



# January 5, 2022 Council Agenda

5642

**Please note, 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 may 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.

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

## Wednesday, January 5, 2022 9:30 am

---

**Session Status:** Adjourned

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Jo Ann Hardesty

Commissioner Mingus Mapps

Mayor Wheeler presided.

**Motion to elect Commissioner Rubio President of the Council:** Moved by Hardesty and seconded by Ryan. (Y-5)

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

Items 6 and 8 were pulled from the Consent Agenda and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

Council adjourned at 10:48 a.m.

**Communications**

1

[Request of Amber Canavan to address Council regarding foie gras sales ban](#) (Communication)

**Document number:** 1-2022

**Disposition:** Placed on File

2

[Request of Erin Wing to address Council regarding foie gras sales ban](#) (Communication)

**Document number:** 2-2022

**Disposition:** Placed on File

3

[Request of Robert Patterson to address Council regarding protections for the most vulnerable involved in sex work and charting a course for a legal, independent, and healthy industry](#) (Communication)

**Document number:** 3-2022

**Disposition:** Placed on File

4

[Request of David Shirkhani to address Council regarding representation for Black and Brown business owners and artists](#) (Communication)

**Document number:** 4-2022

**Disposition:** Placed on File

## Consent Agenda

5

[\\*Authorize the Director of the Bureau of Human Resources to execute a grant agreement with Portland Opportunities Industrialization Center + Rosemary Anderson High School Work Opportunities Training Internship Program in amount not to exceed \\$82,400](#) (Emergency Ordinance)

**Document number:** 190666

**Introduced by:** Mayor Ted Wheeler

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

**Disposition:** Passed

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

6

[\\*Pay settlement of Demetrus Batchelor bodily injury lawsuit for the sum of \\$19,500 involving the Portland Police Bureau \(Emergency Ordinance\)](#)

**Document number:** 190669

**Introduced by:** Mayor Ted Wheeler

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

Item 6 was pulled from the Consent Agenda for discussion.

**Disposition:** Passed

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

7

[\\*Pay settlement of Linaya Leaf bodily injury lawsuit for the sum of \\$95,000 involving Portland Parks & Recreation \(Emergency Ordinance\)](#)

**Document number:** 190667

**Introduced by:** Mayor Ted Wheeler

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

**Disposition:** Passed

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

8

[\\*Authorize the Director of the Bureau of Planning and Sustainability to execute the Portland Clean Energy Community Benefits Fund Heat Response, Equipment Purchasing Partner grant for a total allocation not to exceed \\$10,020,289 \(repeal Ordinance No. 190618\) \(Emergency Ordinance\)](#)

**Document number:** 190670

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Planning and Sustainability

Item 8 was pulled from the Consent Agenda for discussion.

**Disposition:** Passed

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

9

[Authorize Intergovernmental Agreement in amount not to exceed \\$446,500 with Oregon Department of Transportation to design water system modifications for the US 26 SE 99th Ave – East City Limits Project \(Ordinance\)](#)

**Document number:** 190668

**Introduced by:** Commissioner Mingus Mapps

**Bureau:** Water

Second reading agenda item 918.

**Disposition:** Passed

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

**Regular Agenda**

[Accept the Year Six Report on the \\$68 million 2014 Parks General Obligation Bond](#) (Report)

**Document number:** 10-2022

**Introduced by:** Commissioner Carmen Rubio

**Bureau:** Parks & Recreation

**Time requested:** 15 minutes

**Disposition:** Accepted

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

**Votes:** Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

**Wednesday, January 5, 2022 2:00 pm**

---

**Session Status:** No meeting due to lack of agenda

**Thursday, January 6, 2022 2:00 pm**

---

**Session Status:** No meeting due to lack of agenda

## 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.

January 5, 2022      9:30 a.m.

**Wheeler:** January 5, 2022 morning session of the Portland city council. Happy new year.

Please call the roll. [roll call]

**Wheeler:** Now I will read the script under state law city council we are holding this meeting electronically. All members attending remote by video or teleconference and then to listen to the audio broadcast. It is available on the Youtube channel at Portland Oregon.com / video. The public may provide written testimony to the council by e-mailing the council clerk sec testimony Portland Oregon.gov. Council is taking the steps as a result of the ongoing pandemic, the pandemic with the safety and welfare that requires us with electronic communications. Thank you all for your continued patience and flexibility and understanding as we manage through a challenging situation and then we hear from legal counsel. Good morning, Naomi, you are up.

**Naomi Sheffield:** Good morning. To participate in council meetings, you sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also for public testimony and resolutions, reports of the first readings of ordinances. The publish council agenda Portland.gov / council / agenda contains information how and when you may sign up for electronic meetings. The testimony should address the matter 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 and representing an organization, please identify. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify and as otherwise stated when the time is up, the presiding officer will ask you to conclude disruptive conduct such as shouting or refusing or interrupting others

council deliberations will not be allowed. If there are disruptions, a warning will be given. A further disruption the person will be placed on hold or ejected from the remainder the meaning all council meetings are recorded.

