



November 8, 2023 Council Agenda

5738

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

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Wednesday, November 8, 2023 9:30 am

Session Status: Recessed

Council in Attendance: Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Commissioner Ryan presided.

Commissioner Rubio arrived at 9:32 a.m. and left at 9:45 a.m.

Officers in attendance: Linly Rees, Chief Deputy City Attorney; Keelan McClymont, Council Clerk

The Consent Agenda was adopted on a Y-4 roll call.

Council recessed at 10:09 a.m. and reconvened at 10:11 a.m.

Council recessed at 10:14 a.m.

Communications

927

[Request of David Stein to address Council regarding funding alignment for Portland Bureau of Transportation](#) (Communication)

Document number: 927-2023

Disposition: Placed on File

928

[Request of Don Baack to address Council regarding SW Capitol Highway Rose Lane Project](#) (Communication)

Document number: 928-2023

Disposition: Placed on File

929

[Request of Chris Braidwood-Reid to address Council regarding SW Capitol Highway Rose Lane Project](#)
(Communication)

Document number: 929-2023

Disposition: Placed on File

930

[Request of Michael Harrison to address Council regarding bicycle infrastructure](#) (Communication)

Document number: 930-2023

Disposition: Placed on File

931

[Request of Portland Advocates for Leadfree Drinking Water to address Council regarding Portland Water Bureau lead crisis](#) (Communication)

Document number: 931-2023

Disposition: Placed on File

Consent Agenda

932

[*Pay settlement of Margaret Kahn bodily injury claim for \\$11,550 involving the Portland Bureau of Transportation](#) (Emergency Ordinance)

Document number: 191506

Introduced by: Mayor Ted Wheeler

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

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea

933

[Accept grant from the U.S. Office of Justice Programs, Bureau of Justice Assistance FY 2023 National Sexual Assault Kit Initiative Competitive Grant Program for \\$2,500,000 and appropriate \\$724,955 for FY 2023-24](#)
(Ordinance)

Document number: 191507

Introduced by: Mayor Ted Wheeler

Bureau: Police

Second reading agenda item 915.

Disposition: Passed

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

934

[Accept grant from the U.S. Office of Justice Programs, Bureau of Justice Assistance FY 2023 Smart Policing Initiative Grant Program for \\$800,000 and appropriate \\$312,946 for FY 2023-24](#) (Ordinance)

Document number: 191508

Introduced by: Mayor Ted Wheeler

Bureau: Police

Second reading agenda item 916.

Disposition: Passed

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

935

[*Authorize purchase of real property located at 5635 NE 105th Ave for up to \\$899,000 to replace the NE Marx/105th Pump Station](#) (Emergency Ordinance)

Document number: 191509

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Disposition: Passed

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

936

[Amend contract with Wolf Water Resources, Inc. for professional engineering services for the Johnson Creek Oxbow Enhancement Project E08406 not to exceed \\$662,023 \(amend Contract 30007086\)](#) (Ordinance)

Document number: 191510

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Second reading agenda item 917.

Disposition: Passed

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

937

[*Accept and appropriate grant for \\$73,941 from State of Oregon and authorize Intergovernmental Agreement for Southeast Portland Crosswalk Enhancements in FY 2023-24](#) (Emergency Ordinance)

Document number: 191511

Introduced by: Commissioner Mingus Mapps

Bureau: Transportation

Disposition: Passed

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

938

[*Authorize contract with the lowest responsible bidder for the NE 42nd Ave Bridge Replacement: Bike Improvements at NE Lombard project](#) (Emergency Ordinance)

Document number: 191512

Introduced by: Commissioner Mingus Mapps

Bureau: Transportation

Disposition: Passed

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

939

[*Approve small grants renewal funding recommendations made by Portland Children's Levy Allocation Committee for January 1, 2024 - June 30, 2026](#) (Emergency Ordinance)

Document number: 191513

Introduced by: Commissioner Dan Ryan

Bureau: Children's Levy

Disposition: Passed

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

Regular Agenda

940

[Proclaim November 11, 2023 to be Veterans Day](#) (Proclamation)

Document number: 940-2023

Introduced by: Mayor Ted Wheeler

Time requested: 20 minutes

Disposition: Placed on File

941

[Declare as surplus City-owned property at 3737 N Emerson St and adjacent recreational lot and authorize a public sale of the property](#) (Ordinance)

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Disposition: Referred to Commissioner of Public Safety

942

[Replace Sewer User Charges Code to streamline and align with rate study recommendations \(replace Code Chapter 17.36\)](#) (Ordinance)

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Disposition: Referred to Commissioner of Public Safety

943

[Approve findings to authorize an exemption to the competitive bidding requirements and authorize use of the alternative contracting method of Construction Manager/General Contractor for the Columbia Boulevard Wastewater Treatment Plant Wet Weather Clarifier and Hypochlorite System Modifications Project for an estimated amount of \\$63 million](#) (Ordinance)

Document number: 191514

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Second reading agenda item 922.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea

944

[Authorize competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Sheridan Trunk Work Zone 3 Project E11008 for an estimated cost of \\$1,652,000](#) (Ordinance)

Document number: 191515

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Second reading agenda item 923.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea

945

[Authorize competitive solicitation and price agreements for on-call green stormwater infrastructure maintenance and irrigation services for \\$12 million over five years](#) (Ordinance)

Document number: 191516

Introduced by: Commissioner Mingus Mapps

Bureau: Environmental Services

Second reading agenda item 924.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea

946

[Authorize solicitation and execute multiple contracts required to implement advanced metering infrastructure and a new customer engagement portal for City utility accounts for amount not to exceed \\$76 million](#)

(Ordinance)

Document number: 191517

Introduced by: Commissioner Mingus Mapps

Bureau: Water

Second reading agenda item 911.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea

947

[Authorize contract with HDR Engineering, Inc. for consulting services to support participation in a Federal Energy Regulatory Commission relicensing process for the Portland Hydroelectric Project in the amount of \\$2,833,575](#)

(Ordinance)

Document number: 191518

Introduced by: Commissioner Mingus Mapps

Bureau: Water

Second reading agenda item 925.

Disposition: Passed

Votes: Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea

Wednesday, November 8, 2023 2:00 pm

Session Status: Adjourned

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

Commissioner Rubio presided.

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

Council adjourned at 2:46 p.m.

Time Certain

948

[*Approve amendments to Settlement Agreement between the United States and the City in the United States District Court Case and authorize an alternative selection process for an Independent Monitor](#) (Emergency Ordinance)

Document number: 191519

Introduced by: Mayor Ted Wheeler

Bureau: City Attorney

Time certain: 2:00 pm

Time requested: 1 hour

Disposition: Passed

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

Thursday, November 9, 2023 2:00 pm

Session Status: No session scheduled

**Portland City Council Meeting Speaker List
November 8, 2023 - 9:30 a.m.**

Name	Agenda Item
Commissioner Dan Ryan	
Keelan McClymont	
Commissioner Rene Gonzalez	
Commissioner Mingus Mapps	
Mayor Ted Wheeler	
Linly Rees	
David Stein	927
Chris Braidwood-Reid	929
Don Baack	928
Michael Harrison	930
Jeff Selby	940
Sean Bjornstrom	940
Jake Dornsblaser	940

**Portland City Council Meeting Speaker List
November 8, 2023 - 2:00 p.m.**

Name	Agenda Item
Commissioner Carmen Rubio	
Keelan McClymont	
Commissioner Rene Gonzalez	
Commissioner Mingus Mapps	
Commissioner Dan Ryan	
Mayor Ted Wheeler	
Beth Woodard	
Heidi Brown	948
Liani Reyna	948
Dr. LeRoy Haynes, Jr.	948
Dan Handelman	948
Marc Poris	948
Ann Brayfield	948

Portland City Council Meeting Closed Caption File

November 8, 2023 – 9:30 a.m.

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

Speaker: Good morning. It is Wednesday, November eighth. It's the morning city Portland City Council meeting. Keelan. Please call the roll.

Speaker: Good morning. Mapps here, Rubio, Ryan. Here. Gonzales here. Wheeler. Here.

Speaker: Okay. Welcome. And will you please read the decorum?

