



## November 20-21, 2024 Council Agenda

5792

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

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### Wednesday, November 20, 2024 9:30 am

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**Session Status:** Recessed

**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Mayor Wheeler presided.

Officers in attendance: Alan Yoder, Deputy City Attorney; Keelan McClymont, Council Clerk

Item 1002 was pulled from the consent agenda and on a Y-5 roll call the balance of the consent agenda was approved.

Council recessed at 11:41 a.m. and reconvened at 11:51 a.m.

Council recessed at 12:54 p.m.

### Public Communications

990

[Request of Addie Smith to address Council regarding Portland Police Bureau](#) (Communication)

**Document number:** 990-2024

**Council action:** Placed on File

991

[Request of Diva Palmer to address Council regarding Bantu Properties LLC](#) (Communication)

**Document number:** 991-2024

**Council action:** Placed on File

992

[Request of robert butler to address Council regarding important issues of the day](#) (Communication)

Document number: 992-2024

Council action: Placed on File

993

[Request of Samuel Sachs to address Council regarding investigation of Community Safety Division related to claims of racism and discrimination](#) (Communication)

Document number: 993-2024

Council action: Placed on File

994

[Request of Kyle MacLowry to address Council regarding North Tabor neighborhood development](#) (Communication)

Document number: 994-2024

Council action: Placed on File

## Time Certain

995

[Appoint and reappoint members to the Portland Committee on Community-Engaged Policing](#) (Report)

Document number: 995-2024

Introduced by: Mayor Ted Wheeler

City department: Community Safety Division

Time certain: 9:45 am

Time requested: 20 minutes

Council action: Confirmed

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

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

## Consent Agenda

996

[Amend contract with Titan Utilities, LLC to add funds for storm sewer and maintenance hole replacement at Outfall 42 due to railroad permit delays \(amend Contract 30008429\)](#) (Ordinance)

Ordinance number: 191980

Introduced by: Mayor Ted Wheeler

City department: Environmental Services

Council action: Passed to second reading

Passed to second reading December 4, 2024 at 9:30 a.m.

997

[Amend Price Agreements for urgent sanitary and storm repairs to extend term by one year for \\$3 million per contract \(amend Price Agreements 31002492, 31002491, and 31002490\)](#) (Ordinance)

**Ordinance number:** 191964

**Introduced by:** Mayor Ted Wheeler

**City department:** Environmental Services

Second reading agenda item 962.

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

998

[Authorize competitive solicitation and contract with the lowest responsive and responsible bidder for construction of the Terwilliger-Northgate Lift Station for \\$3 million \(Project E11239\)](#) (Ordinance)

**Ordinance number:** 191965

**Introduced by:** Mayor Ted Wheeler

**City department:** Environmental Services

Second reading agenda item 963.

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

999

[Authorize Letter of Agreement with Professional & Technical Employees, Local 17 to establish standby rate for Engineers in the Collections Operations and Maintenance Division of the Bureau of Environmental Services and provide retroactive pay for employees](#) (Ordinance)

**Ordinance number:** 191966

**Introduced by:** Mayor Ted Wheeler

**City department:** Environmental Services; Human Resources

Second reading agenda item 964.

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1000

[Amend Intergovernmental Agreement with Multnomah County to increase construction cost for the Justice Center Bus Duct Replacement Project not to exceed \\$13,500,000 \(amend Contract 30009005\)](#) (Ordinance)

**Ordinance number:** 191967

**Introduced by:** Mayor Ted Wheeler

**City department:** Facilities Services

Second reading agenda item 967.

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1001

[\\*Appropriate grant for \\$175,000 from State of Oregon Department of Land Conservation and Development for the Portland Housing Code Bonus Alignment Project](#) (Emergency Ordinance)

**Ordinance number:** 191968

**Introduced by:** Mayor Ted Wheeler

**City department:** Long-range Planning; Planning and Sustainability (BPS)

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1002

[\\*Initiate foreclosure action at 11257 NE Sandy Blvd for the collection of delinquent City Liens placed against the property](#) (Emergency Ordinance)

**Ordinance number:** 191979

**Neighborhood:** [Parkrose](#)

**Introduced by:** Mayor Ted Wheeler

**City department:** Revenue Division

**Council action:** Passed

Item 1002 was pulled from the consent agenda for discussion.

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1003

[\\*Pay settlement of Larisa Cruze bodily injury claim for \\$14,000 resulting from a motor vehicle collision involving the Portland Bureau of Transportation](#) (Emergency Ordinance)

**Ordinance number:** 191969

**Introduced by:** Mayor Ted Wheeler

**City department:** Risk Management

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1004

[\\*Pay uninsured/underinsured motorist lawsuit of Fred Wiechmann for \\$25,000 involving the Portland Police Bureau](#) (Emergency Ordinance)

**Ordinance number:** 191970

**Introduced by:** Mayor Ted Wheeler

**City department:** Risk Management

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1005

[\\*Authorize Intergovernmental Agreement with TriMet for maintenance of the Division Transit Project](#)

(Emergency Ordinance)

**Ordinance number:** 191971

**Introduced by:** Mayor Ted Wheeler

**City department:** Transportation

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1006

[Vacate SE Madison St between SE 71st Ave and SE 72nd Ave subject to certain conditions and reservations \(VAC-10138\)](#) (Ordinance)

**Ordinance number:** 191972

**Introduced by:** Mayor Ted Wheeler

**City department:** Transportation

Second reading agenda item 977.

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

## Regular Agenda

1007

[Direct Portland Parks & Recreation to prepare a resolution for City Council to consider in January 2025 to refer a five-year local option tax levy for the May 2025 General Election to fund park maintenance, deliver recreation programs, and care for natural areas, water quality, and urban forest](#) (Resolution)

**Resolution number:** 37685

**Introduced by:** Mayor Ted Wheeler; Commissioner Dan Ryan

**City department:** Parks & Recreation

**Time requested:** 10 minutes

**Council action:** Adopted As Amended

Motion to amend the first "resolved" statement to replace "in January 2025" with "no later than Spring 2025" and to add "or November" after "May": Moved by Ryan and seconded by Mapps. (Aye (5) - Mapps, Rubio, Ryan, Gonzalez, Wheeler)

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1008

[Amend Code to align with the amended City Charter approved by voters in Portland Measure 26-228 \(amend Code Titles 1, 11 and 27, replace Code Titles 10, 16 and 21\)](#) (Ordinance)

**Ordinance number:** 191988

**Introduced by:** Mayor Ted Wheeler

**City department:** City Government and Leadership

**Time requested:** 1 hour

**Council action:** Passed to second reading

Passed to second reading December 4, 2024 at 9:30 a.m.

1009

[Amend Code to align with the amended City Charter approved by voters in Portland Measure 26-228 \(amend Code Titles 2, 4, 9, 22, 23 and 30, replace Code Titles 3 and 17, and repeal Code Title 8\)](#) (Ordinance)

**Ordinance number:** 191973

**Introduced by:** Mayor Ted Wheeler

**City department:** City Government and Leadership

Second reading agenda item 981.

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1010

[Authorize Price Agreements for Owner Advisor Services for Alternative Delivery Projects not to exceed \\$18 million](#) (Ordinance)

**Ordinance number:** 191974

**Introduced by:** Mayor Ted Wheeler

**City department:** Environmental Services

Second reading agenda item 965.

**Council action:** Passed As Amended

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1011

[Amend Parks and Recreation Code to align with the amended City Charter approved by voters in Portland Measure 26-228 and to update park rules \(replace Code Title 20\)](#) (Ordinance)

**Ordinance number:** 191989

**Introduced by:** Mayor Ted Wheeler

**City department:** Parks & Recreation

**Time requested:** 15 minutes

**Council action:** Passed to second reading

Passed to second reading December 4, 2024 at 9:30 a.m.

1012

[Amend Tree Preservation Standards Code to continue current regulations for preservation of private trees \(amend Code Section 11.50.040\)](#) (Ordinance)

**Ordinance number:** 191975

**Introduced by:** Mayor Ted Wheeler

**City department:** Parks & Recreation

Second reading agenda item 989.

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1013

[Authorize application to the U.S. Department of Justice Bureau of Justice Assistance for the FY 2024 Edward Byrne Memorial Justice Assistance Grant for \\$498,002 to assist the Portland-Metropolitan area law enforcement and criminal justice community to prevent and reduce crime and violence](#) (Ordinance)

**Ordinance number:** 191976

**Introduced by:** Mayor Ted Wheeler

**City department:** Police

Second reading agenda item 984.

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1014

[\\*Pay settlement of Dustin Ferreira bodily injury lawsuit for \\$400,000 involving the Portland Police Bureau](#) (Emergency Ordinance)

**Ordinance number:** 191977

**Introduced by:** Mayor Ted Wheeler

**City department:** Risk Management

**Time requested:** 10 minutes

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1015

[\\*Create the NE 11th Ave and Columbia Blvd Local Improvement District to construct sidewalk, Oregon Humane Society driveway relocation and mast arm traffic signal improvements, and relocate public utilities south of NE Columbia Blvd to enable the elimination of frontage improvement requirements for NE 10th Ave, NE Baldwin St and NE Russet St \(C-10075\)](#) (Emergency Ordinance)

**Ordinance number:** 191978

**Introduced by:** Mayor Ted Wheeler

**City department:** Transportation

**Time requested:** 10 minutes

**Council action:** Passed

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

1016

[Create the NW Park Ave Local Improvement District to construct street, sidewalk, stormwater, sanitary sewer and water main improvements in conjunction with the segregation of pending local improvement district liens \(C-10076\)](#) (Ordinance)

**Ordinance number:** 191990

**Introduced by:** Mayor Ted Wheeler

**City department:** Transportation

**Time requested:** 15 minutes

**Council action:** Passed to second reading

Passed to second reading December 4, 2024 at 9:30 a.m.

1017

[Amend the NW Park Ave and Johnson-Kearney St Local Improvement District to construct only NW Johnson St and NW Kearney St and to construct NW Park Ave in a separate and newly-formed NW Park Ave Local Improvement District in conjunction with the segregation of pending local improvement district liens \(C-10069; amend Contract 30004963\)](#) (Ordinance)

**Ordinance number:** 191991

**Introduced by:** Mayor Ted Wheeler

**City department:** Transportation

Second reading agenda item 837.

**Council action:** Passed to second reading as amended

Motion to amend the Ordinance, Exhibit D, and Exhibit G: Moved by Mapps and seconded by Wheeler. (Aye (5) - Mapps, Rubio, Ryan, Gonzalez, Wheeler)

Passed to second reading as amended December 4, 2024 at 9:30 a.m.



1018

[Adopt City of Portland Investment Policy \(amend FIN 2.14\)](#) (Resolution)

**Resolution number:** 37686

**Introduced by:** Mayor Ted Wheeler

**City department:** Treasury

**Time requested:** 10 minutes

**Council action:** Adopted

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

## **Wednesday, November 20, 2024 2:00 pm**

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**Session Status:** No session scheduled

## **Thursday, November 21, 2024 3:00 pm**

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**Council in Attendance:** Mayor Ted Wheeler

Commissioner Carmen Rubio

Commissioner Dan Ryan

Commissioner Rene Gonzalez

Commissioner Mingus Mapps

Mayor Wheeler presided.

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

Council recessed at 3:38 p.m and reconvened at 4:00 p.m.

Council adjourned at 4:42 p.m.

## Four-Fifths Agenda

1019

[Authorize Agreement between the City, Portland Streetcar Inc, and 1535-A1 LLC for public benefits related to the Montgomery Park Area Plan](#) (Ordinance)

**Introduced by:** Mayor Ted Wheeler

**City department:** Planning and Sustainability (BPS)

**Time certain:** 3:00 pm

**Time requested:** 1 hour

**Council action:** Continued

Motion to amend Exhibit A to add the following to Subsection 2.3.2: "For informational purposes, the report will include the following additional data: 1) the racial breakdown of employees holding the newly created middle-wage jobs in an anonymized manner and to the extent individual employees elect to disclose race or ethnicity or the employer otherwise has the information, and 2) information related to whether the businesses that created the new middle-wage jobs are new business to the city or have relocated from within the city, and if so, from where they relocated. This data will be collected through surveys or third-party sources as available.": Moved by Ryan and seconded by Gonzalez. Vote not called.

Continued to December 4, 2024 at 10:25 a.m. time certain

## Time Certain

1020

[Accept 2020 Critical Assessment Phase Two Report from Independent Monitor, LLC, provided pursuant to the Settlement Agreement between the United States and City of Portland](#) (Report)

**Document number:** 1020-2024

**Introduced by:** Mayor Ted Wheeler

**City department:** City Attorney

**Time certain:** 4:00 pm

**Time requested:** 45 minutes

**Council action:** Accepted

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

**Aye (5):** Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler

Portland City Council Meeting Speaker List  
 Wednesday, November 20, 2024 - 9:30 a.m.

Name	Title	Agenda Item
Ted Wheeler	Mayor	
Keelan McClymont	Council Clerk	
Mingus Mapps	Commissioner	
Carmen Rubio	Commissioner	
Dan Ryan	Commissioner	
Rene Gonzalez	Commissioner	
Alan Yoder	Deputy City Attorney	
Addie Smith	(Communications)	990
Sam Sachs	(Communications)	993
robert butler	(Communications)	992
Kyle MacLowry	(Communications)	994
Mike Jordan	City Administrator	
Dori Grabinski	Project Manager, Community Safety Division	995
Ronak Patel	Appointee, Portland Committee on Community Engaged Policing	995
Veva Campeau	Appointee, Portland Committee on Community Engaged Policing	995
Conrad Hulén	Appointee, Portland Committee on Community Engaged Policing	995
Dan Handelman Portland Copwatch	(Testimony)	995
Sonia Schmanski	Deputy City Administrator, Vibrant Communities	1007, 1011
Adena Long	Director, Portland Parks & Recreation	1007
Suzanne Bishop	(Testimony)	1007
John Nicholas	(Testimony)	1007
Stephen Kafoury	(Testimony)	1007
Todd Lofgren	Deputy Director, Portland Parks & Recreation	1007
Diana Shiplet	Strategic Policy Analyst	1008, 1009
Terry Harris	(Testimony)	1008
Robert Taylor	City Attorney	1008, 1009
Victor Sanders	Coordinator III	1011
Marc Rodriguez	Deputy City Attorney	1014
Dan Handelman Portland Copwatch	(Testimony)	1014
John	(Testimony)	1014
Andrew Aebi	LID Administrator & Project Manager, PBOT	1015-1017
Ashley Evans	(Testimony)	1015
Jonas Biery	Deputy City Administrator of Budget & Finance / Chief Financial Officer	1002, 1018
Brigid O'Callaghan	City Treasurer	1018
William Cromb	(Testimony)	1002
Kevin Foster	Foreclosure Prevention Manager (Coordinator III)	1002

Portland City Council Meeting Speaker List  
 Thursday November 21, 2024 - 3:00 p.m.

Name	Title	Agenda Item
Ted Wheeler	Mayor	
Rebecca Dobert	Acting Council Clerk	
Mingus Mapps	Commissioner	
Carmen Rubio	Commissioner	
Dan Ryan	Commissioner	
Rene Gonzalez	Commissioner	
Lauren King	Senior Deputy City Attorney	
Donnie Oliveira	Deputy City Administrator, Community and Economic Development	1019
Ryan Singer	BPS Principal Planner	1019
Patricia Diefenderfer	BPS Chief Planner	1019
Cassie Cohen	(Testimony)	1019
Candice Jimenez	(Testimony)	1019
Troy Winslow	(Testimony)	1019
Todd Zarnitz	(Testimony)	1019
OB Hill	(Testimony)	1019
Ja'Marian Malley	(Testimony)	1019
Brian Ames	(Testimony)	1019
Christe White	(Testimony)	1019
Heidi Brown	Chief Deputy Attorney	1020
Nicholas Mitchell	IMLLC Independent Monitor	1020
Craig Dobson	Assistant Chief Portland Police	1020
Dan Handelman Portland Copwatch	(Testimony)	1020

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

**November 20, 2024 – 9:30 a.m.**

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

**Speaker:** Portland City Council. Good morning. Keelan. Please call the roll.

**Speaker:** Good morning. Maps. Here. Yea. Rubio here. Ryan, here. Gonzales. Here.

**Speaker:** Mueller here. We'll hear from legal counsel on the rules of order and decorum.

**Speaker:** Welcome to the Portland City Council. To testify before council in person or virtually. You must sign up in advance on the council agenda at [Portland.gov/council/agenda](https://portland.gov/council/agenda). Information on engaging with council can be found on the council clerk's webpage. Individuals may testify for three minutes unless the presiding officer states otherwise. Your microphone will be muted when your time is over. The presiding officer preserves order 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, council may take a short recess and reconvene virtually. Your testimony should address the matter being considered when testifying one. State your name for the record. Your address is not necessary. Two if you are a lobbyist, identify the organization you represent. Three virtual testifiers should unmute themselves when the council clerk calls your name. Thank you.

**Speaker:** All right. Thank you very much. First up is public communications. First item please.

**Speaker:** 990 request of adi smith to address council regarding Portland police bureau. Adi is joining us online. Hi, adi.

**Speaker:** Good morning.

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

**Speaker:** Okay. Yep. Loud and clear.

**Speaker:** So I wanted to state again for the record, there's a couple of things. Not just the police department. I'm assuming it's going to be resolved with the new, with the new mayor, with a new police chief, is what I'm hoping. And new direction and guidance for the police department. Because when I came to you guys a couple of months ago, maybe even a month ago, I asked for the copy of the police report for the theft that occurred in my son's apartment. I have yet to receive the police report. And I'm going to ask again. So the other so I'm going to ask again. Please provide the full police report. I would like the paper police report, not an email that I sent. And then one of the officers who I didn't hear from thereafter responded to. And as I told you guys during that meeting a month ago, your one of the district attorneys said something to me in reference to her belief in god and all of this stuff. And that had absolutely nothing to do. I told her I didn't accept her apology, and she said something about the god in her. I played the recording for you guys. There is going to be a huge lawsuit that is going to be a problem for the state of Oregon. And the problem is, the young black man is not getting the support and assistance that he needs to not only clear his name, but to get the support that he needs from the police department. So I hope that's going to be cleared up. But the last time I was there, I told you guys how Washington county court is protecting, attorneys and judges that are watching child literally from their benches in Washington

county court. Meanwhile, my son, who has not committed a crime, is sitting in jail and there is no recourse. Judge menchaca, judge eric boucher, judge brandon thompson there are several of them that are disgustingly, overtly racist, and they target young black men like my son, educated no kids, who has not committed a crime, sit in jail and waste away like that young boy in new york did. And you guys sit quietly and allow it to happen. And the country has expressed its disgust and with democrats, with this new clown show that's going to be starting leading the country next year, in 2025, I am going to vote for a republican. If I if I vote at all for the for the governor of Oregon, if I don't get the support that I need for my son right now, he is sitting in jail for crimes he didn't commit. And there are things that you all could be doing about it. That's all I have to say for now. I really like to be there in person. Good morning, commissioner gonzales. I see that those fines have finally caught up with you. I hope you guys have a great day. And next time do the right thing.

**Speaker:** All right. Thank you. Adi. Next individual please.

**Speaker:** 991 request of diva palmer to address council regarding bantu properties, llc.

**Speaker:** Welcome, diva. Bantam properties doesn't look like they are all right.

**Speaker:** 992 request of robert butler to address council regarding important issues of the day.

**Speaker:** Robert, are you online? I don't see him here in person. No. All right. Nine. Nine three.

**Speaker:** Request of samuel sachs to address council regarding investigation of community safety. Division related to claims of racism and discrimination. Can I ask a question?