**Wheeler:** With that I am glad to see Commissioner Rubio was with us this morning because the first official order of business is to elect a new council president. It is Commissioner Rubio's turn to be council president as a reminder this position rotates every six months. Commissioner Rubio is next in line to serve as president of the city council. That term will last through June 30th, 2022. So to accept the motion for council?

**Hardesty:** So moved.

**Ryan:** Second.

**Wheeler:** A second from Commissioner Ryan. Any further discussion on this matter? Seeing none please call the roll. [roll call]

**Wheeler:** Thank you Commissioner Rubio for taking your turn. It can be trying and stressful going through a long list of existing responsibilities I really appreciate it so thank you so much for being willing to serve in this capacity congratulations president Rubio. Commissioner Hardesty It makes me sad we haven't had a new Commissioner sense Commissioner Rubio has taken office so we don't get the whole ceremony we take the plaque and remove it over to her desk so just imagining that happening Commissioner Rubio maybe we can reenact that sometime later as we get to the covid crisis. Thank you for that. First is communications and colleagues as is tradition we start the year item number one.

**Clerk:** Request of Amber Canavan to address council regarding the foie gras sales band.

**Amber Canavan:** Good morning. Good morning council I you have a very productive new year going forward as we all do. I am a registered lobbyist with a local group that works sign animal welfare efforts with the city in the state. I am also a resident of Portland I am here today to talk in support of a sales band. I am one of the few people you will ever hear from who is actually been inside a fois gras production facility that doesn't have financial ties to the farming or restaurant industry to the industry. And I can look at what I saw there with unclouded judgment. I entered the facility a number of years ago during an undercover investigation for which I submitted an affidavit for lawsuit and later they actually jailed me for 30 days as a whistleblower for speaking out about for what I found. Fois gras is produced by

force-feeding tube of a duckling or a goose and the aim of that is to force their livers to bloat and then the liver is sold as a delicacy to less than 1 percent of restaurants in Portland. But that is still a significant market for that foie gras industry in the United States. This is also a factory farm despite what you may hear from restaurant owners or foie gras industry representatives. It is still a very large factory farm with sheds going down almost as far as the eye can see. The feces of the birds the aerosol of the air. They are semi aquatic animals. You can imagine how horrible it is for a semi aquatic animal to never have access to water except when they need to reach the neck through the bars of their pens to sit out of half an inch of water going through the tube going to their pen. They can never swim. I am so happy as of a couple of days ago New York City voted to pass a sale foie gras in New York that just went into effect a couple of days ago. I am popping the champagne bottle on that for those suffering birds. I really hope the city council can take this proposed legislation into consideration. Overall to as we move past the pandemic really starting to look at these issues that have been on the back burner for so long. I appreciate the council hearing me today and I am at your disposal if you ever have any questions regarding the foie gras industry. Thank you.

**Wheeler:** Thank you for being here. Up next is item number two.

**Clerk:** The request of Erin Wing to address council regarding the foie gras sales ban.

**Erin Wing:** Good morning Mayor and Commissioners I am the deputy director of investigations at the End All Protection Organization and I am here as a concerned citizen of Portland as well urging you to prioritize legislation to ban the sale of foie gras in the city. For those were unfamiliar I know Amber did go through the process of the production of this animal product. But just to reiterate it is the liver of a duck presented as a niche luxury food item to high sales consumers. The production is banned in several foreign countries including India, Australia, along with European countries. Foie gras is inherently cruel and that condition the birds suffer are carefully obscured from public view. As many companies that farm that present a narrative on birds and fields many people are unaware of the horrific mistreatment that animals endure during the production of foie gras. In order to refrain from perpetuating any misinformation, I feel it is necessary to describe what ducks experience and it — actually inaccurately and please keep in mind everything I am about to say is considered standard procedure. Ducks are force-fed twice a day, every day for 20-80 days straight in the



fois gras industry. During this process, a foot-long tube is inserted into a duck's esophagus putting fat and compressed air through force. It can leave ducks to thick to walk or even breathe normally. The force-feeding process can cause organ failure, injury to the beaks and throats. They are kept in intense confinement in wire cages which causes leg injuries and spreads illness among animals. At the end of the painful process, the ducks are slaughtered, hung upside down with their legs in shackles where worker stands by to cut their throat. In my line of work as a former undercover investigator of animal cruelty, I have seen the horrors of antiquated animal aquaculture in check and what they have done firsthand. 'S previous investigation released in 2000 8f shows fois gras production is unnecessary suffering and the product has no place in Portland. If any of what I just said resonates with you I would like to stress the importance of prioritizing legislation that would ban the sale of fois gras in Portland. If you are willing to view the video evidence gathered by an all protection organizations, I can provide you with that myself in the hopes that it would assist your decision-making process. View that my short description fois gras production was disturbing upon watching the footage you will see that seeing it is much worse. Thank you for your time and your service to the city.

**Wheeler:** Thank you for being here. The next individual item number three.

**Clerk:** Request of Robert Patterson to address council regarding protections for the most vulnerable involved in sex work and charting a course for me legal and independent and healthy industry. Robert has not joined us.