Speaker: I will say good morning and welcome to Portland City Council to testify before council in person or virtually. You must sign up in advance on the council agenda at w-w-w dot Portland dot gov slash council slash agenda. Information on engaging with City Council can be found on the council clerk's web page. Presiding officer preserves order and decorum during City Council meetings. The presiding officer determines the length of testimony individuals generally have three minutes to testify unless otherwise stated. A timer will indicate when your time is done. Disruptive conduct such as shouting, refusing to conclude your testimony when your time is up or interrupting others testimony or council deliberations will not be allowed. If you cause a disruption. A warning will be given further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally, counsel may take a short recess and reconvene virtually your testimony today should address the matter being considered when testifying. State your name for the record. Your address is not

necessary. Disclose if you are a lobbyist and if you are representing an organization, please identify it for testifiers. Joining virtually. Please unmute yourself once the council clerk calls your name. Thank you.

Speaker: Thank you. Linly okay, let's go to communication Keelan. Please call the first item. Item 927 request of david stein to address council regarding funding alignment for Portland bureau of transportation. I think they they withdraw.

Speaker: I'm here. Sorry. It took a minute. They promoted me to panelist. Oh, great.

Speaker: Welcome, david. You have three minutes and state your name and we'll get started.

Speaker: Great. Thank you. Good morning, mayor and commissioners. My name is david stein. I'm a Portland resident, and these comments are on my behalf only the Portland bureau of transportation is facing a budget deficit that, if unaddressed, will strike at the core of what they can accomplish. We need you to act to not only address the deficit this year, but for the years to come. This means approving revenue streams that are decoupled from motor vehicle usage and its many consequences. Most people do not understand how transportation is and is not funded. There are ways to do this that are simple, equitable and transparent. Implementing a fee similar to other communities in the region and country that is part of the current water and sewer bill is one such option. Allocating the 28% of utility license fees that was agreed upon over three decades ago and not once fulfilled is an option that taxpayers wouldn't even notice since it's already in place and would bridge most of the current funding gaps. We should still be charging more for behaviors. We want to discourage, as we do for smoking taxes on gasoline, fees for parking surcharges, for excess weight, or even permits for studded tires should have a place and not be dependent upon as a foundation for

essential services. Stopping here would ignore the ugly realities of transportation on people have come to expect that they can drive anywhere and everywhere. This has cost us in dollars and lives. This is now the third consecutive year that we have eclipsed 60 deaths, nearly double the 34 people who were killed when Portland adopted vision 0 in 2015. Yet there has been no urgency to change the underlying rules around how people drive. It is a rare moment when a driver faces significant legal consequences for killing someone with a motor vehicle. Despite speed and impairment being the leading causes of deadly crashes. Both of these factors are active decisions and completely preventable. Right on red is a relic of the 1970s oil crisis, where idling cars was seen as as wasteful due to inefficient engines at the time. Times have changed and we should remove this exception at traffic signals. This sends a message that traveling safely is more important than raw speed. Over the years, City Council has adopted all manner of plans and policies to support walking, biking and transit. Still, projects past, present and future are routinely watered down for active transportation at all stages for lack of vocal political support, building bike infrastructure or rose lands which improve safety for people walking, biking, taking transit and yes, even drivers should bring relief instead of anxiety. So many residents and business owners are used to and oftentimes expect free street parking or extra travel to make driving easier at the expense of safety and efficiency. This is something you will likely hear more of in testimony to follow about the wonderful roseland on southwest capitol highway. The benefit people who use transit and bike like myself with drivers only seeing congestion impacts during peak hours. For far too long, leaders have been unaware or unwilling to speak to the benefits of a built environment that is good for people who aren't just driving through an area. Acts of commission have been happening in plain sight and need direct action. The acts of omission where a status quo that harms us all

and has been allowed to persist must change. Please fund pbot and support projects that make it safer to get to your destination, regardless of how you travel. Thank you so much for your time.

Speaker: Thank you, david. Anyone okay Keelan. Next item.

Speaker: Item 928. An item 929. They would like to come up together, so i'll read both of them. Request of don bok to address council regarding southwest capital highway rose lane project and 929 request of chris braidwood reid to address council regarding southwest capital highway rose lane project.

Speaker: Welcome. So why don't we just do the clock at six minutes? Is that fair?

Speaker: Thank you. All right. Michael schwartz, is this on? It is. Thank you. Hi, commissioners. Pleasure to be here. And I'm going to speak today about the capital highway. Rose lane, pbot set to increase, sought to increase ridership on trimet busses through hillsdale. They use the same dedicated lane approach they use elsewhere in the city. They anticipated traffic, anticipated traffic caused delay would happen in three years. In other words, there's no delay at the present time and there wasn't at the time they did the project. They did not determine the baseline metrics nor estimate the increased ridership their project would produce as they set at \$200,000 budget. To date, they spent 655,000 and still spending. That's 325% of budget pbem acknowledged in 2022 the current traffic was not causing traffic delay. The community asked the council multiple times to delay the project for three years or until the problem really needs to be resolved. Pbot decided to limit the elimination of one lane on capital. Highway is the only solution, and it had to be done in the fall of 22. They did not assess how car dependent southwest project Portland is and will continue to be, and i'll talk about that in a minute. They ignored the fact that southwest did not have a street network like the rest of the city to take the diverted traffic and they ignored the fact that many southwest residents are car

dependent since they do not have ready access to transit. Pbot predicted that rose lane would cause only minor traffic issues. Day one of the project the time to get from barber to sunset went from 2 minutes to 10 minutes and longer traffic signal. Engineers were called in to change the signal timing to improve the situation. They have improved it significantly. Thank you. Although we still see traffic back up on barber and we have a serious traffic concern which miss reed will explain the pedestrian crossing at sunset and terwilliger are dangerous the way they're managed now with single with the signal changes, we now have traffic flowing much better than it was in the beginning of the project. It southwest Portland transit has undergone important changes since the pandemic. Southwest Portland has many workers who can easily work from home. Trimet data shows that southwest has done a much slower bus ridership recovery than the rest of their system due to the lack of ridership. Trimet shut down all the express busses to ohsu and the va. Trimet in 2023 has reduced the scope of their southwest bus service, resulting in 7% fewer southwest homes being within a quarter mile of the bus stop. This is a picture, poor picture because I don't have a color printer, but this shows you the areas of southwest that no longer have bus service within a quarter mile due to the changes they made this last year. And there's far more of southwest that is not have bus service and therefore we're car dependent. That's unlike the rest of the city. I've yet to receive trimet data showing how many homes in southwest have access within a quarter mile or home. I suspect it's a very large number in conclusion, much of southwest Portland is largely car dependent. The capital highway rose lane project is needlessly decreasing. The livability of many southwest residents, and we still do not have data on the bus ridership. Important question with the improvement of the signal management, do we need the rose lane at all? I hope you get good answers to that question. Thank you. Go ahead.

Speaker: Good morning. My name is Chris Reed. I'm a commercial property in Hillsboro commercial property owner in Hillsdale. I come today on behalf of Hillsdale business owners and residents to give you an update on the effect of the Capital Highway. Rose Lane in Hillsdale Shopping Center. We appreciate Pbot efforts to mitigate the problems accessing the shopping center and the traffic backups. Pbot signal management updates have improved the traffic flow somewhat. However, we still are observing evening backups to Barbara Boulevard and we have new pedestrian safety concerns. Recent signal changes at Capital, Highway and Sunset have created a very dangerous situation in Richard Stein of Hillsdale Food Park has observed. Ida B Wells students now having to wait through two cycles of east westbound vehicle lights for the north south walk light to display the additional walk light delay causes the students to worry about missing their bus after school, resulting in many students running across Capital Highway against the do not walk signal. An extremely dangerous situation in the Roseland project continues to cause traffic issues entering Hillsdale westbound. The signal change updates have not resolved the westbound peak hour traffic from its backup starting at Barbara Boulevard eastbound in May. I reported in this venue a delay entering Hillsdale at Capital Highway at 4:30 p.m, taking seven minutes a drive that should take one recently the same drive at 8:35 a.m. Took nine minutes east bound Capital Highway. TriMet buses are also caught in this traffic, causing a delay getting into their dedicated lane by more time than the lane is supposed to be saving defeat. The purpose of the lane Pbot. We added minor striping and pavement markings to guide drivers into the south side driveways. However drivers are still unsure where they can go with the confusing pavement markings. The new paint does not eliminate the difficult situation cars experience as they exit the south parking lot and try to merge into the east lane or attempt to go to the westbound lane.

Contrary to pbot recent report, business owners share that road rage and the use of the rose lane as a speedway still exists. Pbot has spent up to 552 date \$656,000 of a \$200,000 project that was never needed. The negative impacts on pedestrians and businesses outweigh any positives pbot may claim. We ask you to stop the wasteful investment in a project that is not needed and continues to have dangerous impacts on pedestrians as neighborhood livability and our business. Hillsdale businesses. We respectfully ask you to please remove the capital highway. Rose lane thank you commissioner Mapps.