**Speaker:** Keelan? Just a point of order. That's not what my 993 says. Do I have a different.

**Speaker:** No. No, mayor. The person canceled, so we filled that spot from the waitlist so that we could use the spot.

**Speaker:** Okay. Thank you. Welcome.

**Speaker:** Good morning. Okay. Ready? Okay. Mayor ted Wheeler, members of the City Council. My name is sam sachs, former human rights commissioner for the city of Portland, founder of the no hate zone. I am testifying to you as a concerned citizen and Portlander. Recently, I read a news report from the Portland mercury titled labor complaint against City Council candidate alleges racist treatment at city's community safety division. This letter I'm reading is the email that I sent to you, mayor, and all commissioners. I wanted to get it on the record for some clarity. I want to be transparent in my motivation for writing and testifying to you. I'm not trying to cast aspersions on anyone mentioned in this story, nor am I accusing the city of racism or discrimination. I know employees who work for the community safety division and I support their work and the vital and important work of the office. The reason I'm testifying to you is to request that your office direct the city of Portland human resources office to open an investigation into the claims of, as former city employee lisa freeman was quoted as saying, the treatment of bipoc employees. Is there a pattern of racism or discrimination in community safety division? Do employees feel comfortable and safe coming forward with their concerns? This is not something that can be dismissed, delayed or ignored. This is an opportunity to, at the very least, lead with action and to show the city takes every claim. Like this seriously. It's also an opportunity to bring justice to any bipoc city employee that may feel as though they have been harmed. And lastly, this is a moment to strengthen the relationship between the bipoc community and the city



of Portland community safety division. If these claims are proven to be false, the community safety division and staff deserve to be cleared so they can continue to do their important work. There are far too many bipoc community members being shot and killed in the city of Portland. For there to be any barriers or lack of trust between the office tasked with preventing these shootings and the community mostly impacted by them. As a community member committed to ending hate and racism and gun violence that overwhelmingly impacts the bipoc community, I respectfully request that you take these claims seriously and open an investigation if there is not already one underway, to see where there's an opportunity for growth and justice. Lastly, I want to read from the report the article in the Portland mercury, but the mercury found a consensus among former employees that there's a larger problem with structural racism at the city's community safety division. Freeman seemed to agree. She said she was also concerned with the high turnover of employees of color, and thinks this community safety division and city in general can improve in its treatment of bipoc employees. In fact, she said, she also filed a human resource complaint on behalf of one of her colleagues who she believed experienced a pattern of discrimination and harassment in the city. As I've stated, I'm not here to cast aspersions. I feel that it's important to put this on the record, and if there are these behaviors happening at the very least, an investigation can see where the city the department can do better to make sure we are doing what we say we're doing. When it comes to protecting bipoc community members and employees. Thank you for your time.

**Speaker:** Sam. Thank you. Appreciate it. I see mr. Butler is here. That is item number 992. Welcome, sir.

**Speaker:** Good morning. Hard working commissioners and the mayor. First of all, congratulations to the best candidate that ran for commissioner dan Ryan. Thank

you for running. We're lucky to have you. I'm here not to talk about the water problem. I do have one factoid, and that is to take one bath in one morning. You will be charged a dollar and \$0.20 for the water and the sewer. If you take that bath, it's expensive. Expensive. So I had a tenant of mine call me up. She's desperate. She teaches disadvantaged children. 5 to 9, maybe in my building. And a tent showed up in front. The parents drop off the children to the park and go around the corner. Sometimes they just leave. She's fearful that those children have to go by this tent that showed up, and someone inside is going to grab them and do some serious harm. So she asked me, what do you do? I said, don't do anything here. Let me handle it. So anyway, I talked to the security manager to the timbers, who's a former policeman and. Excellent, excellent official there. He said, call up pb reporter. So I looked that up. And first thing you see is if this has anything to do with homeless, call 311. So anyway, I sent anyway. I sent a photograph and asked for help. But where we are now is that this teacher is going to have to go zooming with school because she can't take the chance of children walking by. This tent of homelessness. So anyway, three patrol cars showed up the other night because some nice couple there, probably tourists who were walking down the sidewalk. This guy jumps out of the tent with an umbrella, smacks him on the back of the neck and they call the police, which was nice. Three squad cars showed up and then when they started to leave, they said, sir, you need to go inside. Now we're leaving. Please. Six, seven. We're leaving. It's not safe. I said, why aren't you arresting him? They're tents. Boy, what a nice tent. They're nice. Tent is blocking more than half of the sidewalk. This is across from the soccer field with a large attendance on Sunday. They said we can't do anything about it. They wouldn't talk to them. They get. The police got chewed out, by the way. Just talking to them. And the police said, go inside. We can't arrest them. The county will not prosecute, so there's no point in

arresting them. But call pbot and it's there. Excuse me, sir, this is not fair. Okay, call me back and they will help you. So right now, that gentleman, one of them who looks like he's half chimpanzee, is sending himself in his own little chair right in front of my driveway, in front of me. That'll really scare a lot of people at my buildings. So eight, two, four southwest, 18 address. And I'm counting on you. We don't have much time left, sir. And I'm counting on you again to help us out with that.

**Speaker:** All right. Thank you. Robert. Good luck, mister mayor. Commissioner. Just a quick question.

**Speaker:** I don't know if this question is for you or the city administrator, but just for the record, for folks watching at home, if you encounter a tent in a place that you deem to be inappropriate, what's the right way?

**Speaker:** Multiple options. 311 is mister butler indicated you can also go to the irp page impact reduction program page on the city's website. There's actually a quick form that you can fill out, and you will actually see on the app. That is on that page, the bubble light up, showing that your request is now in the queue, and you will see how many other people have requested the same thing and what the status of it is. So it's actually very responsive at this point.

**Speaker:** I sent you a photograph not responsive 311 last time. It was a two hour wait and I gave up. So please don't suggest that to me.

**Speaker:** I would actually encourage the web page, but you've given us the information. Can I just rely on you, mike, to take care of it and make sure that gets logged in? Great. Thanks. Thank you. Thank you, mister mayor.

**Speaker:** Thanks, mike.

**Speaker:** Appreciate it. 994, please, mister butler to request of kyle mclowery to address council regarding north tabor neighborhood development.

**Speaker:** Welcome. Good morning.

**Speaker:** Good morning, kyle mclowery, firefighter, north tabor neighborhood resident.

**Speaker:** I'm here to provide an update from my position on September 25th. My comments were regarding the overdevelopment and safety concerns in the north tabor neighborhood. So I sit before you today very frustrated. I'm here again to ask for help. Simple question. If presented with an ordinance from the bureau of planning and sustainability that changes the neighborhood back to our 2.5, or to incentivize off street parking, will you support it? So when I was here at commissioner Ryan's recommendation, I contacted the planning bureau who told me that they do not take public comments. Unfortunately, with donnie oliveira's assistance, we were able to connect with bts leadership to discuss our concerns. So everyone we speak to, they place blame for this situation on others, either within the city or the state, and they maintain that the others hold the decision making power. So we were originally directed to talk to you from bill cunningham at bts because you're the decision makers. Commissioner Ryan told me that the protocol was to go to dps. They can bring an ordinance or a recommendation to council for deliberation at our meeting. Erik engstrom from dps told us that the City Council made policy decisions to de-emphasize off street parking, and that they do not have the legal mechanism to present an ordinance to council or a recommendation to council, or to address the zoning around the greenway. And even if they did have this mechanism, this council would not pass an ordinance that included off street parking. So we were told that the intention of the city to support the development of 2 to 5 units within the north tabor residential lots. That this is true. The zoning should reflect that and the limits set on developing developments within the neighborhood. So currently, right now today, there are five development

developments between northeast 53rd, 55th, 58, 60th and 61st between burnside and glisan. Single unit lots that all have minimum of six up to 14 units on those lots. So that's not even to mention the 32 unit development on 57, which started this whole movement within the neighborhood. So the intentions of the city are not being met. You know, we are living in my neighborhood. The result of this idealism clashing with realism. And the reality is that you're destroying the safety and livability of our neighborhood. So these buildings are going to have a lasting impact for years to come, without an opportunity for us to undo this damage. So particularly this 32 unit development being allowed to develop in this manner, despite the objection of nearly 100 impacted neighbors. It's a failure on the city. The best of my knowledge that the city has done nothing to engage with the developer seeking a compromise that incorporates the voice of the neighbors and prioritizes the safety of the hundreds of people using the greenway every day. So again, I'm here to ask for your help. A simple question again, if presented with an ordinance from the bureau of planning sustainability that changes the north area neighborhood back to our 2.5, or can incentivize off street parking, will you support it?

**Speaker:** Thank you. Thank you. I don't think you're going to get an answer today. On whether the council would support a zoning change to the overlay. We have a rather lengthy process that we go through when we're changing zoning, because that's the fundamental fabric and nature of our various neighborhoods. So i'll speak for myself. I will not be answering that today. But I do hear what you're saying. I'm not sure which of our dcas mike would be tony, donnie oliveira. So are you already in communications with donnie? Did I hear you say that?

**Speaker:** Yeah, when I was here last time. We sort of met in the hallway. We chatted a little bit, and he did help us.

**Speaker:** Facilitate us because he's forgotten more than I ever knew on this subject, and probably many others as well. So you're connected with the right guy.

**Speaker:** And part of the issue with this is it's a lengthy process is and we were talking to the bts, they're, they're the long range planning part of the planning and development.

**Speaker:** And I agree with that.

**Speaker:** And they're talking in a 5 to 10 year horizon. And the dam, which is the development we've seen in the past two years, is making a huge impact. So I guess I understand it is a long process, but it's really our intent and our hope that we can find some way to press pause, pump the brakes, at least at least for a period of time, to try and figure out, do some, do some studies and see what's actually happening in this specific little pocket neighborhood that has taken a tremendous amount of development already. And this is not a nimby issue. We've already had 500 plus apartments built in our neighborhood, so we understand the housing issues of the city. And we're this neighborhood has already I think, sacrificed a fair amount. So we're trying to find a way to just see if we can take a moment.

**Speaker:** Thank you. That's our intent. Commissioner Mapps.

**Speaker:** Sure. Mr. Lowry, I want to thank you for coming in today. I live not too far from here, so i. I understand the specific dynamics in your neighborhood and kind of like the mayor, you know, I can't tell you. Well, realistically, I think this council has about five weeks left before we sunset. The one piece of advice I would have to you is I'd encourage you to reach out to your new district representatives. I think they would be a good starting point for rebooting this conversation. And I know you've been engaged with this for a long time, so I know that is probably not a particularly satisfying answer. But if I were to offer you a tip, from what I've learned from sitting on this side of the dais, that's what I would encourage you to think about. Okay.

**Speaker:** Thank you. Just to clarify, I have basically two avenues. The district, my district three reps or council members, and danny oliveira, to be continued communication.

**Speaker:** That would be and here we'll turn to the real pro in the room I think that's that's correct. Yeah. Yeah that would be i'll circle back with danny and see where we are with this. Great. Thank you. That's all I got.

**Speaker:** Commissioner Gonzalez had a comment.

**Speaker:** Kyle, can you remind me when the zoning was changed for this area?

**Speaker:** March 2020.

**Speaker:** 2020. I mean, it's one of the painful parts of zoning changes, right? You kind of have this delayed effect of the change and it's, you know, I'm not sure anyone besides mayor Wheeler was here on March 2020. I have to think about that a second. That's a little. One of the challenges here, and I'm sorry you're getting stuck between councils here. I really do apologize. I know the impacts that these have on neighborhoods. We lived at harrison and 46th for a number of years, and density was great, but adding apartment buildings without parking is changes. The neighborhood, and in some ways positive. And in some ways, you know, parking goes away and there are safety issues. So i, I wish we had a more satisfactory answer for you. I wish we had more satisfactory answer for how to protect livability while we're dealing with a mammoth housing shortage and substantial push to get, you know, as much infill as we can. And I completely follow your point. Your neighborhood is supporting infill, you are supporting density, and you're trying to lessen the impact on safety and livability in your neighborhood. And I'm sorry we don't have a more satisfactory answer. I would encourage you to continue to engage with others in the neighborhood, and that just elevate the impacts of some of these zoning changes have on the people that are already there and that are

supporting density, that are supporting more people coming into the city. That's that's all I got. Fortunately, kyle, I know my time is up.

**Speaker:** Just ask for a quick question. I'm also sort of rely on commissioner Ryan to be the connective tissue between this council and the next council.

**Speaker:** He has his hand raised, in fact.

**Speaker:** Oh, I didn't know that. I'm sorry. I wasn't looking down at the. Okay. Hi, kyle. Hi.

**Speaker:** I apologize, the part I played in making you feel like maybe I set you up to the wrong direction, but I did my best. It's helpful to hear the mayor say when this was passed in March of 2020, and the mayor was the only one here that could make that vote, I think as a city, we need to do a better job of looking about 3 to 5 years later on the how the implementation is going, period.

**Speaker:** Agreed.

**Speaker:** And are there some pinch points that we didn't intend to happen? But there they are. And as you said, idealism sometimes rules over realism, and realism takes place as you're doing implementation. So everyone that's done architecture and construction knows that as you adapt the plans, when you get the reality of what's in front of you. So I think this is a good example of that. It's five years later and there could be some unintended consequences. And I think that the advice that you got from everyone up here about connecting with your three councilors in your district will be helpful. I led you to that point because we're in this in-between zone where the mayor, rightly so, helped with the transition, took all the assignments away from the commissioners. So I was trying to lean into the new look, which is the bureaucracy now is going to be much more community responsive than it was under this form of government. It was always our offices



that took that on. And so now it's shared with with those public servants in the bureaucracy and those that will serve you on City Council.

**Speaker:** I hope you're right.

**Speaker:** If that doesn't work, then we'll have some idealism over realism again, right? Yep. Okay. Thanks.

**Speaker:** So just to defend my honor slightly here. So that was at the end of a lengthy, multiyear community engagement process. We had the central city 2035 programing. Then we had the better housing by design. And I believe what you're referencing was the residential infill program, which was hugely publicized. Many, many meetings over many, many, many months, years in fact. And there were trade offs that were evaluated, this being one of them, which was what about street parking? And you know, again, we were thinking long term. We weren't just thinking two years, five years, ten years. We were thinking 50 or 100 years. Because you're right, it changes the character of the neighborhood. But there was also a very clearly expressed value on the part of the public to create more lower cost housing. And I agree with my colleagues that nothing is in stone. There's always the opportunity, if the new council wants to revisit this and go back and look at the base zoning for the city of Portland, my attitude is go get them, have at it. But I want you to know it was not done without consideration. It was not done without public input, neighborhood input. In fact, at the very fine, finely feathered level. So it was what it is.

**Speaker:** I'm sure there's no intent to malice, of course. And if you if you recall what was happening in March of 2020, there was a lot of other things that were on people's minds at that point. But again, so with this idea of the higher density and this new off street parking, we're up against this thing where there is there's no reality where people are not going to have a car. Even in 50 or 100 years, people

still are going to want to get to the mountains, get to the coast, recreate. That's why people are here. So if it's in this ideal 50 year window, you're thinking, we want to have less people with cars. It's not going to be met with the reality of the people that live in Portland. Right?

**Speaker:** I think everything in moderation is the key to success, right? There's balance. And if the new council does want to raise this again, okay. Again, they have every option. So to do it will not happen in the next five weeks. I guarantee you that you sure you promise. All right. Thank you sir. Thank you for your time. Thank you for the discussion. Thank you for coming in. I appreciate it. Did that complete public testimony and then but one more call out for diva palmer okay.

**Speaker:** All right.

**Speaker:** Very good. That completes public testimony. Thank you everybody. You testified we'll go to the consent agenda. I believe one item, 1002 has now been pulled. Is that correct? That's correct. All right. And just for clarification, is that pull or is that pulled back to my office? 1002 the foreclosure. It will come back at the end of this agenda. Very good. There have been no other items pulled. Is that correct? Please call the roll on the consent agenda.

**Speaker:** Perhaps I yea. Rubio Ryan, I gonzales I mueller the consent agenda.

**Speaker:** I the consent agenda is adopted first time certain item please number 995. This is a report.

**Speaker:** Appoint and reappoint members to the Portland committee on community engaged policing.

**Speaker:** Colleagues, I'm pleased today to bring forward four new candidates for appointment to the Portland committee on community engaged policing, as well as reappointment of five current members. I'm happy to have pcp's program manager

dory grabinski as well as some of our members here. Dory, i'll just turn it over to you and you can take it where you'd like it to go.

**Speaker:** All right. Good morning, mayor and commissioners. My name is dory grabinski, and I'm the program manager of the Portland committee on community engaged policing, also known as pcp. As you know, pcp is a remedy created by the settlement agreement between the city and the department of justice. Pcp works to ensure that community voice is a part of policing and public safety in Portland. Before we move to the main event, I do want to take a moment to thank mayor Wheeler for his service to this group. Pcp began meeting almost exactly six years ago, and in that time, especially in the last few years, this group has really settled into a constructive model of what it looks like to bring community into the decision making process and also what it looks like to bring decision makers directly to community. Mayor Wheeler has played a big role in that by supporting pcp autonomy, while also being a helpful collaborator. So on behalf of the committee, thank you and we look forward to the many challenges and opportunities that will come with a new form of government and to building this ever important relationship with the future mayor. And I also want to thank all of the commissioners, past and present, who have worked with this stuff as well. So to the main event, we are here today to request the appointment of four new members and the reappointment of five continuing members. This will bring total membership up to a fully seated 13. So I'm excited for you to hear from our prospective new appointees. We have three in person with us today, and at this time I'm going to pass it over to roanoke.

**Speaker:** Hello. Good morning, mayor and commissioners. My name is roanoke patel. I'm a fourth generation Portlander, first generation American. I'm a part of the make a wish board, and I'm mainly here to represent the hospitality association.

So I'm a part of a group called HOA, the Asian American Hotel Owners Association. Many of us are small business owners. We've been here for 30 plus years, so it's a pleasure to meet all of you. And yeah, this is pretty cool.

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

**Speaker:** Hi, I'm Viva Ocampo.

**Speaker:** I'm a licensed professional counselor in the state of Oregon, and I have experience working exclusively with folks with severe and persistent mental illness, substance use, and chronic housing instability. So I currently work in I work for Oregon Department of Corrections, and I find that the more movement in my career, the more separation from my community. So I'm just excited to make sure that I get to use my experience with systems in a way that represents the voices of folks impacted. So thank you.

**Speaker:** Appreciate it.

**Speaker:** Good morning. Mayor. Commissioners, thanks for having us. I'm Conrad Hulin. I have the pleasure of living and working in the Goose Hollow neighborhood. I serve concurrently if appointed for the Central Budget Advisory Committee for Multnomah County. I've previously sat on nonprofit boards and foundation boards and I'm originally from the Hillsdale neighborhood, moved back in '21 and really excited to be part of Portland moving forward.

**Speaker:** Thank you and our fourth appointee couldn't join us today, but her name is Noelle Cut Hair and she writes as an Indigenous woman with personal experience in navigating addiction treatment, she has a sincere understanding of the impact addiction can have on mental health and community dynamics. This lived experience equips Noelle with the sensitivity needed to address the complexity of policing, and specifically how it affects those of vulnerable populations. For.

**Speaker:** Thank you. I had one quick question. There's four appointees or and we're re-upping two. I had a total of six on my list, so I just wanted to make sure I was tracking four appointees and actually five reappointments of continuing members. Okay. Got it. I have bios on more than four, but yeah, yeah, yeah.