**Wheeler:** Maybe he will hop on later. Our last individual.

**Clerk:** Request of David Shirkhani to address council regarding representation for black and brown business owners and artist.

**David Shirkhani:** Good morning. Good morning council members and staff -- out to the fois gras speakers go vegan in the new year. I and a local artist known as black and gifted creating across the city of Portland I reside in the city of Milwaukee I'm happy to be here thank you for your time and your patience. I'm here to do that today to discuss my experiences not only as an artist of color but a business owner as well. I got my start in the creative world in my late teens playing bass guitar in a band entering across the country in vans and buses. Alongside performing I also found enjoyment in fashion design and merchandising. I pursued this into a

career of creating the top talents and I'm proud to share the stage and the road was such phenomenal performers such as Maxwell and Eric have I do to name a few. What I learned most from my time spent with these artists that your art is your business in this world. And for many people of color, we turn to our arts and passions and creativity to survive during the pandemic by selling paintings or delivering food or health and haircare products, organize rallies and marches and looked out for the most vulnerable community members. To discover light within ourselves at a time when things seem the absolute darkest. We did all of this when tomorrow seems so unsure. But as we build back to think of future generations of what we can accomplish so they don't have to go through the same struggles as what our community goes through. I'm here with the hope the city can pave the way to more arts and culture programs as well as business information receiving funding. Aimed at mutual aid to establish an arts program for people of color. Facilitating the arts community in the wake of the current inflation is a task I truly believe the city can achieve with good faith from city leadership. More funding in support like the my people's markets or may be opening up space for creative outlets for community members were opportunities for students and still to be in university or city funded grants and tax breaks and incentives for those who work with small business owners. We are community of artist and business owners because we have to be both. We cannot afford to cut corners at every turn and pinch pennies at every corner. We are here so many others who cannot speak up for themselves or are overwhelmed can at least feel they stand a chance in the future we want to band together for the current economic climate. Thank you. I yield the rest of my time.

**Wheeler:** Don't go away. I have a couple of comments. Commissioner Hardesty.

**Hardesty:** Thank you may or and thank you David for being here. I told you this was an ideal opportunity to talk to us in one fell swoop and I'm so glad you took advantage of that opportunity. Let me say you are extremely talented. I had no idea you had been on stage with some of my most favorite musicians. And I love what you had to say. When I first moved to Portland any night of the week you could hear live music it just depended what side of town you wanted to go. Already now famous musicians call Portland home. I definitely have a weak spot. Commissioner Rubio is that Commissioner but I am officially the music Commissioner and I really want to work with you because you didn't say anything I haven't been thinking

about as far as how we recover as a community and what made Portland gray is the grassroots artist and community that just came together to create and build community I don't want to speak for Commissioner Rubio but I know she will be right there with me as we think about what does that look like? I want to see that and I keep saying in my people market they need to eat more than twice a year even though it is a fabulous gathering that it's only the tip of the iceberg I met some fabulous entrepreneurs there this year and you were one of them. Thank you for being here today and this is the beginning not the end of the conversation.

**Shirkhani:** Thank you so much.

**Wheeler:** David thank you for being here I will share remarks that are similar to the Commissioner Hardesty. Thank you for sharing your talent and ideas. There are some points here that I think would be very useful for you and others. You mentioned my people's market. We are trying to expand my people's market during the holidays. It was very successful on the central eastside also allowing entrepreneurs of color and others to share ideas products and market opportunities and distribution channel opportunities and that may be another place where we can potentially plug you and others in. But what we call our action tables, we established a number of action tables related to the city resilience as a result of covid. We have several tables that overlap with the ideas that you mentioned. I am thinking events and recovery. Maybe this is germane to the types of ideas to put forward. I'm wondering if we could have a number of staff reach out to you potentially to discuss how that might work as a partnership?

**Shirkhani:** That would be excellent.

**Wheeler:** Great. I will have a number of my team to reach out. I appreciate you being here today. It is very important. Personally I want to congratulate you on your success. Celtic you are doing very well and you are on your way. You are a Portland talent we can all be proud of. Congratulations to you.

**Shirkhani:** Thank you councilman. I appreciate that.

**Wheeler:** We will move to the consent. Have any items been pulled?

**Clerk:** We have had a request items six and eight.

**Wheeler:** Those have been pulled please call the roll. [roll call]

**Wheeler:** The consent agenda is adopted we will take up items number six and 8f after the regular agenda we have a fairly short agenda today and that takes us to the regular a giant agenda item number ten.