Speaker: Thank you, presiding officer don. Chris, thank you so much for coming in today. I appreciate the feedback on how the transportation infrastructure in this neighborhood is working. As you know, for the past year since I've had this portfolio, I've been trying to work with this neighborhood to try to fine tune the rose lanes and the turn lanes and everything that we have out there. And I am glad to report, as I think you folks have seen too, we have seen some progress. It seems like more cars are going into the shopping center. We also are seeing shorter travel times going westbound. Actually, I have you raised a question around trimet transportation usage. I'm told it is up 19% when you compare spring to 2022 to spring 2023. We're still deeply engaged in this monitoring it. One of the things I would ask you to do if you have time this morning, is to connect with my staff who are back in the room. We have cynthia and andrew, cynthia's relative new to my staff. She's helping manage the my transportation portfolio. I'd love for her to hear directly from you, what your experience is are. And frankly, I think she has some information that you're looking for. One of the things I will commit to you today is that I will continue to work with you to kind of make this space and make this transportation system work better. And I appreciate you coming in. Thank you. Thank you. Thank you. Thank you both.

Speaker: Thank you both for coming. Okay item 930 request of michael harrison to address council regarding bicycle infrastructure. Welcome, michael. Come prepared handouts. Okay.

Speaker: Good morning, commissioners. My name for the record. My name is michael harrison. I'm speaking on behalf of Portland's bicycling demographic like the e-bike industry is growing. It's projected to reach 118 billion by 2030, according to allied market research. We're only going to see more e-bikes and bicycles on our streets here in Portland, although I appreciate the minimal bicycle pathways we have, we really need to look into elevated bicycle infrastructure for elevated meaning physical placed above the ground or conventional car traffic grid. I have an unofficial signed petition with 500 signatures I've collected that I'm delivering in support of a bicycle skyway system. These signatures were collected at the PSU farmers market last summer. Generally speaking, the public seems to like the idea of a raised bicycle platform. From what I can tell at my petition signing events, similar infrastructure already exists elsewhere around the world. We should not get too comfortable with our conventional transportation system. There are far too many problems associated with gasoline as Americans, we waste about \$5,000 per year on gas and we don't need any exploding oil rigs for e-bikes or bicycle bicycle infrastructure. There are a few locations in the Portland metropolitan area that can use this kind of infrastructure, which in this case extends for several miles. It can have off ramps leading to schools, universities, shopping centers and corporate work locations, as well as to multiple public parks and residential areas. It can increase commercial, commercial, retail traffic if the off ramps are nearby. I there's a lot we can do to research this kind of infrastructure for I would like to see the city request a preliminary study in conjunction with an engineering firm or discuss this with odot car sales are decreasing overall. Meanwhile, e-bike sales are increasing

with costs rising, for example, car payments, gas insurance and repairs, e-bikes and bicycles are much more affordable for the average consumer and a bicycle skyway system helps promote that with elevated bicycle infrastructure. There's no more wasting money on gas or car insurance. It equates out to more cash in the pockets of the average consumer. If you have any questions, there's more. There's a lot more information in these signed petitions and packets. I'm delivering. Thank you for your time.

Speaker: Thank you so much, michael. Okay. Item 931. Request of Portland advocates for lead free drinking water to address council regarding Portland water bureau lead crisis.

Speaker: They were going to join online nine. I don't think they've arrived and. I know sam. Yeah I don't think they're here okay they come the next few minutes let us know after consent.

Speaker: Let's go to 932. Oh I'm sorry. What does it say? Nine three, two. Let's go to consent.

Speaker: Okay. Yeah. No items were pulled from consent maps. I yea. Rubio.

Speaker: Did we lose yea. Rubio?

Speaker: I don't think she's on right now.

Speaker: Oh, looks like. Okay Ryan, i. Gonzalez Wheeler. All right. Okay.

Speaker: Consent passes. Next item.

Speaker: Okay.

Speaker: Is it 932? Is that part of consent? Yeah.

Speaker: First item on regular item 940. Proclaim November 11th, 2023 to be veterans day.

Speaker: Okay. Welcome. I know we have some staff presenting on the veterans day. Commissioner, commissioner Ryan, I've got I've got just brief introductory remarks, if I could.

Speaker: Oh, absolutely.

Speaker: Take it away. Yes

Speaker: Yeah. Thank you. And thank you for presiding today. Appreciate it. Good morning, everyone. Our next item is a proclamation honoring veterans day on November 11th of 2023. This morning, we're honored to have three presenters to highlight the importance of this day for us today, we have sean jernström, who is an engineering technician at pbot. We also have jeff selby, who's the director of the office of equity and human rights at and we have jake dornblaser, who's a coordinator with our safe rest village team. Welcome and thank you for being here today. Great take it away.

Speaker: Okay.

Speaker: Good morning, mayor Wheeler. Commissioner Ryan commissioner Mapps, commissioner Rubio, commissioner gonzales. For the record, my name is jeff selby. I use he him pronouns and I'm the interim director of the office of equity and human rights. And I'm speaking today as an army combat veteran and an army brat as for the office of equity, I'm proud to say that our tiny but mighty team has two veterans on staff, and we're both here in City Council chambers today. I'd like to thank the city's veteran empowerment team and City Council for recognizing our warriors today and honoring our contribution to the city government and our communities. I'm proud to be a veteran and I'm buoyed by the heroes of my japanese American community who petitioned the government for the right to serve in the us military even as they were imprisoned by their own nation in incarceration camps during world war two. During my ten years in the army, I had

the honor of serving with myriad service members women, men, people of all faiths, and many who identify as people of color, immigrants, queer and disabled. For a kid from indiana serving among such a diverse group of people with a common goal of defending our country was an eye opener and played an incredibly important role in my equity journey. Even though we didn't call it equity. All those years ago. The city's veterans are engineers, office support specialists, garage operations managers, administrative specialists, city attorneys, first responders, engineering technicians, wastewater operations specialist, bureau directors, deputy bureau directors. Coordinators. Managers analysts. Housing inspectors, capital project managers. And so much more. Many of us come to work every day bearing an extra burden of trauma, exclusion and even health care barriers for ourselves and family members on top of other layers of oppression. Navigating the bureaucracy of civilian and military health care systems to find gender affirming care for a family member, for example, is a challenge for one of our very own service members here at the city. So this veterans day during the parade on Friday or on the Saturday holiday, as many people simply and perhaps automatically, we offer a thank you for your service. As I ask that you take a moment to acknowledge our resilience and diversity as well as the unique barriers many of us face, and perhaps instead, or in addition to the well-intended thank you for your service, maybe take a moment and ask what was your job in the military or or what are you the most proud of in your military service? Even as simple. I see you would be appreciated and perhaps unexpected. So once again, I thank you for the opportunity to speak today and for your continued support and recognition of the warriors throughout our community and city staff.

Speaker: Good morning, everyone. My name is sean björnström. I'm an engineering technician with pbot. I've been with the city for about six years and I

was in the military in the us army, active duty from 2004 to 2009, deployed to iraq twice lately I've been thinking about the mental health aspects of needs that are not noted. Just as service members transition into veterans having to go overseas and potentially die for this country leaves a person feeling that they are owed something more than a college education. And one day a year there are effects other than death, life long ptsd, depression and other mental health issues. With acronyms. I do not know the plague. Many veterans, a lot of us don't know how to reach for help or don't know that we need help. Each a veterans experience is unique. There might be shared experiences, but each veteran reacts to those experiences in their own individual ways. Veterans day is a time for me to reflect on relationships and experiences I received from my service. It's a time to recognize veterans as a whole for sacrifices they made to preserve what we call freedom in America. Each veterans experience is unique something, but something every veteran has sacrificed his time, time away from friends and family time is always moving forward, making it a precious resource that should not be squandered. But that time you spend away from friends and family, you spend with the family that grows around you. It's necessary for the relationships built within time of service to resemble family, not only my service, but my life would be different without the family. I grew into. Being a veteran is a lifelong connection with other veterans, and veterans day always helps me remember that. Thank you. Thank you.

Speaker: Welcome, jake.