**Speaker:** Thank you. Yeah, I think it has bios for all nine. Yeah.

**Speaker:** Good. Any other questions? Do we have public testimony on the report.

**Speaker:** We do. We have one person signed up, dan handelman, Portland copwatch online.

**Speaker:** All right. Welcome dan.

**Speaker:** Oh good morning. Can you hear me. Yeah.

**Speaker:** Good morning.

**Speaker:** All right. Thank you. Mayor Wheeler. And members of council. My name is dan handelman. I use he him pronouns, and I'm a member of Portland copwatch. Our group has been promoting police accountability through community member action for over 30 years. We have no problem with the people being put forward for appointment and reappointment today. The pccp. We would like to point out though, that the terms were all supposed to begin and end at the same time to make recruitment and appointment more clear and consistent. Instead, today, council is reappointing five people whose terms technically ended nearly three months ago in August and appointing four people for terms ending in November 2026. This inconsistency is confusing for the public and likely also for the members and staff. In may, we testified about people who were being appointed, noting that some of them were being appointed to terms that would only last three months until August. Of this year. Pcp has two seats that are set aside for youth members. However, none of the people listed are identified as youth. That refers to people who are 16 to 23 years old. When one of the people was appointed in September

2023, we noted they had recently graduated from college and would probably age out of the youth seat soon. We're hoping somebody can clarify. It's not council's responsibility to track this, but the city should at least refer to previous documents to inform the new ones. Last year we encouraged council to follow through on its promise to incorporate the pccp into city code. The committee presented proposed language to the mayor, who promised to bring that codification forward by the end of the year, according to the council calendar. You have roughly three more meetings before the end of the year and the start of the new council. I was present a few months ago when this council spent an hour debating whether to put committees to advise the mayor into city code. Given the pccp's history as an important liaison between the community and the bureau, and the uncertainty of how long the u.s. Department of justice settlement agreement will last, it makes it all the more urgent to be sure this group can continue providing valuable information and advice. They have no power to discipline officers or make changes to policy directly. The diversity of opinions and their requirement to discuss ideas with the bureau mean their recommendations are often not as strong as what Portland copwatch and our allies would like to see, but they still have more success than many of us who aren't appointed by council can achieve. During the previous round of appointments, we asked the city work to ensure the gender balance did not get thrown out of balance at that time. All the nominees use he him pronouns were happy to see the new committee will have an even split as can be expected on a 13 member body. There's also racial diversity, and as we noted a moment ago, a diversity of opinions. We remain concerned about who will monitor the bureau's adherence to policing practices established under the d.o.j. Agreement. Once they leave town. Chief deputy city attorney heidi brown said about the current situation. The monitor will be monitoring our monitoring of ourselves, while pccp will continue

to rely on staff to access documents and data, they seem like a perfect group to be ready. Once the court monitor team has finished its work. Finally, the group of people being thanked for their service includes two who left before the end of their terms and two whose terms ended but only served for 2 or 3 years. We repeat our previous suggestion to learn more about why there's so much turnover in this group, particularly because it is difficult for them to build relationships with the community when their institutional memory keeps getting shortened year by year. Thank you.

**Speaker:** Thank you. And dan, this is this is ted. If i, if I could just clarify a couple of things. Number one, these are volunteer committees. And people's lives sometimes intervene in their volunteer efforts. But I hear your larger point and agree that consistency is important with regard to codification of the Portland committee on community engaged policing. I want you to know that we're still working with dory and the committee on that, and it is my hope and expectation that we will bring that to council prior to the end of the year, so that that is still very much front and center for all of us. Do we have any other public testimony? No. This is a report. I'll entertain a motion to accept the report.

**Speaker:** So moves commissioner Mapps moves.

**Speaker:** Can I get a second, please? Second. Commissioner Rubio seconds any further discussion? Seeing none, please call the roll.

**Speaker:** Mapps, I want to thank these volunteers for agreeing to serve on this important committee. I vote yea review.

**Speaker:** I want to thank the outgoing members for their service as their terms are expiring and the ones that are continuing and also to viva, conrad and roenick. Thank you so much for signing up for this incredibly important work. It's great to hear your orientation around community in this work as well. And the desire to

better the relationship between our community and police officers. So thank you again, I vote yea Ryan, thank you for your leadership.

**Speaker:** I know people have served on pcp and they put in a lot of hours. So thank you for your willingness, the three of you to step in and do that. I'd like to your bios, you all three cover a lot of ground. That's good. So there's real diversity in more ways than one. And like commissioner Rubio said, thank you to those of you who are turning out. I thank you for your service.

**Speaker:** I vote yea gonzales, thank you so much for your willingness to serve the city. I vote aye.

**Speaker:** Wheeler.

**Speaker:** Well, the pay is not very good, but the reward comes in being engaged in what is frankly, one of the most important committees we have in our community. The public puts a lot of stock in the work of the pcap committee, and I want to thank you all for your service. Obviously, just based on the bios that that dory read, you are very, very capable and well qualified for these roles. You bring different perspectives that I think will be really, really useful to the committee at large and by extension, to all of us who serve on the City Council. So thank you for your service, I vote yea and the reports accepted the appointments are approved. Thank you, thank you.

**Speaker:** And one last comment. We meet most Wednesday evenings from 6 to 8 p.m, usually on zoom, sometimes hybrid. And we really do welcome the many diverse opinions out there about policing. We want to hear your thoughts, your concerns, so feel free to join us if you're tuning in. And we do have a meeting tonight.

**Speaker:** Thank you. So to that point, what what if somebody is listening and says, yeah, I'd like to at least listen in. Where do they do that? How do they do that?



**Speaker:** Well, you know, the city website has its challenges, but we do post all of our meetings and all of the access information on the city website. If you just google p sub pcc ep, that's what comes up. We're also on social media. We have an instagram and I guess an ex. I think we are also on facebook so you can find the information there as well.

**Speaker:** Awesome. Thank you all. Thank you. Thanks, dory. We'll now move to the regular agenda. Colleagues, we're on item 1007 for this year. Believe it or not, 1007 this is a resolution directed to Portland parks and recreation to prepare a resolution for City Council to consider in January 2025, to refer a five year local option tax levy for the may 2025 general election to fund park maintenance, deliver recreation programs and care for natural areas, water quality and urban forest. Colleagues, as we near the conclusion of our time together as a City Council of five hardy souls, I appreciate that we've worked together to ensure city services continue seamlessly. I appreciate opportunities such as this resolution today to prepare the incoming mayor and council for critical near term decision points that they're going to have to make, whether or not to refer a ballot measure to fund services currently supported by the five year parks local option level levy is one of those near term decisions for the new council. Voter polling shows that Portlanders would rather see services sustained than let the parks levy expire, and this resolution will ensure that choice is presented to the future City Council as an immediate priority. Commissioner Ryan has long been a champion for our top ten park system here in the city of Portland. I want to just underscore how much I appreciate his leadership with the bureau, and I'm proud that he and I are jointly sponsoring today's resolution. But i'll be honest, it's more commissioner Ryan in terms of work than me. So i'll turn it over to commissioner Ryan for any opening comments he may have.

**Speaker:** Well, thank you, mayor. In my time as City Council member, I've had the honor of overseeing parks bureau and later vibrant community service area for 18 months the year of 2023 and half of 2024. That was after two years of service from my colleague, commissioner Rubio. I have seen and heard from many Portlanders about the critical role parks play. Parks play in making Portland the place they want to live and raise their families. In November of 2020, park voters passed a five year local option levy. Parks levy to support park and recreation operations. The current parks levy has successfully delivered on voter commitments, including annual reports and an independent advisory committee that produces and presents a separate annual report. The current parks levy will expire after fiscal year 2526, and in 2025. The future City Council will need to decide whether to refer a subsequent ballot measure to sustain the services funded by the parks levy, or reduce park and recreation service levels. But let me be clear the parks bureau has some work to do to get this renewal of the levy passed. There are legitimate community concerns about the transparency of parks budgeting process and where they are choosing to allocate their resources. There are concerns on how they engage with the community and how responsive they are to these concerns. And to be clear, the levy renewal will not address the 5 to 600 million of maintenance backlog that has gone unaddressed. The parks bureau has work to do to regain the public's trust, and I have faith that will continue into 2025. But as mayor Wheeler noted, this resolution is a key step to ensure that the incoming City Council will receive the information they need to support their decision about funding park services. With that spirit in mind, I'm so pleased to introduce deputy city administrator for vibrant community, sonia szymanski and Portland parks and recreation director adina long to share more information about this resolution.

**Speaker:** All right. Good morning. Thank you mayor. Thank you. Commissioner, I'm sonia szymanski. As the commissioner mentioned, the next fiscal year is the last year of our five year operating levy. And in that final year, levy, resources will account for about 40% of our operating funds. In the last five years, the levy has allowed us to continue high impact and high value community programs, care for our parks and natural areas, and provide more access to more services to more people. Looking toward the last year of levy funding, policymakers once again have a decision point about what size park system we want for Portland and how to fund it. We are very proud that as the mayor said, we are a long standing top ten park system nationally and appreciative that today's action will give us the direction we need to have a conversation with our incoming council and mayor about the future of that park system, and to tee up a thoughtful, informed decision early next year. You see, I have parks director adina long with me to share more, and we have vibrant communities team members here for questions. I will also say, by way of housekeeping, this item is listed as ten minutes. That was wrong. We didn't catch it in time and we're going to be as economical as we can. Director.

**Speaker:** Thank you. Good morning mayor. Commissioners. For the record, adina long, director of Portland parks and recreation. First slide. The parks parks levy passed by Portland voters in November 2020, is a five year operating levy supporting delivery of parks and recreation services for Portlanders in tracking levy performance and expenditures. From the outset, we have used the 15 commitments in the voter pamphlet as the structure so voters can very clearly see where and how the actions were taken. We track and report on all expenses by service area and work group each year. We also include stories and interviews to help share more than just the numbers. But the real impact of the parks levy is having for Portlanders. Next slide. Thanks to the parks levy, we were successful in

preventing I'm sorry. Next slide I was behind one. Thank you. Thanks to the parks levy, we were successful in preventing cuts and closures to recreation programs and facilities. Our community centers have not closed due to a lack of operating funding through free programming and increased usage of the access discount program, Portland parks and recreation invested more than ever in ensuring cost was not a barrier for participation. Next slide a few highlights from last fiscal year. Portlanders participated in registered program activities over a million times. Over 100,000 free meals were served and over 10,000 participated in swim lessons, access to swim lessons is important to Portlanders. This past fiscal year, Portland parks and recreation piloted the schools to pools initiative, and we continue to refine and adjust swim lesson formats. On this slide, a second grade parent whose son participated in the program shared the impact she has seen from the program. We were able to celebrate the return of community events like the mat dishman block party and adapt to continue to provide programming during the closure of Mount Scott community center for its repairs and expansion project. Next. Two main elements of removing financial barriers to Portland parks and recreation programming are the access discount and free programming. At the end of fiscal year 23, 24, 22,694 Portlanders had signed up for the access discount program. The actual use of the access discount allowed Portland parks and recreation to provide over \$4 million in financial assistance to nearly 18,000 users. Summer free for all programming like the East Portland Summer Arts Festival is also critical to eliminate cost as a barrier to experiencing arts, culture, music and more. Our team is currently working with Portland State University on a community needs survey, which includes a question related to whether Portlanders see cost as a barrier for participation. This will help the bureau understand if the efforts we've implemented, like the access discount, are affecting the perception of cost as

barrier and financial access. The survey is currently live and we anticipate results back in February 2025. Slide. A number of parks levy commitments are about keeping parks and facilities clean, nature healthy and expanding and preserving trees. Next, parks levy resources supported keeping parks clean, increasing the amount of staff performing basic park and facility maintenance. Portland parks and recreation had over 6000 participants in nature camps, classes and programs planted over 3000 trees in low canopy neighborhoods with high percentages of Portlanders who are black people, indigenous people, and people of color, and living with lower incomes. And they removed over 3 million pounds of trash. For reference, that's about the weight of 37 fully loaded semi trucks. Thanks to the parks levy, the trails team grew from 4 to 6 positions this year through a partnership with connecting canopies, a ten month paid internship teaching habitat restoration and tree care, arboriculture and regenerative agriculture shared the positive impact of his experience working on the trails team. On the slide this past year, Portland celebrated the 75th anniversary of forest park. Jorge guzman, founder and director and executive director of northwest, attended the celebration and spoke about the importance of diversifying the outdoors and his organization's work on increasing resources and information for spanish speakers. Next, prior to the parks levy, Portland parks and recreation did not have the resources to perform proactive tree maintenance for park trees to enhance public safety, tree health, and longevity, and habitat augmentation for wildlife with parks levy funds. Portland parks and recreation expanded its arborist team published a tree maintenance plan, and has been inspecting and performing maintenance on park trees. Last fiscal year, this new team inspected over 100 park properties and performed maintenance on over 1800 park trees. Next slide through community partnerships with parks levy support, community oversight involvement and reaches more

Portlanders. Next slide. One specific commitment was to have community oversight of the parks levy, a dedicated five member parks levy oversight committee meets quarterly and produces their own annual report to council. The next report is anticipated in January of 2025. Slide. Spend over 380,000 hours helping to prune roses, plant trees and serve on committees. Additionally, Portland parks and recreation's community partnership program provided over 2 million in grant funds to community partners who deliver services in line with parks levy commitments. In addition to providing space for community programming for example, the african youth and community organization used space at montavilla community center for their own basketball program with park levy funds. Portland parks and recreation has expanded programming to reach more Portlanders. Tennis instructor at wahconah. Turner shared the impact she sees in offering japanese language tennis classes. The parks levy is also supporting the interstate firehouse community center feasibility study. Community member apprentice nami spoke to how the study and ongoing efforts at ifrc, in partnership with community, will help cultivate a vibrant black arts and culture ecosystem. Slide. Here is a high level summary of parks levy funding spent in fiscal year 2324. The full annual report breaks the spending down further by the 15 commitments, as well as lists out expenses by service area and workgroup. The total expense is the total expenditures minus any program revenue for all the service areas that have been matched to the parks levy commitments listed, and the parks levy portion of expense is the amount of that total expense value that was funded by the parks levy. Using the leveraged funding model. In total, at the bottom, you can see the parks levy resources were able to bolster additional operating resources to increase services and activities and meet voter commitments. Of the 95.98 million total spent on parks levy related services and activities, after fee related and other external revenue adjustments have been

made. Parks levy funding supported 50.82 million of that spending. Additionally, per City Council direction in the ballot referral, the parks levy was required to reimburse the Portland children's levy for the amount of compression impacts that the parks levy caused the children's levy. So with that, the total amount of parks levy funding spent this year was 51.22 million. Next. Parks levy spending in fiscal year 2324 is close to exactly what came in from tax revenues. After the year end spending and taking into account carryover of a year end buffer, available parks levy resource increased by 2.84 million. This is in addition to the remaining balance from years one and two for sum of 50.91 million to be spent in future years. We expect that in years four and five, parks levy expenditures will exceed the revenue that comes in from taxes, so that remaining balance will be needed to fill the gap by the end of the five year parks levy. Fiscal year 2526. It is anticipated that without reductions, revenues will have been fully expended delivering services. If City Council would like to refer another parks levy to the ballot for voters to consider, it could technically happen as late as may 2026. However, Portland parks and recreation would need to begin to reduce expenditures and reduce services earlier to avoid an abrupt and significant operational shutdown. If that option were chosen. Earlier referral for the may 2025 ballot or for the November 2025 ballot would provide more certainty about future revenue expectations and inform either plans to continue efforts to deliver current service levels or inform efforts to reduce services and expenditures. With 190 million in forecasted expenditure to deliver current service levels in fiscal year 26, 27 and 100 million in anticipated general fund, discretionary and program revenue. This is forecasted to be an approximate 50% operational service reduction for the parks system. If the park levy expires after fiscal year 2526. Thank you for the opportunity to share the role of the parks levy plays in supporting park services for all Portlanders.

**Speaker:** Very good to complete your presentation, colleagues. Any questions at this particular juncture?

**Speaker:** Commissioner Mapps I have a quick one, but commissioner rene Gonzalez has his hand up. Do you want to go?

**Speaker:** Sure. Well, how much? How much public testimony?

**Speaker:** Let's find out how much we have.

**Speaker:** Two people signed up.

**Speaker:** Why don't we go ahead and hear from them first?

**Speaker:** First up is suzanne bishop. Welcome.

**Speaker:** And who? Second?

**Speaker:** Stephen kafoury.

**Speaker:** Very good. I see stephen right there. Stephen, do you want to come up to. Thank you. Welcome, welcome, jonathan. Thanks.

**Speaker:** Thank you.

**Speaker:** You can go ahead and start.

**Speaker:** Thank you. Commissioner or. Sorry, mayor Wheeler, my name is suzanne bishop, and I'm here with jonathan nicholas. And we're representing the Portland parks alliance, members of the Portland parks alliance care deeply about the ongoing stewardship of our parks. We are concerned that the enduring failure by both City Council and planner to robustly prioritize asset preservation risks jeopardizing the future sustainability of our city's cherished park system. Through the past decade, Portland city budget office has repeatedly drawn attention to parks ongoing crisis of deferred maintenance. Parks levy oversight committee is also urging City Council to prioritize funding to address the nearly \$600 million maintenance backlog. Yet the bureau still appears to have made little progress in attending to this critical concern, despite ppr expenditures increasing by more than



100 million over the past two city budget cycles. The estimated budget backlog maintenance backlog continues to exponentially grow. We therefore urge a prompt rebalancing of the bureau's spending priorities and recommend as an immediate priority, a thorough audit of the bureau's current asset maintenance needs before ppr moves forward with referring any replacement levy, we urge you and the next council to require the bureau to robustly demonstrate its commitment to sustainably managing citizens assets under its care. We remain resolute in the belief that the ongoing absence of proactive asset preservation risks undermining people's ability to secure community support, which is needed for future levies and bond measures. And we look forward to continuing our work with bureau and city leadership to proactively preserve and protect this special place we all share and call home.

**Speaker:** Thank you. Quick question. A quick follow up from commissioner gonzales.

**Speaker:** Thanks so much for the testimony and calling attention to the maintenance backlog. I guess a policy question back, would you argue for addressing deferred maintenance ahead of core programming, such as swimming lessons? And this is the challenge for parks at some level, right. The tough tradeoffs of what you cut to address deferred maintenance.

**Speaker:** Yes. I would recommend that. I think we've put maintenance last for more than a decade. Many decades. And we're losing assets from our parks system, which has been invested in for a hundred years. And this investment needs to be maintained for intergenerational equity. We won't be able to have a programming in any of our parks or have people visit parks if they're not cared for on an ongoing basis. So, yes, I do recommend that.

**Speaker:** And I would just call it I think it's fair that you at least answer the question, because folks often will call for spending in one area without really articulating the tradeoffs. And this is very definitely a trade off in parks. I just would observe that this is a broader issue for the city of Portland that goes back generations. It's not unique to parks are under investment in maintenance. Our lack of capital reserves for infrastructure goes back generations. Frankly. And your point is well made. I just want to call out that there are trade offs and this is a broader issue in the way public entities budget for infrastructure and maintenance, and i'll leave it at that.

**Speaker:** Thank you, commissioner Mapps, did you want to go now or wait till after we wait for guests up here? Jonathan, do you want to go next?

**Speaker:** I'm fine, thank you. I'm just supporting suzanne. I'd only add to the commissioner that we're all attracted by the option of building an adu in our backyard. But first you got to fix your roof. That's leaking. It's as simple as that. It's a trade off. It's not an easy one, but there's a compelling reason to act.

**Speaker:** Thank you. Hi, steven.

**Speaker:** Mr. Mayor, members of the council. First of all, I want to thank you so much for your service all these years. This will be the last time that I appear before you as a as a lobbyist for a group and as you as a commission. Although I'm sure knowing the individuals in front of me that your commitment to the city of Portland is not going to end with with this service. I know that you have a long history of helping the city of Portland, that you will continue in different forms. I also want to give a big shout out to your staff. Mr. Mayor michael jordan, sonia szymanski and we have been very, very closely communicating on a continuing basis. Our emails are returned within a day or two. We've been meeting with them. I can't say enough good about about your internal staff. I represent today an organization called

concerned citizens. I think you're all well aware of our group. I want to emphasize that we are here to help. As you just heard, there are a number of groups. One is here in front of you that are very eager to help the parks department. We want the parks to succeed. This is not a criticism of the parks. It's a support for the parks. And I want to emphasize that we continue to want to be with it. We support every word that Suzanne Bishop just said. Let me then quickly read what I have to say from my group. First, we request that you put off the resolution to defer this request for replacement levy right away. We think that such asking for such a resolution in advance of November 25th and 26th elections rather than one in May is the way to go. The park. The parks bureau of budget is much too opaque and complex, and appeals policy choice is too high to expect the new council to debate the merits so soon after coming in January. Since the current levy will not lapse until June 26th, there are plenty of time to gather and respond to the concerns that citizens have been raising before moving ahead with a resolution. The reemergence of a potentially sizable operating deficit only five years after the bureau confronted a serious cash crunch, supports his Willamette Week article recently said the lack of a strategy to balance the checkbook. The CBO earlier this year deemed parks current expenditures untenable and pressed the bureau for a long term plan regarding levy usage. Parks, moreover, has yet to release a specific plan for dealing with a \$591 million maintenance backlog. Although the parks bureau has warned that the backlog, if not remedied, could force the closure of 1 in 4 parks in 15 years.