**Clerk:** Except the year six report on the 60 8f million dollar 2014 parks general obligation.

**Wheeler:** Commissioner Rubio.

**Rubio:** Thinking we're in 2014 the 60 8f million dollar parks replacement wind was passed in support of 74 percent of voters showing broad support for reinvestment in parks and recreation facilities 49 and 52 are now complete and the 53.6 million have been spent at the end of June 2021 the remaining three projects are underway and the project that's on target to deliver on those made I'm so glad proud to see Portlanders can enjoy their investments in parks particularly during covid as well practicing social distancing. And we work towards ensuring these in disadvantage minority owned emergent small businesses and enterprises in the community with a combined total of 39 percent of the value of all professional and construction contracts being we awarded. So when we desegregate the data we recognize there is more to be done to grow these numbers, we are committed to this. Parks is committed to work with partners in the minority contracting field including national association of contractors, native American chamber, and many other organizations to ensure more firms are participating in the contract opportunities. Over the last six years, the program has focused on repair and replacement of the most urgent asset needs. The asset replacement work has made possible by the bond investments to make positive impacts throughout the city that are only a small representation of the major maintenance work that needs to be done in the park system. I will now turn it over to capital renovation project manager to provide the presentation.

**Robin Laughlin:** Good morning. Happy new year. Thank you Commissioner Rubio. Hello, thank you may or I you she her opponents in the capital innovation program manager for Portland parks and rec. I am here to present the year six report of the replacement. Next slide and then to provide exceed million to make urgent repairs for community centers and park facilities throughout the system and throughout the city. Park and rec bond program has just completed the sixth year the busier summarizing the year six report and presenting today. There is a lot of information to share I will be focusing today on three key points.

Accountability and accountability. Making those assess ability improvements for classes. Next slide. As in past years it has made consistent the project work of playground replacement and repair, trails and bridges and protecting workers accessibility and restrooms and other repairs. The \$68 million investment with maned with parks across the city to show these investments showing completed projects in the orange symbols include projects that are underway. Reporting based on the fiscal year and the close of the 2021 fiscal year, all 52 bond projects were completed or underway with 49 projects complete and three under construction or contracting. As Commissioner Rubio mentioned, closing June 30th, 2021 53.6 million had been spent we are on track to meet the promises made to voters in 2014. In the last fiscal year completing two projects and those were innovations and then with repairs and the renovations from the center. Of the three projects currently underway that project is on schedule and under construction right now and projects of urban forestry were delayed at the land use and they are now on track for completion. Moving on to budget we are on track to deliver all the promise projects. Overall the program is tracking with the overages in the urban forestry staff facilities they are being addressed. If there are any remainder funds, we will work with the parks Commissioner Rubio and director long and the bond oversight committee to ensure these funds are appropriately allocated to keep with the program fiscal policy and rules of the program. From the beginning, we have a long list of projects that were only funded for a fraction of those in the list will be used to select any final projects were funds available. In addition to tracking products spending we also have administrative expenses. We have good news. The cumulative standing continues to remain low with four and a half percent of overall spending, well below the target of 10 percent. So not only be working hard to improve parks infrastructure but bond funding is in the greater Portland community to ensure disadvantage minority owned small businesses and service disabled businesses have opportunities to design and construct projects. You have heard of these is covid certified firms. Since July 2015 bond projects have awarded 39 percent of combined value of professional services and construction work to state certified firms seeking the goal of 20 percent utilization. Further breakdown of bond spending for the combined value of construction work show 17.7 percent of the value was awarded to minority owned businesses, 16.12 women. Taken separately 31 percent of all professional design service work

has been awarded to covid firms and 41 percent of the construction contracts with the breakdown that you see on your screen. I do want to mention looking at the data is segregated we do still have work to do as Commissioner Rubio mentioned and we want to continue to improve on the minority contract participation rates. The bond work is coming to a close we do plan to actively participate the national association of the Filipino American chamber of commerce and other associations to continue to foster relationships to share upcoming contracting opportunities in the path forward.

**Hardesty:** Excuse me. Is trying to get you to take a breath I can ask a question. This doesn't tell me anything about who is benefiting from the park contracts. When you say minority, i.e. Need much more aggregated data. This does not tell me whether or not we changed anything about who we contract with or how we contract with - - as the city of Portland. Because we had really big numbers but when we disaggregated it, we found people of color were not getting that kind of contracts we thought they were getting. So again, the state certification is not a helpful to our has not been so I am not quite sure what you are measuring because that is the poorer to all for us who used to determine to engage minority contracts. Do you have any other data over who is benefiting from these contracts?

**Laughlin:** I do have some extra data. We took a look at the numbers. We were able to get onto the state data list and pull the data from their website to identify the composition of minority participations or the 17.7 percent of the bond contract dollars were awarded to minority businesses. 70.6 percent of that 17 percent went to black-owned firms, 14.4 went to Hispanic on firms, 4.62 Asian-pacific and just under 1 percent went to native American firms. There were 9.5 percent that did not identify. That was information we could pull from the state's website. Is that helpful?

**Hardesty:** That is a little helpful. That I asked with the other contracts that come in front of us I'm always curious why is that the only measure of the state certification? We know we have minority contractors of all ethnicities who are not in the state system. If it only has 20 percent of the eligible contractors in it. So I am always curious as to why that is the measure what the state says compared to what we know to be true in the city of Portland.

**Laughlin:** That is an interesting question. I'm sorry I don't have that answer but we can work with procurement and our internal liaisons to get more into who we are talking to. We do

want to continue to do more outreach to the people in the associations that do run the risk is everything reaching all the contractors to find that next path forward for sure.