Speaker: Thank you, commissioner. And bless the commissioners and the mayor for having us here today. For the record, my name is jake dornblaser. He him pronouns and I'm the program coordinator for the safe rest village project. Sorry I couldn't be in person today. I'm a little bit sick, but I wanted to come here anyway. I served 13 years in the united states air force. I'm a combat veteran and I have an

80% disability rating from the va. I wanted to share some of the information about veterans so that while you're talking to your colleagues and other community members, you know, some of the challenges that we have veterans face numerous challenges when they leave service, when a member leaves the military, they do not only lose their job, which is usually their sole or primary source of income, but they also lose their housing and health insurance at the same time for too many veterans, they end up living in unstable environments and are disproportionately impacted by homelessness. On any given night in Portland, one out of ten people experiencing homelessness is a veteran. Roughly 500 people a night. I was fortunate when I left the service. I had a home to come back to while I worked through the two and a half year process, it took me to receive my benefits from the va. One of the most difficult things about the va system for unhoused veterans is that the primary process to communicate with the va is through the mail. First, you apply online and then it's all through mail. After that with the va, send you a letter giving you 30 days notice, 30 days to communicate back to them, and then not giving you a timeline on how long it will take them to respond back to you for too many of us, the va doesn't have our records and we must show them documentation that we were even in the military or what we what we did, where we worked or even any of our medical records. When someone is homeless or is experiencing housing and instability, having these documents ready available is almost impossible, let alone communicating with the va on time. Also just on a personal note, I want to say, when you're going through this process, as you are reliving every interaction with the va, you are talking about your experiences and your especially for somebody like me who's talking about ptsd, we have to tell them what happened. We have to relive that over and over and over again. Experiencing some of the most traumatic things over and over. It's a very hard time and I just I

have a lot of a lot of feelings for our houses, veterans. Lastly, I want to thank the City Council and the city of Portland for being a wonderful place to work, having a flexible schedule, the opportunity to apply for exceptions and other accommodations to help create an environment where veterans and others with disabilities can have meaningful contribution to their city. Thank you.

Speaker: Thank you. And thank you, sean. Thank you, jeff. And thank you, jake. I now will turn this over to commissioner Mapps. You have your hand up.

Speaker: Sure.

Speaker: I just wanted to take a moment to thank the thanks. Sean, jeff and jake for joining us today. I'd also like to thank you for your service to our country and our city and colleagues. I also want to say this. I am proud to join you in declaring November 11th, 2023, to be veterans day on veterans day, we honor the women and men who have served in the army, navy, air force, marines and coast guard. Now the first veterans day proclamation was signed on November 11th, 1954, by president dwight d. Eisenhower power. Since 1954, America have fought in wars in vietnam, grenada, panama, iraq, afghan, afghanistan and many other places. And since 1954, for the burden of military service has fallen on fewer and fewer shoulders. As, for example, in 1964, 85% of men in the united states had served in the military. We on the other hand, today, fewer than 10% of adult in the united states are veterans. Now that trend means that fewer and fewer Portlanders have a direct personal connection to a soldier, to a veteran, or to veterans day. That's why I'd like to take a moment to remind Portlanders of some of the ways we have traditionally celebrated covid veterans day on veteran day, we thank veterans for their contributions to and sacrifices for our country. On veterans day, we salute the military families who support our soldiers and on veterans day, we remember the more than 60,000 soldiers who have lost their lives while serving this nation since

the first veterans day in 1954. And on veterans day, we recommit ourselves to a principle that comes from the military but is also a north star. For those of us in public service to. And that principle is this leave no one behind. And that's why on this veterans day, I want to thank the heroes who devote their time to giving Portland's veterans a hand up. In particular, I want to celebrate the good work done by groups like the veterans administration in the Oregon department of veterans affairs, the American legion, veterans of foreign wars, paralyzed veterans of America and the national association of black veterans. I want those groups to know that this council appreciates your service to our veterans and our community colleague. For these reasons and more, I'm honored to join you in declaring November 11th, 2023, to be veterans day here in Portland, Oregon. Thank you, presiding officer Ryan.

Speaker: Thank you, commissioner Mapps commissioner Gonzalez, armistice day.

Speaker: That's the history. In 1919.

Speaker: Okay, commissioner Mapps. Thank you, commissioner Gonzalez, please go.

Speaker: I just want to thank the presenters and the mayor for bringing this proclamation forward.

Speaker: Though veterans day is observed, but once a year we should all be thankful to each and every day for the sacrifices that veterans have made to our country. At last count, nearly 7% of our city employees are identified as veterans. I'd like to thank our city employees for their service to our city, their sacrifice for our country. I'm honored each day to work with public safety bureaus. There are many amazing veterans on the front lines to tackle our city's most challenging crisis here at home. I'd like to specifically call out bureau leaders like boec director bob cozzie pbem, deputy director chris carey, who just had to leave for a meeting in addition

to pbem emergency operations analyst jeff perkins. Kristen jeff are both here and are were here in person today and I want to thank you both. I'd also like to call out the service of my brother paul, my sister in law michelle, who both served two tours in iraq after graduating from west point. My tio hernan, who served in vietnam, and my cousin john ethan, acknowledging that veterans often lack adequate support once they return home is something we need to be reminded of consistently. There are vulnerable group and deserve better than ending up on our streets, which two times too many times in our history has been the outcome. We need to prioritize as this segment of the unsheltered population, as a city, as a state, as a country. For now, I would like to just repeat thank you to all of Portland's veterans, to all of our city employees that have served. We all owe you a great deal of debt, and i'll support anything I can do to help you pay this back. Honors support this proclamation. Let's all find meaning this holiday and encourage all Portlanders to thank those in their lives who have given for the ultimate given the ultimate sacrifice. Thank you.

Speaker: Thank you. Commissioner Gonzalez. I want to say a few remarks. I want to thank you, jeff, for your leadership in the city in general and for your remarks. Sean, good to meet you and thank you for your remarks. And jake, I especially want to appreciate your sentiment about our veterans whom are homeless, a priority audience for us to house for sure. It's important to be mindful and reflect on the service and sacrifice of so many of our fellow Americans. Oregonians and city employees. On this day and every day. If you don't know a veteran, I urge you to ask your friends, colleagues, and families. You will no doubt discover the this web of current and former service members that actually are in your life with stories that might seem like exotic tales or simply reflect the hardship that these men and women and their families endure in order to protect our country and help our

citizens live safe and healthy lives. I was curious, though, even within my own office, we can count 20 service members for family members of people who are in my office without even moving beyond the primary family and so current and former service members are with us in all aspects of our life. And as mentioned by commissioner Gonzalez, it's 7% of our city workforce. So again, thank you for your service to our country and to continuing your public service here with our city. I could go on about all the relationships in our office, but it was just fascinating to see how many of us were raised by veteran parents and I just owned my own family. Five of my six brothers served on the air force and navy and each person on our staff had someone in their family who's a part of our armed forces at one time. I also want to say that it's really important to acknowledge the spouses and the family members of those who served just within my own family, we I know my brother in particular, when we both lived in Seattle area, how often his wife was left alone raising the children while they were on long deployments in in the in the he was on a sub and it would just be like months where they were gone. And so I really noticed the sacrifice that spouses and children also face. Final finally, I also want to say that we have a chance to celebrate veterans day here in Portland by attending the parade this Saturday. It's at 10 a.m. It begins at mlk and beach street. It goes north to emerson, where there'll be a vendor and resource fair that will take place. I hope that all of you can join in that celebration on this Saturday. On behalf of my office myself, thank you, veterans, for your service and for your sacrifice. It's not a celebration. And so now it's a day of remembrance. So we will now turn this over to the mayor, who will also read a proclamation. Thanks, mayor. Great.