**Speaker:** I'll just.

**Speaker:** The concerned citizens believe that PPR should commit to plans with specific metrics, which we have not seen, frankly, eliminating the major maintenance backlog before approving a new levy. Thank you sir.

**Speaker:** Appreciate it. Thanks to all three of you. Thank you. Commissioner Gonzalez. Thank commissioner Mapps.

**Speaker:** Hi. My questions were for staff at this point.

**Speaker:** Thank you for your testimony. We appreciate it. I would like to ask a question. Okay. I'm sorry jonathan. Commissioner Ryan, stephen. Mr. Kafoury, commissioner Ryan did have a question. Yes, sir.

**Speaker:** Hi. First of all, thank you all for being here. And thanks for your years of love for Portland and your service that you provide. So what I'm hearing is your critical friends. You're basically all very supportive of parks. You love parks. You demonstrate that with your service. I heard caution from the three of you. I don't think any of you really think that this should be passed the way it's currently written. I think that you're asking for us to take a breath, if you will, and pause to do some diligent work. Then you could get behind it. It would be helpful to things. And then I think I could. I heard from director long, which I appreciated, director long, that November of 2025 would work as well in terms of being able to continue to do the proper planning and budgeting systems work that needs to take place, but waiting until may of 2026 would put us in jeopardy. Is that correct? Head nods. Okay, so do you think what you're requesting there would be time for parks and all of you to work together to have the next City Council to refer this in November? Do you think that's a timeline that's doable?

**Speaker:** We do.

**Speaker:** Okay, but you don't see that timeline being doable in may of 2025.

**Speaker:** It's a very complicated system, and with yes, I agree with you.

**Speaker:** Okay. I'm just trying to connect the dots between some really thoughtful testimony. The resolution we have at hand, trying to make sure that we don't delay the eventual, hopefully success for further investments for probably our number

one asset for our city at this time. In many ways, if you look at where we are. And so I want to be clear that we could rethink this. I also, mayor, when I looked at this, we used the word general is it in off year elections? We use the word general election in a in a may. Or is that just a typo?

**Speaker:** I believe both excuse me, I believe both.

**Speaker:** November elections, odd or even, are considered a general.

**Speaker:** So it's a typo because I don't think anyone meant to write general in this. Am I the only one that has in general wrong?

**Speaker:** Because I know we've had some discussions with the charter commission about at what elections they can refer things, and I think when they use the term general, it's even numbered years. So I oh, that's why both things are true.

**Speaker:** Yeah. Good luck following that. Right.

**Speaker:** Well yeah I think I think technically for the charter commission they were limited to even numbered years. I'm not sure that applies in this case.

**Speaker:** Okay. So we could consider there could be a friendly amendment that I'm thinking out loud with all of you on. I don't like what amendments. I do think we might have one today that could be a relatively simple and give us a little bit more breathing room to address some of the concerns. We said if this said instead of everything's good until you get to for the may 20th 25th general election, maybe that could say may 2025 or November 20th 25th elections, or we just go to November. This is real time listening here.

**Speaker:** So that's why I wanted to can we circle back to that with the staff? I, i, I'm following your logic. I don't know.

**Speaker:** Sonia is shaking her head. So I think I think we can we can find something.

**Speaker:** You're shaking good ways this way. Okay. We should talk about it. Adina, do you do this or do you do this?

**Speaker:** Maybe the staff should be will.

**Speaker:** The staff will come up next. But I want to take advantage of the intelligence and the activism advocates that are up front right now who are three people that have been quite active in ensuring that these things pass. So as anyone that cares about revenue when you see your key salespeople, if you will, energizers out there in the community giving you some caution, it's kind of wise to listen to them because we'll need you to pass whatever we put forward to the public. Is that a fair statement?

**Speaker:** Absolutely.

**Speaker:** All right. They're all going like this, too. All right. My work's done. I've got a lot of this.

**Speaker:** I had one more follow up question for this group. I think this is jonathan. I've been thinking about your metaphor a second, and thinking about how the 2020 levy is actually been utilized. Right. I mean, is your perception that the levy was used for new adas and new capex?

**Speaker:** It is, sir, because I actually like to hear from staff on the utilization of the 2020 levy.

**Speaker:** My understanding was pretty substantial in parks being able to reopen post covid at a core operational level, not necessarily capex. And so I think that's an important distinction. I just want to understand from staff how the dollars were actually utilized. I, I have at times heard that parks really couldn't have reopened post covid without those dollars supporting the operating budget. And I'm just looking at the recitals here where they identify sort of the utilization of I think it's citing 40% of the operational funds in its final two years. That's not necessarily

capex. So I just want to I'm just trying to track your your metaphor, which is a fair one. That's a that's a fair call out for all governments. But when we're talking about a levy as opposed to a bond, I'm not sure I'm quite following the application of that metaphor here. Excuse me.

**Speaker:** And I'm certainly not here to debate that with you today. I'm here to ask that the pause button be pushed, and that may be a totally fair point.

**Speaker:** I just want to make sure that we're understanding what the levy has been utilized to date and whether it is, in fact going towards capex that exacerbates our maintenance backlog or not. And I can ask the staff, I just wanted to clarify with you. Okay.

**Speaker:** Thank you. If I might, commissioner, we have some people on our group who have done some extraordinarily deep diving research on the parks budget, and we'd be very delighted to spend some time with you personally, if you're interested, with our research. Sure.

**Speaker:** And that'd be great. And I my question was a little bit precise to the utilization of the 2020 levy. And I think about that, that but I would I'd love to have that sit down. Thank you, thank you, thank you.

**Speaker:** Appreciate it. Sonia. Maybe we could have you come back up. I know commissioner Gonzalez has some questions. Commissioner Mapps. And perhaps commissioner Ryan as well. Yep.

**Speaker:** So I had two general areas of inquiry. One, well, maybe it's two and a half. So we heard the, the discussion about utilization of the 2020 levy proceeds. High level. How much of that is going to capex and how much is it going to operations?

**Speaker:** Is this on? Yeah. Hi, todd lofgren deputy director of community support services. So the parks levy, as referred to voters and approved by voters, is an

operating levy only. It is not. We don't have a capital allocation within this parks levy. That was actually one of the choices that was done in the 2002 parks levy, that a portion of it was capital and a portion of it was operating, but this is an operating levy only. So we're not building new things with it. Things that are being taken care of that might mitigate some of the major maintenance, but it's very small.

Mitigation are things like things are getting painted more often. A plumber is going out and fixing a broken, you know, water pipe. And in that case then it can be put back into kind of useful life. But major maintenance, like replacing roofs or building new things, is not allowed by the parks levy.

**Speaker:** That was my understanding. I think maybe connecting with the advocates in this space just to make sure there's a shared understanding about how the levy has been utilized to date and what is envisioned going forward would be of assistance getting everyone on the same page, then going up a level, you know, going back to, I guess, 2023, we had polled the prospect of public safety and parks either a combined levy or combined bond. And before us today is really just a renewal of the parks. Can you walk me through the logic of why we would, you know, just the trade offs of combined versus just doing solo parks, combined with the fire bureau? Yeah, I think that was I think the polling that was done in 2023 was fire for fire and parks, both on a bond prospect and then for a levy prospect. And just curious of the thinking.

**Speaker:** Sure, maybe first thing is we've looked in the past on polling whether voters would be looking to support a bond and levy on the same ballot, and the results of likely voters has been no. That we need to pick one or the other, a bond or a levy on a ballot to be likely more successful. So that said, and then we worked with your office at the time to look at what are the synergies, the things around like wildfire prevention, for instance, where Portland fire bureau could get some



resources to complement the resources that the parks bureau does around wildfire and looked at ideas like that were, in an operating sense, on a levy that those services could be paid for, or on the capital side, where there are certain heavy equipment that the fire bureau doesn't have today around wildfire that possibly or structures or training facilities that could be paid by a bond. And what an a parks and both had more than, you know, 50% support in passing by likely voters.

**Speaker:** Well, I guess as a general observation, you know, the and this gets back to my earlier point, just about infrastructure. You know, it's very, very hard for the city to address that over the long haul. Whether you're talking in public safety, you're talking in parks or you're talking pipes in the ground at least in rate making policy or rate making bureaus, you have a mechanism of recovery for that capital x, and you have a better pathway to financing it, for better or worse. And that's why water and bts are just more successful in many respects. And being out in front of their infrastructure needs. But general fund dependent bureaus, public safety and parks to a certain extent have a much harder road to taking care of both those capex needs. Addressing infrastructure over the long haul and to certain extent, maintenance. I mean, fire is long overdue for a bond. And, you know, it keeps getting deferred for political realities of where voters are and willing to pay for a new bond. And so I guess this is more just a recommendation to the next government and to administration. I how do we look holistically at what we're asking voters to vote on, really as a system and in what order? And, you know, we've got to support parks. I, you know, and keeping it operating as an essential part of urban living in really fundamental ways. But we continue to sort of squeeze out there's just only so much appetite for taxes in the region right now for good reason. And we go forward with one. We've got to figure out how to be more strategic as to, you know, the sequencing of when we bring things to voters. And

again, that's not specific to you all. It's just looking at some of our other deferred investments and particularly in public safety, that we're going to be paying for a long time. If we don't get out in front of it. And i'll just leave it at that. I would say, commissioner, you're exactly right.

**Speaker:** The lifespan of this levy has the question about it pulled forward a little bit. But one of the things our new structure allows us to do is more easily look citywide. Infrastructure needs and talk about a citywide bonding strategy, which we're doing. You can speak more to it if you'd like, but I just want to affirm what you just said.

**Speaker:** Yeah, both bonding and with levy's. Right. Like you want to stabilize funding for your core services. Where does a levy, you know, where is the appropriate engagement? And parks has a well traveled, you know, course of dealing here. But public safety probably should have a long time ago. And some of our neighboring cities have already gone down that path for good reason. I'll leave it at that.

**Speaker:** Very good. Commissioner Mapps I added a couple of technical questions about the presentation, but given the hour I think I want to focus in, on, or follow up on the conversation we're having here.

**Speaker:** I think I'm not entirely clear on the scope of the levy proposal that's going to come back. So what? You know, if we sign off on this today, you guys come back to council in about 6 to 8 weeks. Is it going to be how do we figure out what is going to be contained in that proposal. And who does that. Yeah.

**Speaker:** Your answer. The answer has two parts okay. The first part is technical. And sarah can speak to the back of house pieces that would be worked on between now and then. But I think what you're more getting at is the policy choices that the next council will have capital versus operating being one of them. There are a

handful at least. What this resolution does is set us on a conversation and a dialog with outgoing. As you like, and incoming council members about what they'd like to see in that package so that what we bring forward can be supported.

**Speaker:** So in the first couple of weeks on council, you're of the new council, you're going to have a conversation with the new folks about. Whether or not, well, it sounds like we're sending a levy. It seems like we've already made the decision not to not to do capital in this proposal. Is that correct? Has that already been taken off?

**Speaker:** It is not foreclosed.

**Speaker:** Okay. Because I thought I just heard that you guys have done polling and you can kind of do programing or you have public support for programing or you have public support for capital projects, but you don't have capital. You don't have public support for doing both. Is that correct?

**Speaker:** Just just to clarify, two ballot measures on the same ballot is what my comment was about. So you could have a parks levy that included capital and operating. That would be one measure. Yeah. Or a bond or just a parks levy. Only operating levy. Those are all based on the polling we have. Okay. Likely to be supported.

**Speaker:** So you want the so you want to bring basically. Well yeah. Who's making these choices mike it's a great question commissioner.

**Speaker:** Ultimately the City Council makes these choices. But prior to coming to council and interacting with them about the balancing of these really challenging questions that have been articulated and we've known about them for some time, I think with our new structure, it's incumbent on our staff and leadership to balance some of those really challenging questions and be able to illuminate the tradeoffs for a new council so that they can make an enlightened decision about the balance

between operating and capital maintenance, about the balance between capital maintenance and parks and capital maintenance in public safety, and quite frankly, capital maintenance. Even in utilities and transportation. So I'm hopeful that when we come back to council, whether it's January or February or when we come back, we can come back to them with at least an ability to illuminate those trade offs better than we've done in the past. In a more enterprise wide way. I will tell you, I do not think that whether it's parks or public safety or whatever, I do not think that we will be able to convince voters that they will have multiple bond issues, multiple levies for operating at the same time. So I think it's going to be incumbent on us to have a dialog with the community at some level, whether it's the council doing it or staff assisting, but we're going to need a really significant dialog with community about the balance between operations. In this case, it includes programing and day to day operations of facilities, keeping them open, keeping the grass mowed, you know, keeping trees from falling down. Those kinds of things versus the long term capital assets and how they get taken care of. And that balance, quite frankly, is going to be a really challenging decision for this community through its new council.

**Speaker:** Thank you for that. I'll just put some of my cards on the table. I share the concerns we've heard today about deferred maintenance in parks, and I think commissioner Gonzalez did point out, in fact, we have great studies on this different bureaus are in different states of disrepair or repair in terms of their physical infrastructure. I think parks from the last time I took a look at a study on this, it seems like parks has a has an issue there that I sure hope that we get make some progress on having recently been out speaking to the public a lot and I did fixing our streets and saw polling on that. I think I hear consistently from voters and pollsters is and frankly, policy leaders around the state, including in this room, no new taxes. And so one of the things I'm kind of wondering at as we look at this is, is

this a new tax? Are you going to frame it as a new tax and what that world looks like? And i'll also say, I don't want to put commissioner Rubio on the spot. I know she's has overseen this portfolio. I don't know if you have any thoughts on how to navigate this space. And i, I don't know, I'd be interested if you did. If you don't, that's fine.

**Speaker:** I'm I think that this tension has been there consistently. It's not a new issue. We know about it. So I actually really respect the work that commissioner Ryan has done on it, because he's really dived deeply into this. So I'm open to hearing what your thoughts are on this.

**Speaker:** Well, colleagues, based on the earlier head nods, I think we got to a place that would allow us to, I think, elegantly edit this so we can move forward with due diligence. And so I would propose that we remove the word January and insert spring. Is that fair? That gives us from March through the beginning of June, which means that the people that were up earlier, you will have some lively engagement between now and then and then eliminate the word. May and insert the word November.

**Speaker:** Director long has a comment on that.

**Speaker:** I just want to point out that if we make those amendments, that we would not be eligible at all to potentially have a measure referred to the ballot in may at all, that's clear to me.

**Speaker:** That's why the amendment says that. And earlier your head did nod in a positive way when this would say November.

**Speaker:** No, I was nodding when the question was whether or not staff should come up and talk about this. I was not nodding in concurrence with, okay, maybe there was a miss.

**Speaker:** Someone help me out here. I saw a lot of nods that were positive. Maybe commissioner Long's was one of them, if I might. Yeah, I believe earlier your amendment articulated a May or November possibility or.

**Speaker:** Yes, that's what I heard anyway. Or May and you know, consider I would love to see May manifested it would it would mean a lot of hustle between the people up here and the people back there.

**Speaker:** So I was just being realistic. It might not be until November. And I thought I saw head nods that we could manage that in terms of budgeting and staffing.

**Speaker:** If you wanted to amend this directive, it could say no later than spring and then it could reference for May 25th or November 25th. I think flexibility for the decision makers is a good thing.

**Speaker:** You're a good hire Keelan everything that Sonia said. Okay. Do you have the words that you need for the amendment?

**Speaker:** Let's take a look. Do we have to do the amendment first and then can I ask?

**Speaker:** Basically we're just editing this resolution.

**Speaker:** While she's doing that. Commissioner Mapps this is probably one for staff.

**Speaker:** Does the word levy confine us to programming as opposed to capital projects? Capital improvements? No, I think in terms of the resolution, I guess I don't have an attorney next to me, but I would consider it a term of art.

**Speaker:** I think the point is that the council is asking us to interact with the new council about the current operating levy, which is a five year operating levy. But when we interact with council, there is no way we are not going to talk about the capital maintenance challenge. And that challenge can be solved in lots of different

ways. Assuming the voters will go along with it, it could be a levy that includes both contributions to capital maintenance and operations. It could be a bond that is restricted to just capital expenditures, which, oh, by the way, would be outside certain tax limitations. So that may be attractive to the new council. I'm not sure. Or it could be some combination of both that the new council says. This is what we'd like to do, and they may sequence those things over time. So I guess my point is, while I think you're giving fairly clear direction to the staff to interact with the new council about this issue, we currently have a levy that rolls off. I think that's probably why the word levy is in the resolution. But I got to say, for all practical purposes, the new council can't escape the discussion you've just had. And the dilemma that they will be faced with. And so we will be coming back talking about all those possibilities when we return.

**Speaker:** Okay. I thank you for that clarification because I occasionally today we've used the term operating levy, which I interpreted as meh, which I read as being saying we are going to invest in programing as opposed to fixing roofs for example. And I just hope that next council has the option. Yeah, I would hope that the next council or I'd recommend to the next council keeping the dollars roughly the same as we've had historically, but maybe taking a look at the split between capital and programing. But future policy makers will make those choice, and I just want to make sure they have that choice to make.

**Speaker:** I have a technical question just following up on that. So it's really a budgetary question. So I in broadly speaking, I think of operational budgets as inclusive, inclusive of maintenance. But in terms of Portland parks budgeting, when we talk about maintenance or, you know, capital maintenance, where does that line item hit? Is that under the operating budget? Well, again, I'm not talking about

capital projects. It's a whole separate ball of wax. But when we say, you know, capital maintenance, is that a line item under the operating budget or is that.

**Speaker:** No. If we're talking about capital maintenance, it will fall into the capital budget. And it's really a term that the accountants appreciate a lot more than we do. And that is for us to account in the capital part of our budget, the assets we're either putting in new or we're renovating have to be over a certain threshold of expenditure and have to last for a certain amount of time. If we're doing maintenance like cutting the grass or we're bringing the plumber in to fix a pipe that's already there, the thresholds for a capitalizable expense in our budget aren't met. And so they're in the o&m budget. Those kinds of expenditures, we'll call them maintenance in the capital side, we call it capital maintenance. If it meets a certain expenditure threshold and lasts like a roof, it's 100 grand and it's going to last 20 years. You can capitalize that expense. And it's really mostly for the accountants that we do that.

**Speaker:** And I don't want to spin on this, but just to make sure we're all talking the same thing. So we really have three different needs ongoing operations. We have mowing the lawn and core programing. And then second capital maintenance, which is literally the metaphor of the roof. And third is new capex projects that we're really not talking about, although it hasn't really been, you know, explicitly precluded, right, at this point.

**Speaker:** No. And in fact, it gets even more down the rabbit holes when you start talking about utilization of system development charge money. It is legally restricted to expansion of capital, expansion of capacity. And so that gets you into the new stuff or the expanded stuff versus just capital maintenance. We can't use the sdc money for capital. Capital maintenance. It actually has to be an expansion of service.



**Speaker:** So and I don't know if commissioner I mean, commissioner Mapps just to get at your questions because we're kind of going down similar paths, but there's a terminology piece here. I mean, the testimony clearly articulated a gap that's well documented on capital maintenance as a major problem for parks and sprucing up the operating budget is not going to address that. And so can we. I mean, I'd be maybe for staff. You might just consider really bringing back a component that's focused on capital maintenance just to be super explicit about that, not new capital projects, but capital maintenance in addition to operations.

**Speaker:** And also since we're digging around in this rabbit hole, don't we have in our legislative agenda that we want to work with the state to loosen the rules on sdc so we could actually spend sdc money on the roof?

**Speaker:** Example I know there's a statewide effort by the league of Oregon cities to take a look at the statute for sdc as well.