**Hardesty:** I thank you will find a welcoming audience with the new procurement director.

But when you just give me the state numbers that just tells me 80 percent of the people that have potentially participated. But what you are identifying. Thank you.

**Laughlin:** Any other questions? Moving to the next slide. I do want to move on to the topic of accountability. As required of the bond measure to meet this obligation Harvey and rose and associates was hired to look at the bond program. The network was completed January 2019 we will have another audit performed at the conclusion of the bond program. The findings of the audit confirm the funds are spent in a manner that procures to language of the measure. It is operating in a fiscally responsible manner and the documentation system is transparent and in place and functioning well. The audit included recommendations to enhance the efficiency and with the recent process with contingency tracking. With the initial binder selection work and public outreach to garner bond support thanks in particular building on the efforts and has engaged in public outreach efforts to each of the bond projects. Working on community engagement to increase diversity needs and desires and engagement over the years and the Vietnamese communities. Project specific outreach has been targeted to low income and disability communities. During year six community engagement efforts focused on project completion and project milestones and in person events. The program has recommended meetings with the oversight committee to ensure we kept to the progress -- promises made and that has transitioned over the last year. The former committee members and we currently have four members of the public audit committee. And then presenting to you the oversight committee has been working on their annual report and they will present that to you as soon as they have completed their work. All of the bond projects and if I can now share a few projects we completed last year we have a playground completed fall 2020 the playground renovation project includes a new accessible pathway and a new irrigation system. So included accessibility with the project you see on your screen at the Portland community center providing better accessibility at the community center we also focused on efforts of Washington park and other projects and other areas of the program with over 400 barriers of access this included playgrounds pathways and pools throughout the city. So the

bond program has made renovations to 22 facilities throughout the facility and this important work included images you see on your screen so we have been able to protect this important asset. Looking forward to get projects that are slated to be completed and as I mentioned before and from the Gabriel park playground. Those are expected to be complete this spring and the urban forestry facilities and construction has begun and is currently on the way. And to continue to be grateful we can make those investments across the city to enjoy even more outdoor space and as we move to the final bond projects to come to completion we will work closely with local construction professionals to deliver on the promises made in 2014 are currently looking forward to the day we come together to celebrate the benefits that has been brought to the community help to meet you in person someday. So with that is my formal presentation and you shall have it in your packets we will be posting the report on the website and later we will be posting short version and I'm happy to take any other questions you have at this time and thank you very much for your time.

**Wheeler:** Any questions colleagues? Commissioner Mapps.

**Mapps:** First of all congratulations on deliberating on these 52 projects great work. I am really glad to see parks make progress on the maintenance backlog. I'm just wondering if staff can give us an update where parks stand for the short to medium-term, so how much of a dent did we make and also how do we pay for maintenance work that we still need over the next ten years?

**Laughlin:** That's a big question right now. We have about 500 million-dollar backlog of maintenance fees in the system so 68 million to 500 it's not even for sure. It's a difficult question to answer because in 2014 many of the needs are still out there in the system. We got to 62 projects. We have hundreds and hundreds more. I don't have the exact numbers for you, but know that there is a big need over the last six years. We picked the 52 sites, many of them have continued to deteriorate. With two.5 million period for maintenance from the general fund and approximately \$1 million assistance.

**Mapps:** You have roughly \$3 million of resources per year and a 500 million-dollar maintenance backlog quick.

**Laughlin:** That's right.

**Mapps:** Is there process to come up with the plan how you close that gap?



**Laughlin:** Absolutely the office is working you may have heard of healthy parks healthy Portland we are looking to work with that Commissioner a year ago looking at how we can balance of we are providing for the community and how we take care of that. We do have some opportunities to hire additional maintenance staff but those numbers are very small.

**Mapps:** Thank you very much.

**Hardesty:** I just want to add that when I first got here we were working on a long-term funding mechanism to be sustainable and we are not there yet we did the levy instead of the long-term planning. It is my hope that we can come back with a full proposal that actually addresses the long-term backlog of maintenance. I do believe under the new bond and maintenance cost is covered? Know it is not. I see Commissioner Rubio was shaking her head no. I will stop.

**Laughlin:** You are right. The levy recently passed only covers operating costs. The 500 million-dollar backlog is related to capital investment making investments two things rather than to take care of them. So it is little bit different.

**Hardesty:** It makes perfect sense to me but I want to make sure it is clear of the totality of the issue to have a 300 million-dollar backlog as a billion-dollar backlog and it is ongoing for what this council needs to address. Thank you. Great presentation and I think voters will be pleased with the outcome of the investment of dollars. Thank you so much.

**Mapps:** I was just going to say with the points of agreement is to recognize the parks has a structural financial problem I look forward to working with those with parks and Commissioner Rubio to find a sustainable solution.