Speaker: Thank you, commissioner. I appreciate it. And thank you, jeff and sean and jake. Great comments. And it's really important for us to be able to see that veterans aren't only are coworkers, they're they're our friends. They're our

neighbors in many cases, there are family. And it's just frankly invigorating to have you come forward every year. And help us with this important proclamation. An it's also important, as my colleagues pointed out, that veterans continue their service to our country. I've always believed personally that people who seek military service tend to be people who believe in their country. They tend to be people who believe in their community and they believe in being active in supporting their country and their community. And I'm really very, very happy that we have as many veterans as we do serving the city of Portland. And I'm not surprised, though. Public service seems like it's a natural fit for those who have worn the uniform previously. So thank you for that. I also just want to say this as much as we appreciate veterans day and this council celebrates it every year and we're honored to do so. What my colleagues said earlier about making sure it's not a one and done that we should celebrate our veterans every day of the year, not just on veterans day. But I want to thank you for being here. I want to thank you for your service to the city of Portland. And it's now my honor to read the proclamation on behalf of the City Council. Whereas an act approved may 13th of 1938 made the 11th of November of each year a legal holiday and was known originally as armistice day. And whereas, in 1954, the world war after world war two and the korean war, the 83rd congress amended the act by replacing armistice with veterans and the first veterans day proclamation was issued on October 8th by dwight d. Eisenhower to pay homage to all veterans who've contributed to the preservation of this great nation. And. Whereas, the brave members of our army, navy, air force, marine corps, coast guard, space force, and national guard exemplify steadfast and selfless commitment while risking their own lives to ensure the freedoms for all of us and. Whereas, the wounded and suffering military members and veterans who returned home onerous with their dignity, their courage and valor. And. Whereas these

veterans deserve the utmost respect and support but which they have earned while defending our homeland and. Whereas, we admire and support the families and the loved ones of those who've served and who currently serve and the immense burden that they collectively bear. And. Whereas veterans make up almost 7% of the city of Portland's workforce. S and. Whereas we are continually grateful for the freedoms we enjoy in Portland and all across the united states, thank to the service and the sacrifice of our warriors. Now, therefore, i, ted Wheeler, mayor of the city of Portland, Oregon, the city of roses do hereby proclaim November 11th, 2023, to be veterans day in Portland and encourage all residents to honor those who've served and who currently serve to preserve our values of justice, freedom and democracy. Thank you all very much. Thank you.

Speaker: Thank you, mayor. Thank you, presenters. Appreciate it.

Speaker: Can we get a photo?

Speaker: Absolutely. Let's take a two minute break for a photo. Keelan. Declare a surplus city owned property at 3737 north emerson street and adjacent recreational lot and authorize a public sale of the property.

Speaker: Commissioner Mapps colleagues, I'm pulling this item back to my office.

Speaker: Okay.

Speaker: Item. Nine for two replace sewer user charges code to streamline and align with rate study recommendations and commissioner Mapps colleagues.

Speaker: I'm pulling this one back to my office.

Speaker: All right, we're up to nine four, three. Please read approve findings to authorize an exemption to the competitive bidding requirements and authorize use of the alternative contracting method of construction manager general contractor for the columbia boulevard wastewater treatment plant.

Speaker: Wet weather clarifier and hypochlorite system modifications project for an estimated amount of \$63 million.

Speaker: Okay. Commissioner Mapps.

Speaker: This is a second reading.

Speaker: Oh, this is a second reading, so Keelan please call the roll. Oh, max.

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

Speaker: Okay. Item 945 oh, wait. 944. Yep. Thank you.

Speaker: Authorize competitive solicitor ation and contract with the lowest responsible bidder and provide payment for construction of the sheridan trunk work zone three project e11008 for an estimated cost. Of \$1,652,000.

Speaker: This is a second reading, colleagues. Any questions? Okay, Keelan, please call the vote Mapps Gonzalez hi, Ryan.

Speaker: Hi, Wheeler. All right. Item 945 authorize competitive solicitation and price agreements for on call green stormwater infrastructure maintenance and irrigation services for \$12 million over five years. This is also a second reading.

Speaker: Colleagues, any questions? Keelan please call the roll.

Speaker: Mapps Gonzalez hi Ryan. Hi Wheeler. All right.

Speaker: 946.

Speaker: Authorize solicitation and execute multiple contracts required to implement advanced metering infrastructure and a new customer engagement portal for portal for city utility accounts for amount not to exceed \$76 million.

Speaker: It's a second reading. Colleagues were good. Okay. Keelan Mapps Gonzalez hi Ryan.

Speaker: Hi, Wheeler.

Speaker: This is fun. Hi.

Speaker: Item 947 authorize contract with hdr engineering incorporate for consulting services to support participation in a federal energy regulatory commission. Relicensing process for the Portland hydroelectric project in the amount of \$2,833,575.

Speaker: And there you have it. Another second reading. Colleagues, any questions? If not Keelan, call the roll.

Speaker: Mapps Gonzalez hi, Ryan. Hi. Wheeler hi.

Speaker: Okay, that concludes our morning session. We'll be back at 2 p.m. In this meeting is adjourned. Thank you.

Portland City Council Meeting Closed Caption File

November 8, 2023 – 2:00 p.m.

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Speaker: Today is. November 8th, 2023. And today is the afternoon session of the Portland City Council. Keelan, will you please call the roll?

Speaker: Good afternoon. Mapps here, Rubio. Here Ryan here. Gonzalez here. Wheeler here.

Speaker: Now we'll hear from the city attorney. Good afternoon.

Speaker: Welcome to the Portland City Council call to testify before council in person or virtually. You must sign up in advance on the council agenda at w-w-w dot Portland dot gov slash council slash agenda information on engaging with City Council can be found on the council clerk's web page. The presiding officer preserves order and decorum during City Council meetings. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated, and a timer will indicate when your time is done. Disrupt live conduct such as shouting, refusing to conclude your testimony when your time is up, or interrupting others testimony or council deliberations will not be allowed. If you cause a disruption, a warning will be given. Further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Addition City Council may take a short recess and reconvene virtually. Your testimony today should address the matter being considered when testifying. State your name for the record. Your address is not

necessary. Disclose if you are a lobbyist. If you are represent an organization, please identify it for testifiers. Joining virtually. Please unmute yourself once council clerk calls your name. Thank you. Thank you.

Speaker: So now we have one item on the agenda today, item 948. Would you please read it? Keelan.

Speaker: Thank you. Approve amendments to settlement agreement between the united states and the city in the united states district court case and authorize an alternative selection process for an independent monitor.

Speaker: Thank you, mayor Wheeler. Turn it over to you.

Speaker: Thank you very much. I appreciate that. Commissioner Rubio. Colleagues today the council has an opportunity to move the city forward in its settlement agreement with the united states department of justice. This agreement would transition compliance monitoring to an independent monitor. It would also ensure that the city maintains existing compliance while also expand our capacity to focus on areas in need of improvement. Here to provide an overview of the new terms, heidi brown from the city attorney's office. Hi there, heidi. How are you tonight? I'm well, mayor, how are you today?

Speaker: Excellent, thank you. Thank you. Well good afternoon, commissioners and mayor already said hello. I'm heidi brown. I'm a chief deputy with the city attorney's office. And it's great to be here today. So the city of Portland, if you'll remember, we entered into the settlement agreement with the united states justice department in 2012. And at the time that we entered into that, it had some notable features, different than other consent decrees and settlement agreements nationwide. First, Portland's agreement is the only city where the department of justice serves in two roles. One, when they serve as the plaintiff, bringing a suit against the city. But in addition, they serve as the monitor, analyzing our

compliance with the terms of the settlement agreement. So that is a very unique feature. The second notable feature is that the city's compliance requires an all or nothing approach. So the city, in order to attain substantial compliance and have the settlement agreement dismissed, has to attain substantial compliance on every paragraph in the agreement. Whereas most other jurisdictions there are are groupings of paragraphs. And when a jurisdiction meets substantial compliance in that grouping and shows a sustained and systemic change, at that point, the courts dismiss that. So that's another area where the city of Portland is a current settlement agreement is different from most jurisdictions. So the agreement that we have before you today or that we're asking for your support in moving forward and your approval of is a result of several months of negotiation and mediation. And I do want to first off, take some time to thank a number of people because a number of people were involved with this. So first, I'd like to thank your council staff. All council have a staff person that's worked on the settlement agreement with us and really appreciate their participation and their input and their thoughtful engagement in the mediation process. Stephanie Howard from the mayor's office. Darian Jones from commissioner Ryan's office is Angela Errico from commissioner Rubio's office and Jackson Paul from commissioner Mapps office and Grace Czapek from commissioner Gonzalez office. So I do really want to thank all of them. I also want to take a minute to thank city attorney Robert Taylor for he's been immeasurably supportive and helpful and involved at every mediation session and in the drafting and finalization and getting to yes on this agreement. So I really appreciate him. And I also want to appreciate deputy city attorney Sarah Ames, as well as deputy city attorney Lisa Rogers here to my right for all their work and time and getting us to this agreement that's before you today. Last shortly. I do want to thank or not lastly but in addition, I want to thank of our federal magistrate, judge