**Speaker:** It's just common sense. I think you could actually get bipartisan support on such a measure down there. So let's hope that might disagree with successful this legislative session. That would actually be very helpful in terms of the levers that we have to do routine maintenance. And I think what we're hearing is as an enterprise, people are asking for more practice discipline by our enterprise on routine maintenance in general and more communication about what that routine routine maintenance looks like. Instead of providing this shock and awe, big numbers of routine maintenance that I think is difficult for people to swallow for all the right reasons.

**Speaker:** Totally agree commissioner, are we at a point where we could bring this?

**Speaker:** Yeah, well, I am an accountant.

**Speaker:** Restated. Yeah.

**Speaker:** Could you go ahead and restate Keelan?

**Speaker:** What? I heard motion to amend the first resolve statement to replace in January 2025, with no later than spring 2025, and add or November after may to the second part again and or November after may.

**Speaker:** Okay. And or. Great. I move that amendment.

**Speaker:** I'll second. But then I'd like to have a little bit of more discussion on the proposal on the table. So I second and then the discussion, I just want to invite the director or the deputy city administrator to push back or offer any feedback on the amendment on the table.

**Speaker:** Partner testified that we had plenty of time to think about this, and on the one hand, there is technically a good amount of time to think about this. On the other hand, plenty is relative, and the more time we take to think about it, the more seriously we'll have to plan into potential cuts. So there's kind of a sliding scale here. I think the amendment is just fine. And like I said, flexibility is never a bad thing. And our job, I think, is to make sure we stay on track and keep momentum in the conversation.

**Speaker:** And I have concerns about not having the opportunity to educate the incoming council in January because we have a deadline in which we would have to refer a measure for may. And so I would encourage us to stick with educating the incoming council in January. And I'll also state that while it's probably not ideal, something could be referred a second time if it's not successful the first time. So we only have so many chances to refer this as director Iannom.

**Speaker:** The amendment that was just read would then satisfy you based on what you just said, correct? Because it says no later than spring and then it says both may or November in a sense.

**Speaker:** But removing the January date of from the amendment could slide us into spring, in which case spring could be too late for may. What is it?

**Speaker:** End of February filing date is 60 days prior, 60 days prior to the election. So early March.

**Speaker:** So that's where my concern lies.

**Speaker:** I would, but but nothing stops the bureau from hustling and getting this out in front of the new council as soon as you so desire. I mean, that's, you know, I was my onboarding. I was heavily lobbied by a number of bureaus on their capital, maintenance and infrastructure needs. Even before I started. And it so you guys can do the good work of leaning on the new council. Correct.

**Speaker:** We are briefing the mayor elect this Friday, and we'll be working with mike to figure out how to best and most quickly get with council and to be clear, no later than spring doesn't preclude January.

**Speaker:** I'm just I was asked, you know, my opinion. Yeah.

**Speaker:** All right. Let's call the.

**Speaker:** Oh. Did you have a follow up commissioner Mapps. No. Okay.

**Speaker:** Let's call the roll on the amendment, please. Maps.

**Speaker:** I'm not going to be here. So I don't quite I'm not quite sure what I think on this one, at least at this moment I'm reading this amendment. It's indicating that should the bureau decide that it's a priority to brief councilors and in January, you guys can do that. So I'm going to vote. I and hope that works out.

**Speaker:** Yea. Rubio I appreciate the flexibility of staff and all of us to have this conversation and be responsive to the concerns we heard. It is a long standing tension. We're we're moving forward. We're going to have to come to it's going to come to a head and we're going to deal with it anyway. So it's just glad, I'm glad that we're taking the time now. So happy to vote by Ryan I Gonzalez, I just would encourage you to be crystal clear as to what you're thinking the levy is going to be

utilized for, and if you're going to make a space for capital maintenance, that I think that's a good idea.

**Speaker:** And that that's clearly communicated to folks. That's a recommendation. But I vote aye.

**Speaker:** Wheeler. All right. The amendment is adopted to the main motion. Is there any further discussion? Seeing none this is a resolution, as amended, to call the role maps.

**Speaker:** I'm going to vote. I on this. The levy plays an important role in supporting the activities of the parks bureau. I for the record, and for future members of council and the future mayor. You know, I'll point out that the conversation we're having today between programming and capital maintenance, in particular at parks, has been going on for the whole time. I've been here. And I think one of the things I've learned, and it's frankly been expressly told to me by leadership in the parks bureau, is that if council wants to make capital maintenance a priority, then that's a choice the council just needs to make, which is one of the reasons why I was hoping we could create some space in this particular proposal to think about the split between, you know, programming and capital projects. I encourage future council members in the next mayor to take that that decision seriously. And yeah, with that I vote aye.

**Speaker:** Rubio, I want to thank commissioner Ryan for his leadership and the team at the parks bureau for bringing this item to council. I really appreciated the annual reports and the progress on the levy. And of course, see the tremendous value in all of the programming there, like the swim lessons and summer free for all and all those amazing things that community really has come to rely on as part of our programming. I also want to appreciate the testimony that we heard cautioning us about the backlog. It's an urgency that we all know about and feel and know and

more. No one feels it more than the parks bureau on a regular basis. I know having been in that position before. But, you know, this is a compounding challenge that we need to tackle. And I agree that the extra time is a responsible idea. So it'll be really important for the next council to be able to dig into this and have the analysis to make that good decision. This resolution with these changes, I think, makes sure that this can happen now. So I'm happy to vote. Aye.

**Speaker:** Ryan. Yes. First of all, thanks for the report. Earlier. It was it was wonderful to hear about and I have a lot of the same sentiments as my colleague, commissioner Rubio. It was wonderful to see, just in one year's time in the summer of 2024, you just saw more people in our parks. And in 2023, and way more than 2022. So watching how you've implemented your services during a time of reentry to life, if you will. Parks was at the front and center of that. I think it literally helped Portland's greater mental health survive some really tough years as a public servant. I had the pleasure of overseeing parks and recreation with all the leaders that are at this in front of me and bringing together the vibrant services community cluster. I have a big commitment to parks and recreation, our green spaces, greenways and natural areas. These places are spaces are more than just nature. They are tied to the identity of the city of Portland, and they represent who we are and what values we hold to the most precious. Quite frankly, this is our currency as a population center. This is why people move here. It's why they remain here for many generations. And we're losing some of those families at this time. So we must sustain and build on this investment and take this feedback very seriously as we move forward. So when champions show up and raise legitimate concerns around fiscal discipline transparency, we all I have to listen and respond so we can come together for our parks in 2025. I have a lot of optimism that that's what will happen. And with this necessary amendment passing to move forward, I vote.

**Speaker:** I think I'm just going to reiterate a few pieces how essential the levy was in our parks reopening post pandemic and such a core component of our social fabric. Frankly, urban living essential component for living in the city of Portland. And so I'm grateful that voters approved it in 2020 and that we were able to deploy it. Here are the critiques of many friends of the parks. I take them seriously, but also recognize it's not entirely parks leadership that is responsible for that. We have some peculiar aspects of state law that mandate how system development charges are utilized, and that does sort of continue to contribute to a problem. We invest in capital, don't take care of the capital maintenance. And that's beyond at some level, management at the parks. So I would also strongly encourage the next government, the city administration, to think strategically about the sequencing of revenue sources and capital. Capital maintenance and operational needs of the various bureaus in the city. It goes up a level we all just read today about the projected revenue shortfalls of Multnomah County. At the same time, they have incredible proceeds for universal pre-k and supportive housing. Bond is raising dollars far in excess of what people expected. We really do squeeze out other revenue sources and other needs in our collective community when we choose the wrong areas of revenue and wrong areas of focus, even if they're venerable, they may not be the number one most important issue, and they have an opportunity cost. Hopefully, we can create a space where we're more strategic about that as a collective community in multiple levels of government. With that, I vote aye.

Wheeler.

**Speaker:** Well, dca szymanski was correct. It took a little longer than ten minutes, but this was a very good discussion. And I want to be clear what we are doing here. This is a resolution. We are not directing the next council to do anything. If they're listening in on this, I want them to understand they will get a blank slate. They will

be able to have these deliberations. They will be able to ask for whatever information they need, and they will be able to respond on whatever timeline they so choose. But what this council is saying is we want to start the work now. We don't think we should wait till the end of the year or the beginning of the new year. While that council is organizing. We want the staff to begin the work that is necessary to bring forward to the next council some various proposals on what they might consider. And I think that is, frankly, colleagues, just the smart thing and the right thing to do right now. I vote aye and the resolution is adopted, as amended. Thank you all for your leadership. Commissioner Ryan, thanks for your hard work on this. Appreciate it very much. Colleagues, we'll move to item number 1008. It's the first reading of an emergency ordinance.

**Speaker:** Amend code to align with the amended city charter approved by voters in Portland. Measure 20 6-228.

**Speaker:** Colleagues, this is the fourth bucket, if you will, of code changes coming to the council to align code with the new voter approved city charter. This ordinance includes six titles. You're familiar with the run of show. Here, i'll hand this off to diana shiplett with the charter transition team. And of course, our city attorney, robert taylor, to talk us through this. Welcome.

**Speaker:** Good morning. Good morning, mayor and commissioners. For the record, my name is diana shiplett. I'm a strategic policy analyst, and I use she and her pronouns. And today I'm bringing forward the fourth of the groups of city code titles, which require updating to conform with the amended city charter. Next slide. While council has seen these slides, i'll be quick in running through them, but I think it's important to ground any community members who haven't seen the other presentations on what is required in these changes. Next slide. First and most importantly, we need to update all the authorities in code to match them with the

new charter. We're removing titles such as commissioner in charge and replacing it with city administrator or mayor, whichever is most appropriate, such as the example shown here, which replaces commissioner in charge with the city administrator. Next slide. Second, we are giving the city administrator the authority to direct the work of the bureaus, adopt administrative rules, approve contracts and agreements. And while we do not give this authority specifically to the city administrator because the charter has the city administrator already tasked with the proper and efficient administration of city affairs, we recognize the consistency and clarity in the code is useful and likely helpful to future administrations. The city administrator may delegate any of these authorities to the appropriate person, program, or bureau for the efficient running of the city. Next slide. The next set of changes is administrative. First, to keep the appropriate separation between the legislative authority of the council and the administrative or executive authorities of the mayor and city administrator. We are removing any administrative focused sections of code. We are also removing some very outdated information from the code. This ensures that both the future council does not have to inadvertently step into administrative rule making that the code, and that the code is as up to date as possible. The example shown is one that is both administrative, so does not belong in code and is also outdated. So it is unlikely to go into an administrative rule after the bureau reviews it. Next slide. While not required by charter, the team agreed that some language changes were necessary for consistency sake. The first was that we removed any gendered language. Second, we're changing must or sorry must retaining shall to will, must or may. And third, we are reflecting all of the updates to the city's organizational chart. Next slide. So included in today's titles are titles one, ten, 11, 16, 21 and 27, and for the most part, these titles only include the updates required to conform them with



the amended code. However, there are a few additional changes that I'd like to highlight. Next slide. In title one, titled general provisions, we are removing both the sections which previously repealed code sections. Maintaining this list is no longer required because charter section two, dash 121 and 2-1 25 adequately addressed the repeal and validity of code provisions, and most importantly, we are adding a new chapter regarding how administrative rules are put into place. This is particularly important because of the administratively focused sections, which we are deleting from other titles. This new chapter outlines the different types of rules, how they are to be noticed, how input on the drafts will be received, and the effective dates for any of the approved rules. Next slide. For title 16, in addition to the required charter updates, we are updating some of the chapter titles for clarity and deleting several of the unused chapter headings. Next slide. Our review of title 21, we discovered that the chapter numbering didn't meet the auditor's office standards, so we are updating the numbering to be consistent with the rest of city code. We also deleted the administratively focused chapter 21 .12.330, which is titled approval and release of easement, easements and property. Sorry and real property. This chapter will be reviewed by bureau staff and added to the appropriate administrative rule as necessary. Next slide. Actually, that is the end of my presentation, so I'm happy to answer any questions.

**Speaker:** All right. Very good colleagues. Any questions at this point. Do we have public testimony on this item.

**Speaker:** We have one person signed up. All right. Let's hear them. Terry harris. Welcome.

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

**Speaker:** Again, for the record, I'm terry harris, and you know, my three minutes to go through 506 pages of codes that are going to be adopting in the next two

meetings. I'm going to just focus on one chapter in one title. And just draw your attention to written comments that I have. I've got four pages of comments on about four pages of text in that chapter, and it's 1.05. It is the administrative code chapter that that was mentioned here as something that's new. It is so fundamental to the way the new government is going to work. It is so fundamental to the way this code revisions have worked that I think it requires some detailed attention to it now. Now I'm down to two minutes. I'm not going to have time to do that. You're not going to have time to do that. You are jammed with your January 1st deadline to get these revisions done. So that the new government can work. So again, I'll direct your attention to the written documents. Read them if you can. Amend them if you can. Amend your code. If you can. But in the minute and a half left that I have, I'm going to say take a look at the warm handoff that you want to give to the new council and the new government at this point, this process has been amazing. It's a ton of work that these folks have done to go through thousands of pages of code. But it's it it also opened my eyes to how bad the code is, sort of at the moment. And I would suggest that in the handoff, you might want to suggest to the new government to create something like a code commission to grind through this stuff and make the appropriate changes that these folks didn't have the time to do, or the or dive in deep enough. So that's my comments today. And I appreciate the ability to complain about this on a regular basis. But again, I think the administrative code just one last second in the 30s the chapters mistitled, it's not an administrative code title, it's an administrative procedure title. And that's how it would be in the state law. That's how it is in federal law. You should just why fight it? Retitle it as the administrative procedures in chapter 1.05. That's it for now.

**Speaker:** Thanks you guys. Thank you. Appreciate it. Commissioner Mapps.

**Speaker:** Terry. I just want to express my appreciation for your testimony today and for your scrutiny of this process that we've been going through for the last six months or however long it's been. I'm almost exactly in the same place that that you're in. I very much appreciate what's the hard and difficult work that staff has done, but I can also to just tell you, I do not feel good about my ability to do due diligence on 500 pages of code changes. I trust everybody around the table. But this is not how I like to do business. On the other hand, I'm stuck between a rock and a hard place. The clock is running out on this council. We want to be able to hand off a code that, at least in theory, makes sense or is up to date. I do embrace your recommendation that I hope that future the next council and the next city administrator goes back and checks our work here. I do not have a high. I have a high confidence in everyone around the table. However, I do not have high confidence that we have gotten everything right. Thank you very much. That's it.

**Speaker:** Thank you. Commissioner Mapps any other commissioner? Ryan, terry and perhaps our legal counsel could weigh in on what you were mentioning, that this is more of an administrative procedure than a code.

**Speaker:** Could you say a little bit more about that? Okay. You get 30 more seconds.

**Speaker:** I mean, it is the state and federal governments work the same way when they're doing administrative codes. Administrative regulations. It's run. It's run through an administrative procedures act. Oregon has one. Federal government has one. Most cities have one. It's just a procedures act. And what it does is it creates the opportunity for notice, which I think in this particular code is wildly inadequate. And an opportunity to comment and how the actual function of writing the regulations, publishing the regulations, setting the effective date, all of that stuff are procedures in the code. It's complicated stuff. It's not easy. And it deserves

careful attention because it is going to be how all the regulations in the city of Portland are going to be written. From now on. Maybe so that's what I'm worried about.

**Speaker:** I appreciate it. I promise to read your testimony. Any comments?

**Speaker:** For the record, Robert Taylor, city attorney. First, I think we have talked before you. I agree with you. 100%. I really do. It has been a lot of work. I agree with the comment that we're in a rock and a hard place here with trying to implement a new form of government and update our city code in the in the short time available to us. On when we develop this administrative code, we look to other similar codes in other cities. Other similar codes that the that the city had in its own code. And really this was an effort to try to take the best models that we could and synthesize them into what you see now in 105. I really want to emphasize your point about, hopefully, the new council will spend some time in committee to look at all the code, and there are other places that we could be updating and doing better. You know, it's just it's been a long time since that type of code hygiene has been done in the city, and I think that would be a very valuable exercise. Your point about the title of the section? You're right. Usually it's administered in the state or federal. It's the administrative procedure act. We have a code rather than an act. So if council would like to add procedure to the title of this. So it reads administrative procedure code, I think that's entirely appropriate. Okay.

**Speaker:** I sure I mean the way that I came to it though is you have administrative code defined as a term elsewhere in the broader code, which isn't really. It's confusing when you do your search for administrative code. You get two different locations saying two different things. It's that tangle of referrals, you know, when you you were just talking about chapter 21 where you redid all of the code

numbers that creates a spaghetti of references that have to be checked. I didn't check them, but somebody should.

**Speaker:** Yeah. And I and I and I take that point. I think that's a good point. I, I would say as the code previously existed, it was spaghetti all over the floor in the sense that we had many different code provisions for each bureau determining how they were going to set their own rules. We didn't even have a consolidated way that the city does rulemaking, and that's what this is intended to do, along with those other code revisions. So it may not be perfect. I do think it it deserves further scrutiny, but I do think it's way further ahead than the way the code worked just a short time ago. You have a question?

**Speaker:** Yeah. This is a follow up question for robert. I, in looking at 105 in general outside of 105 100 which addresses existing rules, if we don't adopt the rest of it, what's really missing? You know, I mean, you know, January 1st comes, city administrator adopts rules. You know, i, I get very nervous about that. Not having something to address is how rules are adopted. If you're dealing with a situation where the legislative branch is delegating to the administrative branch, core legislative functions, and that's, you know, it makes sense for a legislative branch to put some prescriptions on how that's going to work. If they're going to essentially delegate to administrative branch, executive branch. I'm just trying to figure out what we're really solving for with 105 in a hurry. Again, outside of, you know, you have a catch all about existing rules and policies that we need to address. And I understand your general point. We've our current codes all over the place and how rules are adopted. And having some consistency makes a ton of sense, but certainly the city administrator could dictate that anyways, right? I mean, you clean up these other code provisions, get rid of what's not necessary. They can declare this is how rules are going to be adopted under my watch. And I think it's used the same unity.

So I'm just struggling here a little bit whether this part is essential right now or not. Again, outside of one zero, five 100, which I think you have to address existing rules in some respect.

**Speaker:** Yeah, I think that's a good point. I think you know, mr. Harris might agree that the normal practice is for the, the, the statutes or the code to identify the rule making process that the executive is going to use rather than, than have no statutory basis for the administrator to make the rule and the administrator simply to announce, this is how I will make rules from now on. And so I think we felt like it was better to have a legislatively adopted code that specifies these are the procedures that the administrator is going to use to make those rules and have it all in one place, so that all rules are made the same way. And that's both. I think helps us if those rules are ever challenged, we can say they were duly enacted according to this process established by code. So I think it helps us for that for that reason. And I think it's also more in keeping with how administrative rules are usually adopted.

**Speaker:** Yeah. I mean, without going too deep down that rabbit hole though, right? I mean, you go back of nearly 100 years of administrative, you know, expansion at the federal level and a lot of delegation to the executive branch are growing administrative state and state. And the legislature eventually steps in and says, you know, these are constraints on the expansion of that. I you know, that may be an oversimplification, but that is part of, you know, federal administrative law history. And I'm just I'm not sure if we're solving for the same problem here necessarily. Totally get the benefits of having consistent process and how we adopt rules. And so I would just I don't know I don't want to ponder that a little bit. Yeah.

**Speaker:** Just I think I want to get to the core of your question. You need to pass this. You need to you need to do this because you've already in previous code

revisions, taken out all of the administrative procedures that were the spaghetti on the floor. Those don't even exist anymore in the in the chapters that you've already passed. So you need something to plug those holes so that you can do the regulations and you don't do it from scratch right now.

