencing every aspect of our lives as well as other dominant cultural groups. And whereas, despite many historic and present day obstacles and acts of oppression, the black family has continually shown strength and resilience, a demonstration of our pride, our fortitude and our hope to lead a better legacy for future generations. Now therefore, i, ted wheeler, Mayor of the city of Portland, Oregon, do here by declare, my page closed, do here by declare the city of roses declare black history month in Portland and encourage all residents to observe this month in this manner. Thank you all. Now because we're doing this electronically, we usually would take a picture at this moment with the proclamation. We'll make sure that can gets several copies of it. I'm not sure how that process works. Somebody else does that. But we will make sure that can is presented with this official proclamation and again, thank you to every one of you for the hard work you did to get us through this space today. That concludes the presentation for black history month.

**Wheeler:** Thank you Commissioner Hardesty. Greatly appreciated. Thank you colleagues. Thank you to all of the folks who helped organize this today. Thank you to everybody that testified today. Greatly appreciate it. This is an important moment. That's our sole item for tonight's -- this afternoon's agenda and we're adjourned. Thank you everyone.

**At 3:07 p.m., Council adjourned.**