stacie beckerman. She was our mediation judge and was extremely helpful in getting us to this agreement. That's before you today. I also want to thank the amici in the settlement agreement. They all albina ministerial alliance coalition for justice and police reform. I know doctor leroy haynes is here today. I appreciate he was very involved in our mediation sessions and I appreciate him and the whole amoc interaction and approach, as well as the mental health association and all their members who showed up and involved themselves in the mediation action and the Portland police association, who participated thoughtfully, helpfully, all of them and constructively in this mediation. And lastly, I just want to note the leadership that was provided by united states attorney general merrick garland in September of 2021. Attorney general garland issued a memo that provides guidance on monitor agreements and the amendments to the city settlement agreement that's before you today incorporates much of what attorney general garland's guidance includes and specific quickly use of partial termination provisions, which i'll go over and transitioning, monitoring responsibilities to the jurisdiction over time. I think the settlement agreement amendments that are before you today make three important modifications to our existing settlement agreement. And the first one is the most, most critical part is it allows the appointment of an independent monitor who will who will if approved by you and if approved by the court going forward, would monitor the city's compliance with the terms of the settlement agreement. If adopted. That means that the department of justice will no longer serve in that dual role. That I noted to you is very rare. And also so I think what's important in that is that the attorney general garland's memo talks about a monitor being independent, highly qualified and free of conflicts of interest. And that language is reflected in our amendment. The second thing that I think is pivotal, pivotal in this amendment is the inclusion of provisions that immediately terminate so the

settlement agreement paragraphs were put together in groups of paragraphs that relate to one another. And for any grouping of paragraphs where the city had been in substantial compliance for at least the three prior compliance assessments performed by the department of justice. So those paragraphs which and I just so the public knows, those assessments occur once a year at most, sometimes a little longer between them. But so at least for the last three years and I would say back until 2019, the city has shown that those paragraphs that are getting immediately partial, partially terminated. And we have been in substantial compliance for and I think that this really reflects the hard work of the city and in particular, the Portland police bureau in making systemic changes such that the DOJ was able to find us in substantial compliance over such a period of years. And finally, I think the important change that occurs in this is for the remaining obligations as the amendments create a process that allows the city to focus on compliance efforts where they are most needed by including a provision for self monitor checking and then eventual termination in of those groups of paragraphs and self monitoring really I think provides the city with an opportunity to demonstrate our ability to create systemic change and maintain systemic change. So the self monitoring will occur after the monitor finds that we've been in substantial compliance for a period of time. And then it will convert over to self monitoring and then the city will need to show for a one year period, consecutive period that we're able to maintain that substantial compliance and then at the conclusion of that, the city and the department of justice can move the court to terminate those provisions as well. And as I said, I think the real benefit to that is to acknowledge the city's hard work where that occurs by terminating those provisions, as we've once we demonstrate that ability. And then secondly, it really allows us to focus our attention on the areas remaining under the settlement agreement that still need attention. So with that,

that's kind of the big level summary of this 39 page document or so. But I'm more than happy to answer questions and of course we'll remain available to do so now or after public testimony. Any any questions?

Speaker: No. Keelan is there any public testimony?

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

Speaker: Okay. Let's proceed back.

Speaker: First up, we have leon reyna. They're joining us online.

Speaker: Hi there. Can you all hear me? Yes good afternoon. Citizens of Portland council members and members of the d.o.j. My name is leon arena, former Portland police sergeant. I am a gay latina female and I was the incident commander at the scene of aaron campbell, whose death sparked the united states lawsuit against the city of Portland. The assignment of an independent monitor is 11 years overdue and should have been assigned from the very beginning. Portland's lack of truthfulness and transparency continues to be a significant problem. Aaron campbell was killed because sergeant john birkenstein, a white male, refused to follow my instructions as an arbitrator, pointed out, combines role in campbell's death, stating, quote, the conclusion I draw from the record is that the tipping point was when sergeant birkenstein chose to deviate from the incident commander's last instruction on. Why do you think birkenstein refused to listen to the instructions of a gay latina female? Then captain bob day was never held accountable for his role in campbell's death and in fact was immediately promoted for his incompetence. Miss day is alleged to have forgotten his bulletproof vest and could not come to me. Where was bob's vest ? Was it in the trunk of the car? He drove to the scene of the incident? No one asked that critical question. Captains are given take home cars so they can have their equipment with them to respond. 24 over seven. The d.o.j. Failed to identify the real issues which led to campbell's

death. It wasn't the police response to a mental health issue. Two years later, the city has yet to explain why an offensive slide appeared in a Portland police crowd control training session. Why wasn't commander craig dobson held accountable for his failure to report the misconduct? As soon as he discovered it? Dobson let it sit there for years and didn't tell anyone. Police leaders were forced to disclose it as a result of civil litigation. Instead of having the integrity to address the matter. As soon as it was discovered, I told you in prior testimony, everyone at all levels needs to be held accountable and you still won't do it. Police leaders are violating the settlement agreement without consequences. Why is this happening? The role of the city attorney is to police the police. But the city attorney has refused to do their job. Who ordered them not to do their job? If the city attorney doesn't do their part in police accountability, then all this is for naught and you will continue to ride the hamster wheel. Government officials continue to engage in a dog and pony show, wasting taxpayer money. And independent monitor needs to be hired immediately and should not let Portland off the hook unless Portland complies with every paragraph. It agreed to. I support the amendment. Thank you. Thank you.

Speaker: Okay. Next up, we have dr. Leroy haynes, junior.

Speaker: Welcome. Pastor haynes.

Speaker: Thank you very much. To the honorable mayor ted Wheeler to you, distinguished members of the Portland City Council. I am the reverend dr. Leroy haynes, junior president of the banner ministerial alliance, and chairperson of the urbana ministerial alliance coalition for justice and police reform, which was given enhanced amicus status in the settlement agreement of the us department of justice versus the city of Portland. First, I want to affirm the diligent work that has been done by the department of justice, the city attorney office and the amicus. When we were in colluded in some of the agreement on the monitoring, the

independent monitor to replace cocoa. We are thankful that some of our ideas and points are included in the final draft. We believe that moving towards an independent monitor who reports to the court and the city and other entities for implementation of the settlement agreement will speed the process of implementation of the settlement agreement at an efficient, fair, reasonable and just wait for all parties and lucas and stakeholder owners. If the right court monitor is selected. Food and resources us to do the task as defined in the agreement and we do have have a few concerns here that I want to lift up. One on the ability of a person selected outside of the region to adequately become familiar with for ten years, 12 years, history and dynamic mix and the idiocies increases of the Portland police community relationship with such a short tenure. Secondly, the accessibility of the enhance amicus and other amicus and stakeholders to engage the court monitor. The 32 have a mic and mha and other key stakeholders participate in the training of the court monitor. We believe that this is a step in the right direction and I want to say to alpha cirio that that the coalition was the first to point out that campbell death was caused by the city nation of not obeying her information session. Thank you so very much. Thank you.

Speaker: Next up, we have dan handelman, Portland copwatch.

Speaker: Good afternoon, mayor Wheeler and commissioners. I'm dan handelman. I use he him pronouns. I'm a member of Portland copwatch. I'm also a former member of the police accountability commission and a member of the steering committee of the ama coalition for justice and police reform. But I'm speaking today on behalf of Portland copwatch in fact, although the ama was able to attend closed mediation sessions about today's monitor proposal because they were confidential, I had not been able to discuss any of the proposed changes with members of my own group, Portland copwatch, until the Oregonian published

information about it on Thursday night. Thus, today's testimony marks the first time that our organization or any member of the general public has been able to weigh in on this complex and important development in the d.o.j. Versus city of Portland case, we generally express support in the past for the idea of a monitor with the caveat that we want the person to be local to ease the learning curve and increase the likelihood of a true of true community engagement. But while the city and doj have yet to write up a request for proposal for this job, we hope those criteria will be weighted in favor of local candidates. As we've noted before, how the process of hiring the in 2014 included community input, which favored two of the three candidates who were both local. However the city ignored the community's input and chose someone from chicago instead. We need to say up front that while we recognize the reality that one day the us department of justice will no longer look over the city's shoulder to be sure, the agreed upon reforms are continuing, we have little faith that Portland can monitor itself. We'll probably bring this example up again when the new community board for police accountability comes before you. But here we go. At the hearing last week to grant a \$300,000 settlement for a person who video shows were pushed down by the Portland police officers multiple times, resulting in two fractures to the person's arm. The city attorney described the incident as an encounter for where the person fell and was injured. And a city that talks about brutality in such an inauthentic way is not capable of self monitoring. Broadly speaking, we found there are 40 or 41 paragraphs that will remain under doj scrutiny 15 for the city to self monitor. Another 40 to 41 being dismissed. The city and doj apparently are in disagreement about dispatch rules for the Portland street response program. The city has pledged its support for psr, which is meant to be an alternative to police engaging with people in mental health crisis but not engage in criminal activity. This is 100% what the settlement

agreement is about and that the city has any question about it being a necessary piece to complete substantial compliance shows. Again, its disregard for true accountability. We're glad that among the paragraphs still under review are ones about the operation of the employee information system, as the Oregonian seem to think those were going to be dismissed in their original article, the most recent compliance officer's report shows that 18 officers use force between 9 and 18 times each during a one year period, far more than their peers. And they were not universally counseled. There's work to be done. It's also welcome that 14 of the sections on officer accountability. We could also comment on other parts of the 34 page document that was released on Friday. But five and a half days is nowhere near enough time for serious review. Since the hearing on November 30th with judge simon is currently listed as a status conference and not a fairness hearing, we ask that council remove the emergency clause from this item to allow the public to testify until a second reading on the 15th. Just because council and the city attorney may have had a lot of time to deliberate on this topic doesn't mean the community has had time to digest its details. And a deeper meaning. Thank you. Next up, we have mark, paris, Portland, copwatch.