**Speaker:** Yeah, I'm debating that. You know, I mean, again, I think 105 100 talks about existing rules, sort of ratifies them, carries them forward. So anything that's a rule today carries forward after January 1st. You have charter authority granted in the city administrator and arguably in the mayor without getting into the details of that. But it's a, you know, again, it's one thing if there's clear delegation to the administrative branch of legislative responsibility, and I think you have to put constraints on that. But I think without this might could adopt something on January 1st that looks exactly the same way or, or not. And I'm not sure we're, you know, I want to think about whether there's a problem there or not. One other just quick question for you, robert newton 101 110 I'm sorry I didn't catch this earlier, but just reminds me of the discussion about our camping ordinance. This is a catch all violation provision that gets picked up. You know, throughout the code you violate the code. This is the catch all penalty provision. Did you guys give any thought to this thing? I know this is just a carry over of the existing, but this became relevant when we were talking about our camping ban. And you know, one version of something I had proposed picked up this language. Not on purpose, just that was the catch all. And so I was just curious if you gave any thought to this. I mean, you're right, it is just the carry forward.

**Speaker:** It is the default and with this code provision that the intent really was to not make substantive changes like that. Certainly that's something that the this council or the next council could do if they wanted to, to think about that.

**Speaker:** Do we know how this is even utilized? Again, the only the only time I've ever seen it was kind of on accident. This language literally got picked up in a in a draft of a camping ordinance. But that I'm just curious if it's even utilized.

**Speaker:** I think it is. And I think it's good to have on on the books because the way this operates is if another code provision making something a violation doesn't specify a specific, this is the filler. This is the filler. So we have to have some filler. This is the filler we've had. And if council wants to change that in the future they can do that okay I'm good for now.

**Speaker:** All right. Very good. Any further questions on this. This is a first reading of a nonemergency ordinance to second reading.

**Speaker:** Thank you. Thanks.

**Speaker:** Let's do some of the second readings and get them out of the way in case we have staff waiting. 1009 is the second reading.

**Speaker:** Amend code to align with the amended city charter approved by voters in Portland measure 26 228.

**Speaker:** Any further business? Seeing none, please call the roll.

**Speaker:** Mapps.

**Speaker:** All of the concerns that were just expressed about the previous item also apply to this item too. I would encourage the next mayor and future council to revisit the code to make sure that we are doing what the people of Portland hope that we are doing here. But in the meantime, I will vote aye.

**Speaker:** Rubio, I want to acknowledge the work of the transition team and the bureau staff in this very tedious, long and deep work. It feels like a thankless job sometimes, I know, but I just want you all to know how much we appreciate it. I vote yea Ryan.



**Speaker:** My sentiments exactly. I look at you, diana, because you've been here so frequently in the last two months, and you're doing great work and it's tough. I mean, sometimes it feels like we're okay. You know, when you're moving and you have it's your opportunity to, you know, really sort through everything so that you don't bring that clutter to your next location. It sometimes feels like we're doing that. And it's because of and I've done that in my life because I only have two days to pack and I've got to move. And so here we go. So maybe that was a really bad metaphor, and I hope it doesn't get picked up by the media.

**Speaker:** But my point is, my point is I have a lot of empathy for you and that next council will have to continue to sort through the boxes.

**Speaker:** Is that fair? 100%, yeah. I appreciate you, I vote yea gonzales.

**Speaker:** Thanks for all the work.

**Speaker:** I vote yea Wheeler hard work, tedious. I actually like the idea of having some sort of a group or a commission, taking a look at code on an ongoing basis, so not uncommon at all. And I also just want to acknowledge you didn't choose this time frame. The time frame was handed to us by the voters. And I really appreciate that you've taken this as seriously as you have. And legal counsel as well. Thank you. I vote aye, and I nominate the four of you to be on that commission. No. Or a nobel prize or something. 1010 also, a second reading authorized price agreements for owner advisor services for alternative delivery projects not to exceed \$18 million. Any further business on this item seeing none, please call the roll.

**Speaker:** Mapps I Rubio. Hi, Ryan. Hi, gonzales. Hi, Wheeler. Hi.

**Speaker:** Ordinance is adopted. Next. Item 1012.

**Speaker:** A second reading amend tree preservation standards code to continue current regulations for preservation of private trees.

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

**Speaker:** Maps. Hi. Rubio. Hi. Ryan. Hi. Gonzales. Hi. Mueller.

**Speaker:** Hi. The ordinance is adopted 1013a second reading. Please call it.

**Speaker:** Authorize application to the u.s. Department of justice, bureau of justice assistance for the fy 2024. Edward byrne memorial justice assistance grant for \$498,002 to assist the Portland metropolitan area law enforcement and criminal justice community to prevent and reduce crime and violence. Any further business here?

**Speaker:** Please call the roll Mapps yea. Rubio.

**Speaker:** Aye. Ryan. I just want to say i.

**Speaker:** I really appreciate the conversation. Last week, and I look forward to seeing the use of our bike patrols also in some of our neighborhoods that extend outside of the downtown core.

**Speaker:** I vote yea gonzales. Hi. Hi.

**Speaker:** The ordinance is adopted. Our last second reading, 1017.

**Speaker:** Amend the northwest park avenue and johnson kearney street. Local improvement district to construct only northwest johnson street and northwest kearney street, and to construct northwest park avenue in a separate and newly formed northwest park avenue local improvement district in conjunction with the segregation of pending local improvement district liens.

**Speaker:** Any further discussion on this item, please call the roll. Yes.

**Speaker:** Yes. Staff have some amendments. Really?

**Speaker:** Why don't we do this? I thought this was the second reading, so let's keep it open. We'll continue it in just a moment. We've had a request. We've been going for about 2.5 hours. And I think our tech people are about to die. We will take a nine minute recess. We'll reconvene at noon. Straight up or in recess. And we'll take this up as soon as we get back. Over. From the.

**Speaker:** The items up here, 1011.

**Speaker:** It's a first reading of a nonemergency ordinance.

**Speaker:** Amend parks and recreation code to align with the amended city charter approved by voters in Portland. Measure 226228. And to update park rules.

**Speaker:** I'll turn it over to sonia.

**Speaker:** Okay. Good morning. Sonia szymanski, deputy city administrator for the vibrant communities service area. This is a complimentary item to the one you just heard from diana. You heard a preview of this item in your overall code update work session several weeks ago. This ordinance proposes rule updates to improve the visitor experience and protect park resources. It reflects community feedback about how they're experiencing our parks, data about how we are engaging with users, and two years of conversation with rangers, our field workers and the parks board. The proposed updates do three things. Simplify and clarify rules or resolve them where they were outdated or internally inconsistent. Add a new tool finds to address key complaint issues and conform to the city's new charter. Together, they will make it easier to protect our parks and for everyone to feel safe and welcome in these type shared community spaces. And now we'll go to victor sanders, a program coordinator with the vibrant community service area.

**Speaker:** Great. Thank you sonia. Good morning, mayor Wheeler and commissioners victor sanders, with the vibrant community service area joined by vicente harrison, our health, safety and emergency manager here at vibrant communities and Portland parks. As sonia mentioned, this ordinance is to amend title 20, the city code responsible for park rule updates, to both update our rules and add rules, and also to meet charter requirements. We'll go on to the next slide, which explains a little bit of how we got here. In 2022, staff began working with park rangers from field and field crews at Portland parks and recreation to identify

where park rules are falling short and what tools and language are needed to address them. We engaged park rangers in small group sessions as well as our staff, during regular staff meetings to discuss the needed updates, and we also onboarded a Hatfield fellow to help us with best practice research and to assist with analyzing our call for service complaint data and ranger nuisance behavior reports. We also met with the parks board members to review the code, and of course, met with the transition team on changes required for charter reform. During this time, we identified many outdated codes, many areas of concerns related to current use patterns, and identified several areas of needed improvements to address the ongoing concerns from the public. On the next slide, we just have an overview of our updates. So as Sonia had mentioned, there's three things that we're doing. The primary goal is to update our our park rules to respond to community and staff complaints by making them easier to understand, as well as to improve the visitor experience and protect, protect park resources. And with regard to safer parks, for example, we found is that the community was consistently calling us about dog off leash issues. That's probably one of our top community complaints. Your offices may have received emails or calls about that over the last several years as well. In fact, last fiscal year, rangers received over 980 calls for service related to dog off leash issues and engaged over 8500 visitors on the leash law. We also heard from staff and rangers on the confusion around certain codes, so clear language was introduced for a variety of items, including smoking and vaping rules and vehicle use in parks, and more that we'll go over in a moment. Finally, the code, of course, is to meet charter reform requirements by removing commissioner in charge language and replacing it with the city administrator. On the next slide, we'll go over some of the notable updates. So there's 11 items here and we can talk about those at the end. There's just a handful of slides remaining. The primary reason of course

number one is the charter required updates including technical changes and code cleanup. The second is we added rules related to prohibiting the release of aquatic life in parks. Third, we clarified that fireworks are prohibited in parks. This was some code cleanup that was inconsistent with other sections of city code, as well as allowing enforcement of the smoking rule. Fourth is prohibiting abandoned vehicles or vessels in a city park, as well as prohibiting off road driving. Fifth is being really clear by allowing the use of barbecues and grills and stoves and designated areas and parks. Sixth is to clarify the animal section to include livestock. This is a very Portland problem. One of those things that you find out in doing the research on this work. Seven, is to prohibit the takeoff and landing of drones, with some exceptions, for state law. There was a recent senate bill that passed last year that requires local governments to update their code to match those requirements. Eight is when a permit is denied. The city administrator will review and decide what should happen with that with that permit. The ninth is prohibiting the use of skateboards and wheeled devices from grinding, sliding or launching, but clarify that otherwise the wheeled devices are allowed in parks, allowing e-scooters and e-bikes and parks with specific rules for use, including time, place and manner. Through administrative rules, and then finally allowing the city administrator to promulgate administrative rules for parks for management purposes, like for docks, metal detecting field use and permits. And you heard a little bit in the last presentation around the administrative rule process. And so from the perspective of title 20, it is we did not necessarily have a process outlined within title 20 for administrative rules. So seeing that on a large global level might be something that is welcomed from our perspective. On the next slide, just really quickly to go over park rule enforcement. What we're talking about today, we might have to go forward.

**Speaker:** Forward two slides.

**Speaker:** There we go. What we're talking about today is really those kind of low level societal behavioral and civil issues in parks. Gather our attention from park rangers. So park rule enforcement is primarily done by park rangers. Last fiscal year, there was about 26,000 issues that were resolved through voluntary compliance. That includes camp contacts and providing over 1500 referrals to shelters or services. Rangers are one of the top agencies in within the city that are providing referrals to shelters. It's actually quite an effective program in that sense, receiving over 4000 calls for service. So this is a lot of the data that we used in order to help inform this work with the rangers responding to those calls for service, issuing exclusions and ejections when necessary. So, vicente, if there's questions can talk about how the kind of progression of enforcement goes, exclusions and injections are often used as kind of a final resort. And then finally, when issues cannot be resolved by park rangers, these are things that are being referred directly to Portland police or Portland fire through bureau of emergency communications. On the next slide, we'll talk about the anticipated improvements that we see with these code updates. I really want to key in here on the addition of civil penalties in certain cases for violation, for violations of low level park rules like dumping dogs off leash or permit compliance problems. Exhibit b in the in the ordinance today outlines these items and how we anticipate working with them. And it's really kind of tackling four major issues. First is that dog conflict. So we anticipate with these updates and improve visitor experiencing experience by reducing those dog off leash dangers, especially for staff that are working in parks. But of course, for the visitors that are enjoying our facilities as well. The second is clarity around e-bikes and e-scooters. So last I believe it was in 2019. It was about 17% of all e-bike sales in the city of Portland were e-bikes. So we're seeing just an

explosion of that use within the city. So we want to be able to provide clarity for folks of when and where and how they can operate in parks. Finally, we're going to hopefully be able to tackle some of the dumping issues that we were seeing by having the city administrator have the authority to hold violators accountable financially when they damage park property, and then finally, fair permitting. So fairness and equity and ensuring that when events are being held in parks and they have a significant impact that they're paying their fair share. So that wraps up this slide deck. And so we're happy to take any questions or discussion on this item.

**Speaker:** All right. Very good.

**Speaker:** Commissioner Mapps this question is mostly for the record. And for members of future members of council who might be watching. How is this set of code changes different from the set of code changes that we have been hearing about all morning? Like, why? Why didn't you just do this all in one big, one big ordinance ten minutes ago?

**Speaker:** For sure. Yeah. So there's kind of two things that are happening. One is we've been working on the project to do a code updates for park rules for the last couple of years. And then simultaneous to that, there was the updates that needed to be done to meet charter transition to bring both of those council items together separately didn't quite make sense, since there was a lot of interconnectedness, but there was an interest for us to separate this because there was park rule elements of it. So we didn't want this to be a situation where it got in front of you as kind of an omnibus bill, and you say, well, wait a minute, there's some things in here that are actually quite specific. So we wanted to be really clear that there was things in here not just related to charter transition.

**Speaker:** Thank you very much. And second, I'd like to revisit a slide that you pulled up. There's probably a slide that lists the 12 substantive things that

happened in that. Can we pull that one up? For me? Let's go to item eight. When a permit is denied, the city administrator to review and decide. I'm not sure if that's a full sentence. What does that mean?

**Speaker:** Yeah. So how the code is currently written, if a person is denied a permit from Portland parks, they actually are supposed to come to council to make their case, which is quite wild for \$1 billion enterprise to hear someone's denied permit for a picnic shelter. And so in this case, we're aligning more with how you traditionally see it in a city where if somebody is denied a permit that will root up and they can appeal directly to the city administrator and then they can decide of kind of how to handle that type of permit or denial, and that could be delegated back down, of course, to me or to the director.

**Speaker:** Right.

**Speaker:** Council will remember that the definition of city administrator in the new code is city administrator or their designee.

**Speaker:** Okay. Thank you. That's very helpful. And then there's another slide I don't I it's I think it's kind of divided. There you go I think that's one. Also. Rangers I think it's not that one. No. But it's like this. It has four different sections to it. So this one right here I'm interested in the less dumping category. The city administrator will have authority to hold violators accountable financially when they damage park park park property or dump waste in parks. I'm totally sympathetic to the instinct here. Although you know, one of my concerns as a policymaker and it's come up in council in various forums over time, like with time, place and manner with houselessness and whatnot is the degree to which we allow the city administrator to unilaterally impose penalties without permission of council. Was there much discussion around that particular issue?



**Speaker:** Can you speak to who is doing this dumping? It wasn't what I thought, right?

**Speaker:** Yeah. So to be very specific on this, this is to address and this is laid out in our in the administrative rule for this, it's really around commercial and industrial dumping that we're seeing. So folks that may be adjacent to parks or businesses, you know, we have literal trucks that will pull up and dump, you know, construction debris in parks. And in some time, you know, not all the time, right? Most cases, it's really hard to track down who's doing dumping. But from time to time we may find out. And, you know, crews are going to go out and they're going to clean that up, you know, and they're going to take care of it. It's not something that we often see. There's resources from you know, police or others to help handle. And so we want to be able to do as much as we can to recoup costs when there's dumping that's occurring.

**Speaker:** Well, thank you for that. I've literally seen and encountered the exact situation that you're talking about, although I don't know if it changes the nature of my concerns. And I'm kind of I'm still processing what I think around giving the city administrator the authority to impose fines, for example. So I'll just highlight that as something I will be thinking about over the next week or so. No more questions, commissioner Ryan, do we have testimony?

**Speaker:** No.

**Speaker:** No testimony. Okay, first of all, victor and vincent, thanks for being here.

**Speaker:** I'm not surprised that most of this was influenced by the first responders work. You're a group of people that I don't think get enough attention for. How much of a pulse you have on first responder systems in our city. So thank you. And it's a way of saying thank you to your for your service and the people who report to

you. I'm curious on who vetted this before you brought it to us. Did the parks board hear your presentation?

**Speaker:** Yeah, we've been to the parks board a couple of times, and then we did hold sessions for interested folks to meet offline and kind of run through these items.

**Speaker:** All right. I missed that in your presentation, I apologize. Was there any feedback from them?

**Speaker:** Not particularly. You know, I think folks are really interested in making sure that the park rangers have as much support as they can. And so knowing that this was born out of the work groups that we did with them, they felt really positive that, you know, they trust their judgment.

**Speaker:** And my insight trips where I was around them. None of these are surprising. So they're frequent. So I just want to say I'm very supportive of this, but I wanted to make sure that I knew that it was vetted with our systems that are more engaged and the council can ever be. So I appreciate it. Thanks. All right.

**Speaker:** Thank you very much. So no testimony. This is a first reading of a non emergency ordinance. It moves to second reading. Thank you all very much for that. Thank you. Next up 1014. This is an emergency ordinance pay settlement of dustin ferreira bodily injury lawsuit for \$400,000 involving the Portland police bureau colleagues. This ordinance resolves a lawsuit filed against the city in September of 2022. We have deputy city attorney mark rodriguez and senior claims analyst dave ferro here to walk us through the ordinance. Hello. Good morning, mayor and commissioners mark rodriguez, deputy city attorney.

**Speaker:** For the record, this settlement ordinance arises from a lawsuit brought by dustin ferreira, mr. Ferreira is a Portland resident with osteogenesis imperfecta type three aka or also known as brittle bone disease, and uses a wheelchair for

mobility. This lawsuit alleges mr. Ferreira was injured in an encounter with Portland police in September of 2020. Mr. Ferreira was arrested at a protest in north Portland after Portland police declared an unlawful assembly. He claims his arrest and handcuffing by a Portland police officer was excessive, resulting in injuries to his right shoulder as well as severe emotional distress. Mr. Ferreira brought claims of battery, negligence and abuse of a vulnerable person under ors one 24.100, and that statute provides for treble damages of any jury award plus attorney fees. The city attorney's office, risk management and ppe determined it would be in the best interest of the city to resolve mr. Ferreira's lawsuit. Trial. Prior to trial, the parties attended a judicial settlement conference mediated by Multnomah County circuit court judge, where mr. Ferreira's claim was settled for \$400,000, inclusive of attorney fees. We recommend approval of the settlement and I'm happy to answer any questions, colleagues, any questions, public testimony.

**Speaker:** We have two people signed up.

**Speaker:** Very good.

**Speaker:** First up, dan handelmann, Portland, copwatch.

**Speaker:** Am I on again? Yeah.

**Speaker:** Dan, we can hear you.

**Speaker:** Oh, wonderful. Good afternoon, mayor and commissioners. I'm still dan handelmann. I use he him pronouns and I am with the group Portland copwatch. We understand that dustin ferreira and the city have come to an agreement to settle this bodily injury lawsuit for \$400,000, and we have no objection to another person being compensated for police misconduct. Mr. Ferreira is at least the 23rd person for whom this council has been asked to approve a settlement for misconduct at the 2020 protests, which called for police accountability. The total of all such cases Portland copwatch has tracked is just now over \$2.95 million. The city attorney gave

a figure to the Oregonian of over \$3 million, which likely includes cases resolved through court judgment and for under \$5,000, meaning they would not have to come before you. \$3 million may be small dent in the city's overall budget, but it's a lot for average Portlanders and for a police force that's been under scrutiny from the u.s. Department of justice for 12 years due to their excessive use of force. The last time we testified about lawsuit was in October, when we were pleasantly surprised by chief day voluntarily appearing before council to explain the policies that led to a police dog getting loose and attacking. Two people in happy valley had been changed to prevent future occurrences. Every time we come before you to talk about these settlements, that's what we've been asking of you to work on changing policies to prevent further harm to the community. It's interesting timing that the settlement appears one day before you'll be looking at the report on the progress, or non progress of crowd control, training and policy based on the independent monitor llc's assessment and recommendations. We will be testifying on that tomorrow. According to the complaint, sergeant justin dharmaville, who left Portland in 2022, is now hopefully not injuring people in brentwood, tennessee, came across mr. Ferreira in his wheelchair during a protest on September 28th, 2020. Dharmaville, then, according to the complaint, kicked the wheelchair, pushed mr. Ferreira in the back and later grabbed his right arm, turned the wheelchair around and arrested him. The lawsuit lists a number of injuries to mr. Ferreira's shoulder and how the incident led to fear, anger, humiliation and the interference with ordinary activities that the bureau would treat a person with disabilities with such violence is shocking. It's appropriate that the law allows triple damages for harm done to vulnerable persons, but again, as the current stewards of Portland's coffers, it would behoove you to ensure that the newly reconstituted rapid response team gets training on how to interact with people who are clearly, visibly

living with disabilities. Sergeant dharmaville was also one of two officers who injured dimitri stoyanov, leading to a \$100,000 settlement that you approved. Even if the bureau had intended to discipline dharmaville for that incident or this one, he resigned while under investigation. It's fortunate that the bureau did not respond to any of the post-election protests so far, with the kinds of force that were used in 2020, though it appears there were many acts of state sanctioned violence against Portland state university. Palestinian solidarity protests, more specifically, the ppb policy on protest or public order events was finalized in October but not go into effect until November 15th, ten days after the election. So even if any policies were changed for the better, the community would not benefit from those. Until this past weekend. As noted in our testimony with the pccp, we recognize that this council has few meetings left before handing the keys to the city over to the new council and mayor, an entirely new system. However, that doesn't remove your ability to make sure the police are doing their jobs responsibly. Thank you. Thank you.