**Wheeler:** That is good advice for all of us. If there's no further questions, do we accept the report?

**Hardesty:** I move.

**Ryan:** I second.

**Wheeler:** Thank you both for that.

**Rubio:** I'd like to thank Robin and all the great staff for their diligent work on the bond projects and delivering on the bond promises. Also thank you to my colleagues for the thoughtful questions and the concerns for long-term sustainability. So definitely we will bring you win-win there is more to share. This was a very helpful presentation. It highlights the

work with the areas of continued work to finish strong as well as the system's ongoing maintenance need Portland Park recreation estimates. We have over 500 million of deferred maintenance over the next ten years that needs to be addressed. This is front and center as we think about a sustainable future of city parks. I look forward to continuing working with my colleagues and council to address these needs of the bond project I vote aye.

**Clerk:** Ryan

**Ryan:** Thank you for your governance and thank you for presenting this. Looking at the map locations the neighborhood access and geographic balances that was well played and I want to acknowledge that so truly these results are something we can take a pause to celebrate also looking there is clearly a lot of needs and I also want to acknowledge a key partner from the severe storm we just experienced you are open and accommodating and I just want to acknowledge that goes unsaid too often so thank you for being such a great partner.

**Clerk:** Hardesty

**Hardesty:** Thank you Commissioner Rubio and also robin for your thorough presentation. I vote aye.

**Clerk:** Mapps

**Mapps:** Congratulate you Commissioner Rubio and parks for delivering on the 62 maintenance projects I support and pledge my cooperation and participation in the efforts to find a sustainable solution to the long-term funding challenges they face at the park's bureau. For these reasons and more I vote aye.

**Wheeler:** I appreciate the report is always and the parks period is facing significant challenges over a sustainable funding as well as deferred capital maintenance backlog I'm confident that Commissioner in charge and the Commissioner has this well in hand and will put the issues front and center but also as actionable items to be thoroughly considered within the parks bureau that's the kind of leadership I love to see. So once again, I am very happy to support this report I look forward until we hear another excellent report next year. I vote aye and the report is accepted. Thank you. Now going back to consent agenda item number six.

**Clerk:** Pay settlement bodily injury lawsuit for the sum of \$19500 involving the Portland police period.

**Wheeler:** Colleagues commission all on -- Commissioner t1 and a has been battling back and forth with ideas and we are sharing that with at least one of you during the regular check-in. It is highly likely the police items will be pulled. So rather than belabor it and struggle how to get people here to talk about the issues, the Commissioner and I are thinking of a threshold whereby the items are any settlement would automatically be pulled from the consent agenda. Think on that, we will reach out to and in your future but this particular ordinance, colleagues is bodily injury claim filed against the city of Portland back in February 2021. The senior claims analyst is here to present. Welcome Ryan and Karen.

**Ryan Bailey:** Good morning, everyone. This case stems from June 4, 2020, protest that occurred in the county justice center between 2: 00 a.m. And 4: 00 a.m. Approximately. Mr. Baxter was parked on second street in his vehicle parked in the wrong direction officers dispersing the crowd determined the vehicle was a potential threat to the crowd and officers and subsequently the pepper sprayed him to prevent him from entering the vehicle officers detained him at the scene although he was subsequently released without citation. He alleges officers used excessive force during the interaction and filed this lawsuit in federal court however given the expected cost of litigation the risk which would include payment of attorney's fees and settlement negotiations have reached a negotiated settlement October 2021. Mr. Baxter has agreed \$19500 and the city attorney office and risk management together recommend the city council approved the settlement.

**Wheeler:** Very good. Thank you. At this point I will call for public testimony. Three minutes for the record.

**Clerk:** Dan Handelman

**Dan Handelman:** Thank you Mayor and city council. I am with the Portland cop watch I'm glad to hear you're having a discussion about pulling items off the regular agenda from the consent agenda about police violence. Often time there are car crashes that are of interest sometimes it might be caused by description on -- distracted driving but with a cases of misconduct we're really interested having public agenda as I that's criteria to look at. Regardless of the amount the cases over \$5000 if there is misconduct involved that should be discussed publicly. The issue is that the last time we were talking about one of these lawsuits at there are no consequences for the officers involved. Most of the time in these instances.

But this provides you an opportunity to discuss the issue that is underlying. And writing more in a newspaper article them at the employee just described but they said the police rammed his car and the car hit him in his back. The police through him to the ground and further aggregated on -- aggravated the injury and according to what I read following this incident police continue to harass him into the future for later encounters and this is something that we hear from family and survivors of shootings and other people who have done their time in jail or prison and the police just keep going after them because they have a vendetta. We are realizing now that they do target people because they don't like what they did to them. It's worth having these discussions about what is going on beyond the injuries suffered by this one person. I'm hoping you'll think about using these opportunities to correct police behavior so that they don't happened again. That's really what the issue is. It is sad that these discussions of settlements are not about to pay out the money, but that discussion whether to build new reservoir. So I encourage you to put these on the regular agenda to have these discussions and stop handing out what is been more than half a million dollars for the police. Thank you very much for your time.