Speaker: Good afternoon, mayor and commissioners. I'm mark paris. You see him pronouns and I'm also a member of Portland copwatch for the self-monitoring paragraphs, it's important that paragraph 150 isn't being terminated because pbs's annual report presentations continue to be poorly promoted, leading to low attendance. They're over moderated to where certain questions are rephrased or ignored and light on areas that are required for presentations such as stops data. They also don't focus at all on outcomes of misconduct investigations and trivialized deadly force incidents. Similarly paragraph 148 on stop data collection has been called out by the cac in its last several reports because the disparate numbers of

black people stopped by police is not changing the data aren't being used to really figure out how to fix this glaring problem. Getting back to the paragraph still under review, the paragraph on creating the new oversight system will be put to the test perhaps as early as next week. The compliance officer put out a biased and seemingly poorly researched technical assistance document. It mischaracterizes or ignores the actual proposal put forward by the police accountability commission for instance, the claims the pac only calls for police officers to be involved in high level case hearings where the proposed code actually asks for. A ranking member of pbs's training division to be at all hearings to answer questions about police policy training and procedure as they are for the current police review board. The recognizes that the lack of police officers on the new oversight board is a requirement of the city charter. However where they claim having no officers creates an inability to represent the community. The has signed off on the diversity of the citizen review committee and the Portland committee on community engaged policing for eight years and never suggested those groups need to have law enforcement on them to be representative. We'll reserve other comments on this for tonight's town hall with the we were going to say that it's important for the council and city attorney to read that document with a great deal of skepticism. However from the proposed city code that was released last night, we see that the city is interested in keeping the police as much in charge of this system as they can. For instance, adding cops to the nominating committee. Some of the paragraphs that are being cut from the agreement are things the bureau enacted, such as creating the behavioral health unit, paragraph 91. But what will happen if ppb claims they have to shut that unit down for budgetary reasons? Is there ever an institutional assurance that there's no going back to pre 2012 status quo? There's other paragraphs being cut which cause a similar concern, such as ensuring all

officers get 40 hours of crisis intervention training. This training was suggested for 14 years until it was implemented after James Chassis was killed by PPB. Paragraph 130 underscores that PPB must have and enforce a policy against retaliation. And when that's no longer being scrutinized, will a future chief just get that directive? It sounds absurd, but then all sorts of progressive policies that have been put in place over the years have been eroded in part because there's so much turnover in the bureau, at City Council and in the city attorney's office. While only a dedicated few stay active to bring a collective memory forward. And I'd like to close by echoing Mr. Handelman's comments about needing more time for the community to give feedback to council. So that when the proposal gets to Judge Simon, it will better reflect the concerns of the general public. Thanks.

Speaker: Next up, we have Ann Brayfield. Good. And you're muted.

Speaker: Unmute. We hear. Afternoon. Okay good afternoon. Mayor Wheeler and council commissioners. I'm Ann Brayfield. I'm a concerned citizen. I've been involved served with this settlement agreement since prior to its adoption and I, along with other members of the community, have put in a lot, a lot of time and resources working with all of the parties involved to this settlement agreement over the last ten plus years. And I would really appreciate it if you would suspend the emergency clause to give members of the community some additional time to respond to a very complex, edited document and agreement. I happen to have been away didn't see this until yesterday, and I'd I really need to do some work to see where things are. I was a little surprised that things were going away. Things were coming in and I'm not sure what's happening. And I think that it would be respectful to the community to allow some additional time for public comment. I am in support of a monitor. I want to understand, as things have been put out now exactly what that looks like, what the process is going to be. So that I can comment on what's

happened here that's come out of media and obviously not being in mediation. I haven't seen or know anything of what it, you know, has shown up now. And I appreciate the hard work that everyone has put in to get to this point. I appreciate that we have some results out of mediation. But again, to speak back to council, to speak to the judge, I would really appreciate some additional time to analyze and to contemplate plate what we have here now. Thank you.

Speaker: That completes testimony.

Speaker: Thank you, Keelan colleagues, is there any further discussion.

Speaker: I have 1 or 2 questions for the attorneys.

Speaker: Thank you. Hi, commissioner.

Speaker: Hi. Just a couple of quick questions. Um can you remind us of the process for selecting the independent monitor? How will that happen?

Speaker: Yes. So first of all, we'll put out a request for proposal that'll be developed with input from a number of people and then we will go through the applications and the and part of the agreement has the albina ministerial alliance coalition for justice and police reform, as well as a mental health association and the Portland committee on community engaged policing involved in in that process to provide feedback and also the Portland police association excuse me. So so they will be able to provide their feedback at that point. And then for when the city and the department of justice, with their input, determine who they might want to interview those same folks will be part of the interview process so they can provide their input and feedback. At that point as well. And then once three finalists have been selected, there will be time for public and community input along with the town hall where the three finalists will present. And that period for public and community input will be for 30 day period. And during that 30 day period is when the town hall will will occur. Okay great.

Speaker: One of the things we I think we heard in public testimony is an interest that we choose someone local. And so I just wanted to make sure that there was going to be an opportunity to at least voice that concern or at least have the public have a clear look at who our candidates are. The other question that I wanted to explore today a little bit is this where do the amici kind of fit into the new system that we have here?

Speaker: So under the current agreement, your commission for the amici don't have a what their current role is. The term states friend of the court, the amoc is given enhanced status so that they are I don't know if you want to say a better friend to the court for their enhanced friend of the court. And I know judge simon certainly respects and listens to their input as well as the mental health association, the mhr. And so but they are not reflected in the current settlement agreement at all. So in, in in this version, we have incorporated the ama and the mha as well as as but but more importantly, the ama and the mha are now referenced. So they have the role in selecting the monitor for anybody will have access to give feedback to the monitor on their view of the city's efforts in complying with the settlement agreement and then also at any point where we go to mediation, it'll be up to the mediation judge to decide. But they are all welcome to be invited. And I would anticipate that they would be highly involved in any mediation that might occur regarding disagreements over the terms of the settlement agreement. To the extent that might occur in the future.

Speaker: Great. Glad to hear all of that. It certainly one of my concerns is that stakeholders who have been involved in this conversation have an opportunity to stay at the table. And it's my understanding that some efforts were made on the city's part to make sure that happened. And my final question, which I realize might be challenging to answer, given the uncertain world that we live in, do we have any

sense of timelines? How far out are we from actually selecting an independent monitor?

Speaker: Well, so the this the department of justice and the city fire filed a motion to amend the settlement agreement conditional upon council vote today.

Speaker: And in that we did request judge simon to schedule the fairness hearing on November 30th. The date that's already been set aside for a status conference. It's a date when all the attorneys for all the different parties and amicus et cetera are available to all but ultimately, that will be judge simon's determination, whether it's then or some other date in December or whenever the court has time to hear us and feels it's appropriate. And I do want to note that at that point also, judge simon always invites the public to receive to provide testimony. And then thereafter, there we would you know, we have to agree upon what the request for proposal will look like. We've already been working on that. Just starting that process. But our hope would be to start working on that with everybody so that as we get to the fairness hearing and once judge simon rules that ideally we could get the request for proposal out quickly thereafter, I would estimate about 90 days. I mean, we have to give some time. I'd assume it would be open for 30 days. Then give us 30 days or so to review or interview folks and then we still have at the end, as I noted, another 30 day process for community input. Once we've announced the three finalists as well as the town hall hearing. So I think 90 days probably is me being optimistic, maybe more like 120, but I do think we're all certainly from the city. Everybody's very interested in moving forward and getting a monitor selected.

Speaker: Great. And are there costs associated with this proposal?