**Speaker:** Next up we have john. Welcome.

**Speaker:** My name is john. I'm here in support to testify in support of paying dustin for the violation of his rights and the abuse he has endured by the Portland police, specifically sergeant dan revell. This is how police treat you. If you dare criticize or the police or demand police accountability. He's been a vocal proponent of police accountability, and this is how they treat people that do so. This isn't the first time dharmaville has cost taxpayers due to his violence, while being able to continue working for the ppb, he cost us 100 k back in 2021, and I've personally seen at least three other incidents where he has abused his power that could have led to more suits, but most people don't have the time or resources to pursue legal action. Danville has been able to evade accountability over and over, and largely due to you all ignoring and justifying these abuses. We will see if any of you do the

minimum and condemn his actions and the inaction of the cops he worked with who supported his abuse. Danville was also involved in the shooting and killing of John elephants in 2018, in which he was promoted the year after. Danville was a part of the rapid response team. He was one of the officers that resigned due to their buddy, officer Budworth, being charged with misdemeanor assault. Budworth pushed a female photographer to the ground from behind and jabbed her in the face with a baton while she was on the ground, before walking off. This is something that if a normal citizen would have done, hitting somebody with a baton in the face, it would have been an assault to which is a felony measure 11 charge. So the fact that he got a misdemeanor in the first place was lenient. The police union then lied about the victim in that case, but was silent when Budworth made a public apology for his actions to get out of the charge. This reflects the police department's demand to maintain no notable police accountability. Dharmaville then resigned in 2022, which was mentioned during an investigation of him, and now he works for another police department in Tennessee. When you all claim good officers left because of how police are treated in this city, these are the dirty cops we're talking about. He's not unique. Lastly, Renee, it's disgusting that you continue to support power hungry police while demonizing and lying about those who speak out against them. You lie just like you did about the black woman on the max. And just like you and your staff lied to the city auditor's office when they were investigating you, it's disturbing that the council remains silent when we're in a chooses to lie about police accountability advocates who bring awareness to the millions of dollars the police have cost us. These lawsuits will continue until you all quit supporting the practices that lead to the suits. Thanks.

**Speaker:** Thank you.

**Speaker:** That completes testimony.

**Speaker:** Okay. Very good. Any further discussion? This is an emergency ordinance. Please call the roll. Maps by yea. Rubio.

**Speaker:** Hi, Ryan. Hi, Gonzalez. Hi.

**Speaker:** Hi. The ordinance is adopted 1015. Also an emergency ordinance.

**Speaker:** Create the northeast 11th avenue and columbia boulevard. Local improvement district to construct sidewalk. Oregon humane society driveway relocation and mast arm traffic signal improvements and relocate public utilities south of northeast columbia boulevard to enable the elimination of frontage improvement requirements for northeast 10th avenue, northeast baldwin street, baldwin street, and northeast russet street looks like andrew or you're up today.

**Speaker:** Welcome.

**Speaker:** Thank you, mayor Wheeler. For the record, I'm andrew abbey, local improvement district administrator. We had a presentation on September 25th, which we will not be repeating here today. I did want to advise council that we received no remonstrances against allied formation. And just two quick updates as far as changes that were made to this lady. They're all baked into the formation ordinance, so you don't need to make any amendments today. Bureau of environmental services was wrapping up a project at the 11th and columbia intersection, and it made a lot of sense for bts to cut loose of that last little piece of work that they were going to do, and just provide some non-led funding to the project. So again, that's baked into the ordinance and is yet more efficiency of instead of having two infrastructure bureaus collaborating, we now have all three infrastructure bureaus collaborating. There was also a fair amount of discussion. On September 25th about a street vacation of 11th avenue north of columbia boulevard, confirmed within the past week that the fire marshal is good with that, under the condition that we install a new fire hydrant at northeast 11th and argyle

drive, that's not budgeted in the lid, but it would be a condition of the street vacation. Bottom line is between fire staff and pbot staff. We're all good with that additional street vacation, so that additional street vacation is baked into the led formation ordinance. So those are the changes that have been made since September 25th that are baked into the ordinance. Unless council has any questions, you're welcome to turn this over to testimony.

**Speaker:** Very good. How much public testimony do we have?

**Speaker:** We have one person signed up, ashley evans.

**Speaker:** Welcome, ashley.

**Speaker:** Hi. Good morning mayor. Good morning. Council. My name is ashley evans and I'm here on behalf of the Oregon humane society. I'm returning to council today after our initial land hearing that we had in September, where I was joined by our ceo, sharon harmon, and by natasha flatt and ohs employee who was involved in a traffic incident on columbia boulevard that left her hospitalized. I'm here today to once again express our support for the formation of this lid, the addition of a traffic signal, crosswalk and future trimet service will expand access to our low cost veterinary services, training classes, volunteer and youth programs. After the council meeting in September, we shared the preliminary news with our staff and volunteers and the excitement was overwhelming. This is something that's been needed for a long time, and we're really excited that we're this close to making it happen. So the dogs, cats, small animals and people of ohs, thank you for considering this lid and we really hope that you will vote in favor.

**Speaker:** Thank you, thank you, appreciate your testimony. Any further questions or discussion please call the roll.

**Speaker:** Mapps.



**Speaker:** As always, I want to thank Andrew for his excellent work on this particular slide. It's been repeated throughout the city. You're doing incredible work in terms of building, pulling together public, private partnerships to reinvigorate our infrastructure across the city. Really proud of you. And it's been a real honor to work by your side. This one in particular. I've been out to the site a couple of times and seen the challenges there, and we were all moved by the testimony we heard around traffic safety in this space. I am very and I should also say, really happy that we could figure out the street vacation too. This is just nothing but good news here, which is why I am glad to vote yea. Rubio.

**Speaker:** Thanks for this important work to increase our steps towards safety in this this quarter. Happy to vote! I, I and yes, I was wondering where this went so I'm glad it came back.

**Speaker:** And it was wonderful to have you here, Ashley. And this is probably the feel good lad of the year. And I vote I Gonzalez, I Wheeler, I the ordinance is adopted.

**Speaker:** Thank you Andrew 1016 first reading of a non emergency ordinance for northwest park avenue local improvement district to construct street sidewalk, stormwater, sanitary sewer and water.

**Speaker:** Main improvements in conjunction with the segregation of pending local improvement district liens.

**Speaker:** Good afternoon. Council Andrew Abby, local improvement district administrator. We presented this back in October and we did not receive any remonstrances against allied formation. So the request of council is to pass this to a second reading and approve it next week.

**Speaker:** Public testimony.

**Speaker:** No one signed up.

**Speaker:** Any questions for andrew? Yeah.

**Speaker:** Commissioner Mapps are there amendments here that we should talk about?

**Speaker:** That's on the next item. Okay.

**Speaker:** Got it. Thank you. All right.

**Speaker:** This is a first reading of an emergency ordinance. It moves to second reading. Item 1017.

**Speaker:** Amend the northwest park avenue and johnson kearney street local improvement district to construct only northwest johnson street and northwest kearney street, and to construct northwest park avenue in a separate and newly formed northwest park avenue local improvement district. In conjunction with the segregation of pending local improvement district lines.

**Speaker:** All right, andrew, you had an amendment to this one. Is that correct? Yes.

**Speaker:** Thank you, mayor Wheeler. Good afternoon again, andrew. Abby, local improvement district administrator, we have some amendments that are technical in nature regarding the color of money and eligible funding sources does not affect the overall amount of the lid. So the request of council is to approve those amendments this afternoon. And then pass to this to a third reading next week, which will conclude the bifurcation of the lid and the Broadway corridor, and have those amendments already been provided publicly?

**Speaker:** I have very good. So we can take them up as a package.

**Speaker:** Yes, yes.

**Speaker:** All right. Would you like to make a motion, commissioner?

**Speaker:** So moved.

**Speaker:** I'll second. We have a motion and a second. Any further discussion on the amendment call the roll on the amendment maps I Rubio, I Ryan, I Gonzalez I Wheeler.

**Speaker:** Hi.

**Speaker:** Do we have any public testimony on the main motion?

**Speaker:** No one signed up.

**Speaker:** Very good. This is a first reading of an emergency ordinance. It moves to second reading item 1018. A resolution adopt city of Portland investment policy.

**Speaker:** Let's see.

**Speaker:** It looks like I'm turning it over to you. Welcome. I'm turning it over to.

**Speaker:** Yes.

**Speaker:** Okay.

**Speaker:** Thank you mayor. Good afternoon, mayor and council. For the record, jonas berry, the deputy city administrator of budget and finance and the city's chief financial officer, despite the fact that there are no changes proposed to the city's investment policy, Oregon law pertaining to the investment of public funds requires that the city annually adopt an investment policy. City Council last adopted the city's current investment policy on November 29th, 2023, and today's proposed action fulfills the current year's required review and adoption. The city of Portland's treasury division manages an investment portfolio of approximately \$3 billion, which represents cash balances and other funds available for city operations. The treasury division uses their professional expertise and discretion to make investment decisions for the city in accordance with this investment policy. It's important to highlight that the city has three primary investment objectives which are aligned with best practices for government investment management. Those objectives are to preserve principal, to ensure liquidity, and lastly, to earn a market

return. And city treasurer bridget o'callahan is here with a very brief presentation to support adoption of the investment policy.

**Speaker:** Good morning, mayor and commissioners. My name for the record is bridget o'callahan, and I'm the city of Portland's treasurer. I'm here to present the city's investment policy for your consideration. Oregon law pertaining to the investment of public funds requires the city to adopt an investment policy annually. The purpose of this resolution is to seek council's approval, to renew the use of our existing investment policy. We're not proposing any changes this year. The city's investment policy describes the framework and criteria for investing the city's cash assets. If I may have you go to the next slide, please. And as jonas outlined a moment ago, our primary objectives in the following order are to preserve the principal, to ensure liquidity so that funds are available when we need to spend them, and then to earn a market return. The investment policy serves as a guide to offer an objective course of action to be followed. This is especially important during times of market disruption or when emotional or instinctive responses might otherwise motivate less prudent actions. So it's truly that framework for what we do. The investment earnings may make a significant contribution to the city's budget and to the programs and services that budgets, that the bureaus provide. The investment earnings net of an admin fee, to cover treasury's costs are distributed directly to city funds. And in 20 fiscal year 2324, treasury earned \$101 million on the city's collective portfolio. Fiscal year to date October through October 2024, we have earned \$35 million on the portfolio. Again, the proceeds go directly back to the bureaus and are incorporated into their budgets. The performance of the portfolio. I believe we want to go to the next slide. If you could please. The performance of the portfolio is monitored against appropriate benchmarks for similar portfolios. And in the interest of transparency. Treasury. The treasury

division posts the month end line by line portfolio reports on the city's website, and that's at the Portland.gov backlash. Treasury is where you find those. The city of Portland's investment policy is very conservative. We have limited our investment parameters to include interest bearing deposits. U.s. Treasuries, agency securities and a select group of corporate securities. The city of Portland's investment policy incorporates an environmental, social and governance esg sensitive approach by prohibiting investments in certain industrial classifications for investment grade corporate bonds. The policy excludes corporate issuers involved in industries such as fossil fuels, alcoholic beverages, gambling, correctional facilities, and the retail sale of firearms. The approach focuses objectively on the credit quality of the corporate issuer, while allowing the treasury division to avoid investing in industries that are incongruent with the city's values. If we may go to the next slide, you can see a sector allocation of where the city's monies are invested today. We believe the city's investment policy is a responsible approach to investing the city's cash assets, and we are seeking council's adoption of the investment policy as presented. I thank you and I'd be happy to answer any questions.

**Speaker:** All right. That was short and to the point. Do we have public testimony on this? No one has any further questions. Excellent presentation. Please call the roll on the resolution maps.

**Speaker:** I yea. Rubio I Ryan, I gonzales. Hi.

**Speaker:** Hi. Resolution is adopted. Thanks for your tremendous work on this. We'll go back to the item that was pulled off. Consent 1002.

**Speaker:** Please initiate foreclosure action at 11257 northeast sandy boulevard for the collection of delinquent city liens placed against the property.

**Speaker:** Colleagues, this emergency ordinance continues foreclosure proceedings on this property with a delinquent city lien that's eligible for foreclosure under city

code 5.30, lien was initially placed against the property by permitting and development for code enforcement violations, the dca budget and finance, and the city's foreclosure team are here to tell us more about the current property status and this ordinance. Jonas. Welcome back.

**Speaker:** Great. Thank you once again for the record, jonas barry, deputy city administrator of budget and finance and chief financial officer, mayor and commissioners, the city periodically makes recommendations to council as part of a coordinated effort working with the property owner, the mayor's office permitting and development, and the city's revenue division to actively pursue remedies including foreclosure for vacant and distressed properties. This property has been identified as causing significant problems for neighbors, and has been the subject of multiple and frequent police calls and numerous enforcement activities. The foreclosure prevention manager and the revenue division has reviewed the case to ensure it meets criteria for foreclosure. This item was initially presented to council on October 9th, 2024, as part of a recommended package of property foreclosures after the property owner's attorney testified to council, the property owner was provided an additional 30 days to resolve issues. Portland permitting and development have identified that the issues have very recently been resolved. However, the outstanding liens have not yet been paid in full. Moving forward with this ordinance puts the property back in line with the other properties previously authorized by council for potential foreclosure auction in 2025. However, assuming no new violations are identified and when the loans are paid in full, the property will then be removed from the foreclosure list. Kevin foster, foreclosure prevention manager, and others involved in the foreclosure process are here or online and are happy to answer questions if needed.

**Speaker:** Colleagues, any questions? Commissioner Gonzalez no. I'm good. Okay. Do we have public testimony?

**Speaker:** The individual who pulled the item is here, William Crum.

**Speaker:** All right, let's hear from Mr. Crum. Welcome. Thank you, Mayor, and thank you.

**Speaker:** City Council. My name is William Crum. I'm a representative of the Cochran Trust and my family. Trust. I'm. I'm just here to say that I would appreciate you not going through a foreclosure. And on this property, because I have worked tirelessly on that property. I have given you a statement of some of the things that I've done, but it has. The telephone calls were from me calling the city police, trying to get some help. When I had a tenant that was vacating and another tenant that I was trying to evict. I could not evict these individuals for some time. I went through Frank Wall, attorney at law. He helped me. I was able to finally get it done and I have worked tirelessly to cleaning up that lot. I've got pictures of everything that I've done. I'd love to share it with you. And if the council will allow me to work something out with the city. I was told originally that I was going to be able to reduce those fines considerably if I got everything done, and I really did, I there was one misunderstanding, and probably it was my error, but I moved some cars up to the asphalt and they wanted everything off the property. So I did that as well. Even classic cars. So I would just ask this council here to please forgo the foreclosure if you would, and just allow me to work something out to try to pay the fees with the city.

**Speaker:** Thank you. Thank you for your testimony. Thank you for your hard work. And Jonas, if I understood what you said earlier, moving this forward does not preclude that possibility. Is that correct, Mayor?

**Speaker:** So once the item this this action would preclude the ability for the property owner to have a reduced payment. So the current lien amount folks on line staff can confirm, I believe it's around \$24,000. I'm not sure exactly the exact amount. So it would eliminate the ability to reduce that and have that conversation.

**Speaker:** But it still allows time for him to be able to pay those liens off.

**Speaker:** Absolutely. The foreclosure auction itself would not occur. I don't think it's been scheduled yet, but it would be probably end of January at the soonest. And so that would be the timeline to resolve the outstanding liens. Thank you.

**Speaker:** I have a follow up. Commissioner. Why is it the amount of lien can't be reduced up to this point? And can we just settle the matter?

**Speaker:** I will defer to staff. Kevin, I think is online. Might be best to answer that question.

**Speaker:** Yes. So the lien reduction is actually reviewed by permitting and development. They're in charge of offering any type of reduction on the amount the amount due. The violations were just corrected this week. So they there wasn't enough time for them to review to see if he qualified for that or not. And also he did not. He mr. Crum has not applied yet for that action.

**Speaker:** So is it still possible that he could qualify for a lien reduction?

**Speaker:** You know, I would say it's possible, but I cannot guarantee what the amount will be. But our main concern is that although the law is, I want to be clear, I'm not I'm not saying you should.

**Speaker:** I'm not saying what amount you should. But if he's acting in good faith and continues to cure, I just want to make sure I understand. You know what? What flexibility you are you have in in settling the matter. And is there a city rules or something that prescribes or limits your ability to settle with him?



**Speaker:** So all of that is handled through permitting and development. So what would happen is he would need to apply for the lien reduction plan, and they would review it and they would see if he qualifies or if this lien qualifies or not.

**Speaker:** And commissioner, in large part, it's a timing challenge, which is why the additional 30 days was offered initially in order to remain in line with the other sort of package of foreclosures that are in the queue. This action that 30 days was kind of the maximum that was available to then have this action and proceed with the steps to get it onto that foreclosure list in the auction list in January. So it's just a timing challenge is why this is coming back at this moment.

**Speaker:** I totally fall in. I know that we go through a long process to get here. I guess the question I'm still not sure I understand is what is the barrier to. I mean, full speed ahead because it's taken a while to get here, but to reducing the amount of lien? I'm not. I guess I'm not sure I follow. Why the city can't just settle up until the moment of foreclosure.

**Speaker:** Commissioner, can we hold that question? I think trying to identify it. I mean, typically, once it hits this list, it starts going through the process. And so my understanding is there's a trigger that sort of prevents that adjustment being made. But but we're looking into that right at this moment.

**Speaker:** Sounds good. I'm.

**Speaker:** Sure. Mr. Crum, I want to thank you for coming in today. I don't know if you remember me. My name is mangus. I used to be executive director of historic parkrose probably over a decade ago, and I kind of worked with you a little bit to try to address some of the challenges in the space. And then, you know, after I left historic park rose, I became a supervisor in the city's crime prevention program. So we sent some of our staff out there to try to kind of help you work with this space. And then later on, I had the privilege of being elected to this council. And i'll be

transparent with you. You know, we hear from people in the neighborhood a lot. I know the situations in this property have caused you a lot of pain, and it's caused the neighborhood a lot of pain for more than a decade, at least in my literal lived and professional experience, I and I'm delighted to hear that some progress has been made in the last couple of days. But can you give me a sense of how how we turn this around? I mean, I know you've tried very hard for a very long time, but I mean, I've been kind of engaged with this for more than a decade. And I know you've been engaged with this challenging space for much longer than that to what is the solution here? Well, if I may, because and you're well aware that we had a lot of vehicles on the property and they would come up through the railroad crossing, cut the fence, it was like a daily situation.