**Wheeler:** Anybody else?

**Clerk:** We have one other person, Derry Jackson.

**Wheeler:** Good morning.

**Derry Jackson:** Good morning. My name is Derry Jackson you might know me. Longtime member of north Portland and on the school board once upon a time. I have been living in Texas the last seven or eight years helping my mom who recently passed. Not from covid but I have been back in town the last year and a half on and off but I've been here permanently since a late summer. My concerns are great. We're talking about this gentleman who is paid right now. And the logic behind paying off is not lost on me. One of the reasons I am back is because I believe in Portland bringing that community-based outreach here recently. There day after opening my business, someone smashed and walked off with \$16000 worth of equipment, my personal equipment. Since then, I have had nothing but police reports to issue. You have at least two of them right now my vehicle and ransacked my truck. I see the tense in the trash everywhere. I see the despotism. I appreciate all you do for parks. I took my son to the park having raised then home in north Portland \$60000 now is 750,000. The same

house there are no kids in fair park. It is a beautiful park some of the things that I help to design as the little league president they are there but the kids are not there the city is changing ladies and gentlemen. We need help. We need your leadership to step up. I plan to be here to help make a difference one of the things I'm coming after is the 2000 kids that are about to hit our streets right now identified in the school district as behind graduation rates. It's about to get crazy. I promise you. But there is hope. The help is for us to work together and work with the right parties. I appreciate you bringing up the point of minority voters the quickest way to understand that with 14 seconds is to simply pull out the female. I have my mom and five sisters. Take the women out of the minority numbers and you will see what you are looking for. Pull the w out and you will see the numbers. Thank you for your service and you will hear more from me on this. God bless you.

**Wheeler:** Thank you, Mr. Jackson. Any further discussion on this item? Please call the roll. [roll call]

**Wheeler:** Thank you to reach the solution. There is a lot of money.

**Clerk:** Adopt authorizing the director to execute the Portland clean energy community response fund with partner grants for total allocation not to receive \$10,020,289.

**Wheeler:** Who pulled this item?

**Clerk:** A member of the community Linda Woodley.

**Wheeler:** I think we have the program manager to address this at the high level. Let's have the individual testify and then we will focus what we need to talk about. You have three minutes.

**Linda Woodley:** My point here is for two points. Specifically to clear my name but I want to start because Commissioner Rubio has stated the city is supportive of restorative justice but what has happened to me is more character assassination I have already provided the council with a copy of my rebuttal I do hope you have it because it explains it more since I have such a short amount of time so hopefully you have seen my rebuttal and one of the other points I want to bring up and then to document my financial crimes and I still assert this is not correct and to give you some background in my rebuttal, I did go to prison 25 years ago but I do not have a history of criminal activity. I do not have a history of tax liens. I want to focus more on the references that is the allegation that my references were incorrect for the proposal for

that interviewed me that presented we were able to present a proposal for the equipment because we were already working on a similar proposal thinking we could apply for round two we currently have a grant doing indoor air quality work and that is how I was able to approach pcf when I found out they would do that he has her program. Something I also want to clarify is that we do not ask for personal references with that experience on similar projects also reviewing those proposals and that you provide references with contact information so they can be verified. Pcf only asked for references only after the article came out then they gave me a day and a half to respond one of the projects took place over ten years ago and the other one that they questioned took place six years ago. It was impossible for me to put together the pieces so I provided documentation and information to verify the projects I gave them copy of the contract for pacific gas and electric in the program that happened energy upgrade California. And I provided them an e-mail from one of my former direct reports where she confirmed I was on the project. So in my proposal it was listed so two of the projects was comfortable with the references because they never questioned them again. But on December 14 at 10:00 p.m. I was sent a letter with the alleged crimes of tax liens and the requested information and they told me to respond by Thursday at five, and I get this letter 10:00 o'clock on Tuesday and they want me to respond by 5:00 o'clock on Thursday. So of the information they were requesting.

**Hardesty:** Excuse me for interrupting. We are one minute and 30 seconds over time.

**Wheeler:** I would ask you to wrap it up.

**Woodley:** So what I want to say is I have provided documentation. So I have the references and I did not lie in response that the references that they asked for are not even the references that I supplied asked references people I have never even heard of and that they misread the information so what I am saying you wish I had a little more time to go into this because I really feel there's been a misinterpretation but if that's all the time I have it is have I'll have to wrap it up.

**Wheeler:** Thank you. I appreciate it. Any further public testimony?

**Clerk:** No.

**Wheeler:** Any further discussion on this item? Does anybody want to hear from Sam?

**Mapps:** Sam if you have anything, you can go first.

**Sam Baraso:** I do.

**Wheeler:** Please introduce yourself for the record. We know who you are but not everybody else.

**Baraso:** Thank you Mayor and Commissioners I am Sam Baraso the program manager this has been tough I just want to acknowledge one staff became aware of the findings we did began documenting we conducted reference checks on references Linda would be the executive director and a majority those were provided relevant to those reference checks they were unable to conclusively verify the work experience as stated in those were the substantive basis I want to be clear she's done great work in the community and total they are remained that consistency but this particular grant award for the equipment purchasing power role given the critical time limit and those granting future tragedies so we will share just a couple of more lines we did conduct reference checks with a proposal and with their references and that the technical skills and community education and financial oversight but then to implement con plaques technical support. And then the committee met this past Monday for the equipment purchasing partner this has been challenging thank you for sticking with us.