Speaker: Yes, there are. So but but what they will be we don't know right now, you know, monitor hours tend to cost more currently we I think our contract is for about 540,000 with the compliance officer, the local and general monitors are

closer to \$1 million and sometimes up to 2 million. However, keep in mind that that's for jurisdictions that are just starting out with a new settlement agreement. I don't know of a jurisdiction that has been in under this type of arrangement and then switched over to a settlement to excuse me to a monitor. So it's hard for us for me to estimate what that will be like. So in the impact statement, I said it could very well be higher, but it's really hard to estimate what the additional cost will be if, if at all. I just don't know, given the termination option, assuming the court adopts what we've provided for, there will be a termination of about 40% of the paragraphs.

Okay.

Speaker: We know what the cost center would be. Does it would these be charged to the police bureau, city attorney's office?

Speaker: No. So currently it's under special appropriations.

Speaker: So city budget office has the money for the compliance officer and in our discussions, that would be we would look for the same process to exist for the for the monitor. Okay.

Speaker: Thank you very much, commissioner Rubio.

Speaker: I have no more questions.

Speaker: Thank you. Any other questions? Colleagues none. Mayor any comments before we call the roll? No, no.

Speaker: Only that I would encourage people to pass the ordinance.

Speaker: That's that's what you repeat that.

Speaker: Can you repeat that, mr. Mayor?

Speaker: Yeah. The commissioner asked if I had any comments before the vote.

Speaker: My only comment would be that I hope people support this effort.

Speaker: Okay.

Speaker: All right. Thank you. All right. If there are no more, there's no more discussion. Let's call the roll maps.

Speaker: I want to thank our attorneys for today's presentation and their work on this issue over many months, if not years, really appreciate the public testimony that we heard today and the anarchy who have been at the table with us for many years too. I also want to acknowledge all of our staff. I know every office has been engaged in this conversation and the fact that we have brought support for this move is a sign of the good work done. I very much appreciate this. I'm glad that we can move forward with building a more accountable, fair public safety system. Which is why I vote yea Ryan yes, first of all, thank you, heidi brown and your colleagues for your many hours over the years, you have labored to move justice along as such.

Speaker: Today we stand at a pivotal moment in our city's history, a moment that reflects our commitment to justice, to accountability, and the unyielding pursuit of a safer, fair community for all. Portlanders first, I'd be remiss if I didn't think a staffer of mine, darian jones, dedicated involvement on this for over two years, liaisoning with you and your team and between the doj and the council offices, darren I could not be more grateful for the many, many, many hours that you've spent in the hearings and briefings and following this process and your frequent updates. To me and my frequent pausing to say, could you explain that again? So we have been on this for a long time as we consider the amendments before us today to the settlement agreement with the department of justice, we must acknowledge the significant strides we have made in the journey ahead. For more than a decade, the city of Portland has worked in concert with the doj to ensure our police force serves with integrity, respect and accountability. Our efforts have substantial are or have been substantial, but the path towards reform is not static.

It requires continuous reflection and adaptation. The proposed amendments mark a critical evolution in our oversight process, embracing the principles laid out by the attorney general. The introduction of an independent monitor is not just a change in structure from the compliance officer. It's a reaffirmation of our values, a commitment to impartial assessment and a dedication to transparency that our community deserves. This change mirrors our heightened commitment to reform. The independent monitor will be selected through a robust public process involving community stakeholders at the Portland police association, albina ministerial alliance coalition for justice and police reform. And it's good to see you, dr. Hayes. Thanks for being here today and for your decades of service and the mental health alliance. This signifies a bridge between the people of Portland and the institutions designed to protect them. The independent monitor will not only assess compliance, but identify barriers, foster recommendations and ensure our progress is shared candidly with the public. Furthermore, the immediate partial termination of self monitoring provisions outline and in these amendments are pragmatic steps that recognize our accomplishments while sharpening our focus on areas that demand our greatest attention. Then this approach aligns with the doj's guidance, which rightfully insists that success is measured by our ability to sustain reform. Independent lee as we contemplate these changes, let us also consider the broader implications they are signal to our community that we listen and we learn, and we lead with the intention of building trust every day. This has long this has been a long and complicated process. It is my hope that this settlement marks a turning point in the relationship between our community and our police officers. Portland we will establish trust with the hope that this is a step towards trust, relationship building and mutual mutual respect. I vote i.

Speaker: Gonzales I want to take this opportunity to thank heidi brown, sara amos and lisa rogers and the city attorney's office and my office for working tirelessly towards a resolution on this amendment.

Speaker: I want I know that this is an ongoing settlement, but that we are still working through with the department of justice. But the city team has done an excellent job of working through the concerns of the anarchy and the doj. This is by no means an ending point, but coming to an agreement for the appointment of an independent monitor to objectively assess the city's compliance with and implement portion of the settlement agreement helps to move the city towards our goal of full compliance with the doj. The agreement today shows that the city is doing its part in diligently working through the settlement agreement by recognizing the work that the police bureau has done and continues to do for and throughout this community. I want to extend a thank you to all parties involved that got us here, including us magistrate judge stacie beckerman, the albina ministerial alliance, the mental health alliance in the Portland police association. Heidi I know you, sara and lisa have spent countless hours on this and will continue to do so as this is only part of the settlement. But I want to take it time again to thank you and your whole team for making sure that what's best for Portland is at the forefront of the settlement. I vote yea I reveal I'd like to express my gratitude to heidi and the city attorney's team for working on this and for all your commitment to getting it right.

Speaker: I also want to thank the amici for their counsel and for their accountability to all of us on behalf of the community, as well as the department of justice, ppv and ppa for engaging in the process as well. I'd also like to give a big appreciation to my staff. Angela rico, who spent hundreds of hours working with heidi and her team on this. Her heart is truly in this work and I really, really

appreciate her dedication in, I believe this settlement agreement provides good guidance for a more equitable and distributed response that focuses on change. The resources and the leadership direction that will lead us to a more productive path forward. It's our expectation that these expectations continue in practice from here on out, and it's not a checklist to get put that gets put away. It's a permanent and living change that we're looking for and I also want to appreciate the points that were raised here today by dr. Haynes. To me, these are valuable and reasonable suggestions. So my office is very interested and will follow up with with our city staff on this as well. So I look forward to continued engagement with the community as the settlement agreement and amendment moves on to its next phase, which will be a hearing where the public will also be able to comment before the court out. So this is a meaningful step for our city and our community and means that we'll continue to build and strengthen on this foundation to get us where we need to be as a more equitable, inclusive and just city with meaningful and permanent changes and reforms that are that our community is seeking. I vote yea Wheeler so I am now the third mayor to serve under this settlement agreement, and it's pretty clear that this will go on to the next mayor as well.

Speaker: For mayors. I'm not sure that anybody when we entered into this original agreement, understood that this process would take this long. And I want to acknowledge that dozens of people have dedicated an incredible amount of energy into this settlement agreement. And let's be clear, the settlement agreement, the target has shifted over the years, which means we have to be ever vigilant in terms of everything that we are doing in the Portland police bureau to make sure we're getting it right. That we fulfill our obligations to the doj having an independent monitor. I think strengthens our hands and while there are definitely some trade offs to this arrangement, I think ultimate it will help us achieve all of the

accountability goals we want to achieve. It will enable the Portland police bureau to spend more time and energy focusing on its core mission. It will allow us to move on. On having further enhanced trust with the public that we all collectively serve. I also want to thank robert taylor and heidi brown and sarah ames. I know you've all put an incredible amount of effort into this. I want to thank you for that. These diligent efforts also included mediation with judge beckerman and stakeholders to negotiated terms. Those negotiations, of course, included input from the mickey, as well as the Portland police association. I really want to acknowledge that everybody had a hand in this. We all collectively worked on this. There was no particular one source that led to this outcome. This is a really, I believe, solid compromise, as we've also received input from community members regarding moving to an independent monitor in including a recommendation from the committee on community engaged policing and I want to thank them for their support as well. All of this valuable feedback helped to inform and shape how we move forward with the shared goal of full compliance.

Speaker: That's what we all want here is full compliance. As you've heard this agreement helps to streamline compliance monitoring, maintain clarity around the roles of the various parties.

Speaker: I think it will also help us to focus compliant efforts on the areas of greatest need. While maintaining climb the compliance that we've already achieved.

Speaker: And again, I want to thank heidi and robert and sarah for your tremendous work. I know I speak for all of us on the council when I say that we appreciate you and the time and the energy you put in to this important milestone.

Speaker: It passes and I think this concludes our agenda.