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

**Baraso:** Thank you for that overview also thank you to Commissioner Rubio and as I recall as we pass the original ordinance we included an informal agreement at planning and sustainability would have quarterly updates on the implementation of this project. Is that correct?

**Baraso:** Yes.

**Mapps:** I do have a request with this new ordinance and then to have an orderly report to council how things are going. Does that sound good to everybody?

**Baraso:** Yes. We can do that.

**Mapps:** We appreciate you.

**Wheeler:** Thank you colleagues any further comments or questions? Please call the roll. [roll call]

**Clerk:** Rubio.

**Rubio:** Thank you for the thoughtful time and attention to this matter over the past few weeks. Also want to acknowledge the testimony of Ms. Woodley and her written response.

The work is at the very core of as a value community, economic opportunity by and for communities we have been entrusted with this opportunity and this also requires to hold fidelity and accountability to the community and the matter before us and also means making the necessary midcourse changes for the fullest extent possible and saving lives is on the successful execution on the grant and that is the bottom line for me for the lives of black and indigenous people of color. And as a response of these two are these valuable resources and we need to preserve public trust so that we can return funding action to save more lives until the more resilient city my future generations of Portlanders to come. And that is to play a critical role for future extreme heat tragedies. And with professional due diligence finally I will ask my colleagues on the council to support this ordinance so we can get people into homes for the summer and to continue the work and partnership with pcf with their work going forward. Climate changes here we need to move with urgency and always. Eyes out aye.

**Clerk:** Ryan.

**Ryan:** Thank you Commissioner Rubio for your leadership to bring this ordinance across the finish line. Also thank you Linda for being here today in your written testimony as well. I appreciated hearing from Commissioner Rubio as an Oregonian and from your staff and from Sam and your perspective I am confident you all made the right decision and that we will learn from this and the criteria is one to constantly improve and with the financial infrastructure and I have like experience how complicated that is. And to move forward and I vote aye.

**Clerk:** Hardesty

**Hardesty:** I want to thank Commissioner Rubio for her strong leadership and also Sam Baraso for his dedication and also thank you to the oversight commission and the board members because this is not something they anticipated when they took on the voluntary role it came up because people died last summer because of the extreme heat. So I want to say publicly to the board, there is no shame the good news it was copy for any public dollars went out the door the good news the strong leadership gave us the alternative approach to take. The good news is when we learn better we do better so my hats off to the board for the very swift action and response to it could have been a devastating report I know how hard all of those volunteers work to come up with a plan to make sure people did not die this summer. My



hats off to you Commissioner Rubio and director Durbin we expected you to do it leaders to do you took swift action and the analysis and decided the alternative plan. I cannot be more proud to be here in service. I vote aye.

**Clerk:** Mapps

**Mapps:** Thank you to Commissioner Rubio and Sam for their leadership on this important project. I look forward to the quarterly reports of the implementation and for these reasons I vote aye.

**Clerk:** Wheeler

**Wheeler:** This incident identifies some areas where we need to improve. I think we can all agree on that. At the core of this is the question of who is accountable and what are the accountability mechanisms? Who is responsible for vetting these proposals and who was responsible for ensuring we are asking the correct information and the right questions on applications and whose responsibility is it to follow up to make sure those accountability oversight is provided? I agree with the sentiment of my colleagues we need to learn from mistakes that are made this is potentially large one that has been averted but also we have to be honest it was not averted because we caught it or because of accountability mechanisms or anything happened to the bureau catching it but because somebody went to the press and they did their own independent investigation. If that had not happened we would still be blissfully ignorant about this issue even existing. So I want to join my colleagues in joining Commissioner Rubio and director Durbin for not being defensive about this or saying there are issues but instead running toward the fire to say we see an issue we need to address the issue we need to plug the accountability gaps and we need to learn from this and for me that is example of other my end and strong leadership. Thank you all for that. I look forward to working with you. This is not just related to the Portland clean energy fund. It is a question that was large for all the grants that city of Portland makes. I have spoken to Commissioner Rubio that they understand the significance of the work and the importance of the work and the urgency of the work ahead. I want to add one more editorial comment if I may. We are under tremendous pressure right now. It is a two full pressure and that is to be speedy to get resources out to the community. There's not a day that goes by that we are not criticized in some capacity in one of our programs about the speed with which we get dollars out to the

community. Competing against that desire to act quickly with urgency is the necessity of being thorough and to take the time to be sure you are using the taxpayer monies wisely and the program is likely to be successful. That takes time we will always be can't and urgency versus effectiveness and accountability and that is just the way it is. Commissioner Rubio in her comments demonstrated to me that she understands both of those imperatives extremely well. I am grateful for this moment of clarity as part of the city council and the desire for all of us going forward. I look forward to the regular quarterly reports to look at our progress. Thank you to Commissioner Rubio personally, I want to extend gratitude to you for the way you handled this. I think you've done exceptionally well. I vote aye. It is approved. We are adjourned.

**Clerk:** That is correct.

**Wheeler:** Thank you.

**At 10:48 a.m., Council adjourned.**