**Speaker:** They'd come in, they stole tires, they stole parts, they stole the vehicles, they put disarray. I mean, this was a homeless situation that was going on. I want to apologize in some ways because I, I think you need an explanation. My dad passed away. I lost a son. I lost a daughter. I am I am, am now together. I have worked extremely hard for this past period of time. I have not quit. I every single day I was down there. I come down there in the evenings. I've had to walk people off the property. I, I've asked people to leave. I've there's court cases and if you'll refer to my testimony that's in writing there, you will see that that I've, I've done everything I freely admit there may be some naivety on my part that I didn't do some of the things that maybe I thought I was supposed to do, but I was more focused on trying to eliminate the problems and there is no problems. And now I've cleaned everything. I've done everything that I think that the city is extremely happy with. I, I have no complaints. Mr. Foster was very gracious, but I didn't even have some of the documents till the 19th, which he shared with me, which I can't thank him enough because otherwise I wouldn't have been here today. And regarding Justin

linly on the 15th, I had it completely signed off and that was last week. But it was everything that was done. I mean, I had to plant trees. I had to remove everything. So I believe that you'd be very happy. And they changed the zoning or they've changed something here. Here's what it looked like. These are all vehicles all throughout. They wanted me to remove every single vehicle, everything gone. It's cost me 30, \$40,000. Right now, just in expenses, doing all these things to remove it. And literally I gave things away just to get people to remove these vehicles. It is absolutely clean. I've been talking with people about leasing off the property. I've got two prospective interested people, but anything I removed a building that was next to there. I took it all apart and got rid of it. So for the city and in the neighborhood too, it's not just the city. I mean, I know I'm not. It's not. I'm sorry. I didn't mean to.

**Speaker:** Yeah, I mean, i, I get it, but, you know, and we've for folks who live adjacent to that and try to work adjacent to that, you know, we've had people living in those spaces often it would appear that they were, you know, committing various sorts of both property crimes and perhaps some sex trafficking crimes. And it's gone on, in my experience, for over a decade. And it's kind of one of her most challenged neighborhoods. I mean, I know you have leaned in and tried to be a good property owner here, but I you can also understand, you know, probably every day my office hears from someone from parkrose who is just furious that the city has allowed the conditions in that neighborhood to deteriorate to the point that they have deteriorated and so I sure I think the folks who live there, including yourself, deserve better. And I think we need to turn this around.

**Speaker:** Colleagues. Commissioner Mapps, if I may, on this. This is hard. And I am not without compassion. But I also recognize this is the end of a long, long chain of events. As I've said during these hearings before, the rules are designed to make it

extremely hard for government to take people's property away from them. There is hurdle after hurdle after hurdle after hurdle. There is opportunity after opportunity after opportunity for the property owners to be able to remediate the issues on their property. And while I believe you and I respect you for the work that you say you have done recently, as commissioner Mapps says, this is the end of a long, long chain. And our obligation is not just to you as the property owner, but to the community at large and of the thousands and thousands of property complaints that we get a very, very teeny tiny percentage actually come to council for action like this. After everything else has been tried and all channels have been exhausted. And so I will just speak for myself. I share commissioner Mapps viewpoint on this. I feel badly for you, but I feel worse for the community and they deserve action.

**Speaker:** And bill, you know I've known you long enough and respect you enough that I need to probably look you in the eye and just tell you straight up, I'm going to vote in favor of this. I think something needs to change in this space. I do hope that you can work to revitalize this property. I know that's been your ambition for a long, long time. I'm going to retire from this space in about six weeks. You will be in the neighborhood for years to come. I encourage you to work with the city administrators and the city staff to find resources to make that space worthy of the great neighborhood that it's in. I want to thank you. You know, because I do know that you've leaned into this over time, and I recognize important progress has been made in the last couple of days. But I also think that sometimes, you know, part of the role of sitting in this seat is making a very hard choice and being held accountable for it or being accountable for it. So I'm very sorry, but I'll just let my colleagues know I'm going to vote. I on this one.

**Speaker:** Any further discussion?

**Speaker:** I just wonder if there was follow up from staff just on the flexibility.

**Speaker:** Yeah. Commissioner. So per the city code 5.30, which is the action today to place this on the foreclosure list, that piece of city code specifically identifies that once it is on the list, the option to modify the lien is foregone.

**Speaker:** I'm just trying to understand the policy perspective. The policy reasons for that. You know, it's one thing when someone owes a tax or something and you're foreclosing, that's a liquidated amount. But when it's accrual of fines and penalties, it's a little different.

**Speaker:** Yeah. I mean, I could imagine I obviously didn't have a role in producing that code and certainly warrants perhaps another look. My assumption is once this action occurs, there's a series of steps that take place, including expense to the city, to move forward, to get properties onto the list and so my assumption is that's why that that window kind of closes so that we're not both incurring cost and giving that accommodation. My understanding from talking just with staff is there, isn't I mean, short of a code change, I don't think there's another alternative short of not passing this ordinance, not putting it onto the list, which would then delay, you know, delay all those other actions.

**Speaker:** What was the city code reference?

**Speaker:** 5.30.

**Speaker:** Okay. Thank you. Just give me a second to catch up here.

**Speaker:** I think I can give you the specific.

**Speaker:** Yeah. If you have, it would be great.

**Speaker:** 5.30.110. A. And it looks like the, the last sentence of that section, if I may say one thing, you mentioned that there's been ongoing problems.

**Speaker:** I have tried to do it through the covid period. I was denied to be able to vacate the tenants that were there. I've been threatened. I've been I've knives, guns, ak 47 seconds. I've seen it all right there and I have done everything. And I was told

by the Portland police not even to go down there. I did, because it needed to be done. And I was persistent calling the police to try to get this solved. I am here today to try to work this out, and if he will, and you will allow me to take it off the foreclosure list, then what I could do is work with him to try to mediate the amount, rather than it going to such a high figure that it would be very difficult to take care of. But if there's a mediation, if we could do that, even if we could talk about it before you make your decision, I'd appreciate it.

**Speaker:** Look, I hate to sound like a jerk, but I am the designated jerk. These got to a high amount for a reason. And the reason they got to a high amount is because the issues were ignored and the liens were not paid. And so now there are penalties that go with those liens. This is as much about personal accountability as it is about anything else.

**Speaker:** I was very accountable, mayor. I did the job.

**Speaker:** The record shows otherwise.

**Speaker:** If I may only not. I don't want to ever be argumentative to you again, as I can appreciate what you have to do here. And god bless you for doing it. But I can assure you that I it would have been nobody could have done more than I've done. I've worked till midnight. I've done everything cleaning every little detail on that property. It is immaculate right now, and i, I've got a statement saying that I and I thought I was all done on the 15th because I received a text saying that there's going to be no more fines there. Everything looks great, bill. The violations are done and there's not going to be any more costs. And then on the 19th, I and quite frankly, thank I thank I'm sorry. His name I'm kevin foster. He was very kind and very nice. And the fact that he sent me the information that I needed because I don't have that information. So anyway, i, I just ask for your indulgence. If I could work something out with the city, I will try to make payment or with him

immediately, rather than allowing it to go to foreclosure just because I was told it was all done.

**Speaker:** I guess a question for you commissioner Mapps. Yeah, I mean, from your vantage point for the neighborhood is the foreclosure the right action at this point, based on what you've heard and understand about the I mean.

**Speaker:** Something needs to change, you know, frankly, and, mr. Crum, I know you have been trying to manage this property. Can I ask how long you've had the property?

**Speaker:** Since 2006. I purchased the property, and prior to that, I was involved with mccoys motors, and I tried to help clean up the place then, and I did. So I freely admit that the passing of my dad and my kids took a toll, and I did lease it out. The lease did not work. I did everything in my power through even covid. They denied me any hearing because I couldn't do anything to evict the people that were there. Sure. And finally I did it. I mean, I did do it. I got an attorney. I was doing this before he showed up, and it's like the zoning changed or he's now saying that I didn't do something because but I was totally unaware of that. I mean, we didn't even know that. And I tried to explain that to mr. Linly that, you know, this has been this way for 20 plus years. And now you're trying to change me to get rid of everything all at once, which I did. But I'm just saying that it was over 20 years. This even from the prior owner.

**Speaker:** So let me ask you a question.

**Speaker:** Yes, sir.

**Speaker:** So let's say through some miracle, you were able to negotiate down the lane. What basis do you have to give either the neighborhood or this council any confidence whatsoever that things will be different going forward? Because I predict colleagues and I again, hate to be the designated jerk, but I predict that this

will come right back to the council. It may not be right away, but it is coming back because what we have is a history of years of neglect of the property.

**Speaker:** Just this year, there's been this issue.

**Speaker:** Yes, because the city has stepped up. Its foreclosure requirement. I mean, frankly, we were getting down to the end of the path and from my perspective, it is too late. That's just my perspective. I believe accountability is where we are now.

**Speaker:** I don't disagree with the sentiment. I'm just wrestling with it. Foreclosure and what that means for a neighborhood versus an active owner. I mean, that's, you know, that's the this has been a long process. It takes a very long time to foreclose on a property by a public entity or 100% correct. And I follow the arguments on accountability. It's just foreclosure is not the panacea for a neighborhood. It's not a guarantee. I agree. It's not a guarantee. But I you know, that's why we're seeing hotels getting handed back to banks and banks not wanting them. That's why we're seeing office buildings getting handed back to banks and the banks not wanting them. It's always better to have an operator with skin in the game. If you can. But yeah, I and I hear you and you know, since we're all all friends here, you know, mr. Crum has had this property for about 18 years and has struggled to manage it for about 18 years.

**Speaker:** I'll tell you, I'm fundamentally long term. I'm very optimistic about park roads. You know, frankly, you have this property and occasionally we have a gentleman, nick, who comes in and wants us to do some subdividing of properties there. These are very close to each other. Eventually those two properties and a couple of other ones in the park neighborhood are going to get sorted out. And when they do, I think that will be an important tipping point for the neighborhood. And frankly, I think anything that this council can do to move literally that



conversation forward would be a service to our city, a service for the people who live there. And frankly, colleagues, you know, I don't know how many days we have sat in this room with people who live in this neighborhood, furious at us for reasons that are completely legitimate, including the reasons right here. So it's a terrible space to be in, including for mr. Crum. But I don't see, you know, we can stick with the status quo. We have 18 years plus experience of that. Or, you know, we can walk our talk, which I think is why we were sent here.

**Speaker:** I think the time has come. Okay. Call the roll.

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

**Speaker:** All right. The ordinance is adopted, and we are adjourned.

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

**November 21, 2024 – 3:00 p.m.**

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

**Speaker:** Please call the roll.

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

**Speaker:** Now we'll hear from legal counsel on the rules of order and decorum. Good afternoon. Good afternoon. Welcome to the Portland City Council to testify before council in person or virtually. You must sign up in advance on the council agenda at [Portland.gov/council agenda](https://portland.gov/council-agenda). Information on engaging with council can be found on council clerk's web page. Individuals may testify for three minutes unless the presiding officer states otherwise, your microphone will be muted when your time is over. The presiding officer preserves order. 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, council may take a short recess and reconvene virtually. Your testimony should address the matter being considered. When testifying, state your name for the record. Your address is not necessary if you are a lobbyist, identify the organization you represent. Virtual testifiers should unmute themselves when the council clerk calls your name. Thank you.

**Speaker:** All right. Thank you. First up is the 4/5 agenda item number 101 9:03 p.m. Time certain first reading of a non emergency ordinance authorizing agreement between the city of Portland streetcar, inc. And 1535 a-1, llc for public benefits related to the montgomery park area plan before City Council today. Colleagues is the montgomery park public benefits agreement. This is an agreement amongst the city. The Portland streetcar incorporated, and a property owner in the montgomery park area. This agreement is part of the package of the montgomery park area plan. Actions that will implement the plan goals with a provision for affordable housing, for jobs, and for a park. The commemoration of york and cost sharing for the streetcar extension and new streets in the area as well. The item is being brought to us by the bureau of planning and sustainability. I want to note that commissioner Ryan has an amendment he wants to introduce and we'll hear about that shortly. For now, i'll pass it on to deputy city administrator oliveira and bureau staff to present the project. Good afternoon and welcome, all of you.

**Speaker:** Thank you. Mayor de oliveira, for the record, deputy city administrator for community and economic development. So, council, as a reminder, we are in the pathway of bringing the montgomery park action plan through you all over the next several weeks. This is a new item that is a continuation of the topic that we had last week. Specifically, this is about the public benefits agreement that we developed with the private sector partners who own properties in that in that area. I can't stress enough how emblematic this is of the type of partnership we want with the private sector. This is a local family, longtime business owner who, instead of just doing what they could have done by right today, has instead chosen to partner with the city to develop an agreement that brings broader benefits to the broader community. Looking at affordable housing goals, middle wage job goals, a new park. These are the added investments that make our city thrive. Make us

more welcoming, and it's the type of leadership we're looking for in our public sector partners. Excuse me, private sector partners to deliver on our housing strategy, our economic goals, and frankly, just the well-being of the city. So I want to thank them in advance for leaning in with the city to help develop this agreement. Along with that, of course, you've heard about the transportation element, which is essential to this neighborhood and will be really a beacon for what it means to thrive in this particular neighborhood. Now, with that, I'm going to turn it over to patricia diefenderfer and Ryan singer from baps to go through the specifics of the benefits agreement, and we'll take questions right after the presentation. Thank you.

**Speaker:** Good afternoon. I'm Ryan singer, I'm the principal planner for long range planning and urban design at baps. I'm joined by patricia diffendorfer. And eric engstrom is in the in the audience as well. Today I'm going to present the montgomery park public benefits agreement. The public benefits agreement is an important companion to the montgomery park area plan and montgomery park transit project. As a reminder, the plan and the locally preferred alternative were heard by the council on November 13th. The montgomery park area plan would amend the comprehensive plan and zoning regulations in an area west of highway 30, between northwest vaughn and northwest nicolai streets, to allow a wider range of uses including housing, retail, office and light manufacturing. These land use changes are paired with an extension of the Portland streetcar from northwest northrop street and 23rd avenue to northwest wilson street, and northwest 26th avenue. Council discussed amendments to the plan on November 13th and will we will return on November 4th with more details of those amendments for the council to consider. So the agenda for today's hearing is as shown. I will go over the elements of the public benefits agreement and discuss the value capture strategy.

We'll take testimony from the public and have a discussion with the council, the ordinance, the recommendation is to adopt the public benefits agreement by ordinance. The public benefits agreement is an agreement between the city, the owners of the former esco steel foundry site and Portland streetcar, inc. There are six main elements to the agreement that are the obligation of the property owners. The first is a commitment to provide on site 400 middle wage jobs, middle wage jobs here are defined as jobs that do not require a four year degree that are making around \$57,000 annually, or 50% of the area median income for a family of four. The requirement also targets jobs and industry clusters like manufacturing, metals and machinery and food and beverage production, and distribution. Keep in mind that this is a commitment by an existing property owner, existing property owners, some of whom have businesses in Portland, to create jobs in a specific area. The second element is the provision of affordable housing, either by providing building 200 units of income restricted affordable housing to families, making 60% of the median family income within seven years, or by building a higher percentage of income restricted units 15% per project. The third element is the siting and development of a 40 zero zero zero square foot public park. This requirement has milestones for planning and development and a commitment for enhanced maintenance of the park by the property owners. The fourth element is a commitment to fund and participate in the development of a feature commemorating york, an enslaved member of the corps of discovery, also known as the lewis and clark expedition. Portland streetcar, inc. Has agreed to coordinate this effort, and the york collective is identified in the agreement as an important partner in this effort. The fifth element is a commitment to contributing toward the funding of the streetcar extension through right of way, dedication, participation in the local improvement district, and building out of street elements. The sixth and

final element is support for wealth building, with an incentive for the provision of affordable ownership. Commercial space. The public benefits agreement is part of a value capture strategy that seeks to use some of the value generated by changes to the land use to achieve public policy goals. Bts did analyzes early in the process, showing that value capture was feasible during the more robust pre-pandemic market conditions. The current economic conditions are not as favorable towards value capture. However, this is a long range plan, and we believe that it's important to have this agreement in place as this area will be built out over 20 or more years. Provisions in the code, like inclusionary housing, are also value capture mechanisms, and as I described in the public benefit agreement, those are important part of this value capture strategy. We have also done some work to estimate the value of the public benefits the streetcar extension, affordable housing, 400 middle wage jobs and 40,000 square foot public park. The contribution by the private property owners over time are conservatively estimated at 38 million. These contributions are leveraged to create benefits that are conservatively estimated around 240 million. The analysis is especially at this scale and time, a more of an art than a science. So while we're providing you these numbers, you should think of them more in orders of magnitude and really focus on the policy goals of transit, housing, economic development, environmental resiliency, and quality of life that the montgomery park area plan, along with the public benefits agreement, would deliver. Just a reminder for the council that we are now in the sort of dark outlined box here. The November 21st hearing on the public benefits agreement will return on December 4th. For further discussion of the full legislative package, and is anticipated the council will vote on December 11th on all three of the related items. I will end here with a recommendation and we're happy to take questions.

**Speaker:** Does that complete your entire presentation? Great. Colleagues, any questions for staff at this particular juncture? All right, commissioner Ryan, I believe you have an amendment you'd like to put forward.

**Speaker:** Yes, mayor. I know I've had a chance to share this information with my colleagues early this morning. Some last night, and it really stemmed from the dialog around middle wage jobs and the conversation that you could witness on both sides with the working waterfront coalition and also the people bringing this development forward. And so we thought it would be wise to make sure that we formalize that data so that we track it and it will be part of this journey. And we think it also will add value as we look at other projects that the city will embark upon, especially as it relates to some other developments, whether it's omsi and others. So we thought it just would add value to the governance of this body. And so with that, I will now read the formal amendment. I move to amend exhibit a to add the following subsection 2.3.2 for informational purposes. The report will include the following additional data. The racial breakdown of employees holding the newly created middle wage jobs in the and anonymized manner, and to the extent individual employees elect to disclose race or ethnicity of, or the employer otherwise, has the information and two information related to whether the businesses that created the new middle wage jobs are new businesses to the city or have relocated from within the city, and if so, from where are they located? This data will be collected through surveys or third party sources as available.

**Speaker:** Very good colleagues, is there any questions for a second for this second? Commissioner Gonzalez? I think I heard your voice first. Commissioner Gonzalez seconds. Any further discussion on this? I have a quick question, commissioner Mapps.

**Speaker:** I just wanted to invite staff to reflect on the amendment. Any thoughts?

**Speaker:** Good afternoon. Mayor. Commissioners. Patricia diefenderfer, bureau of planning and sustainability. For the record, commissioner Mapps, I think that this is fine addition to just make sure that there's additional data collected as this report that's already required for the public benefit agreement is collected. And it gives us some better understanding of who's holding these jobs, where these jobs originated from. And it will just help us, as commissioner Ryan said, implement this plan in an effective way and inform future actions as well. I think we were discovering some speculation type conversations, and why don't we just ensure that we have just some dispassionate, honest data as we go forward with such conversations?

**Speaker:** All right.

**Speaker:** Great.

**Speaker:** Very good. Are there any other other amendments? All right. Public testimony.

**Speaker:** We have nine people signed up. First is cassie cohen. Cassie is joining us online. Welcome. How's it going? Hi, cassie. We see you. Can you unmute?

**Speaker:** Okay. You're good. Sorry.

**Speaker:** You can go ahead.

**Speaker:** Thank you. All right. Greetings, mayor. And commissioner. So I thank you. And we thank you. As you know, I represent Portland harbor community coalition and the york collective. Thank you for bringing forward the proposed public benefits agreement for the montgomery park area plan. Nothing is more important than honoring our ancestors. York collective is driving shared liberation through community led development. York urban village and york district will cultivate a space that honors the origins of black history in the pacific northwest as it relates to regional tribal histories. We have sort of a question, an outstanding question in



terms of what the status of the bureau of planning and sustainability is connecting with the tribal chief and elder of the Klickitat bands of Yakima Nation. We did not hear any response back on that. Wanting to make sure he's not let down by City Council like other times, his people have experienced being let down by government. His interest should have triggered full tribal consultation for all regional tribes on MPAP. The public benefits agreement honestly should have included tribal consultation and negotiation as well. We ask that you include your collective in the PDA rather than your work group. So our name has changed, we are grateful for the inclusion. Yet it must show stronger language, showing a true commitment to work with York Collective, the entity who called for the honoring of York in this district in the first place. York Collective. York Collective has begun its journey to form a 501 c3 nonprofit entity. And we had requested several times to be included in the negotiations of the PDA. Yet we were never invited in, despite our inability to directly negotiate the terms of the PDA. We choose to move forward in collaboration with the City of Portland Streetcar, Inc. And property owners of the soon to be York District. We ask for reciprocity. Our intentions are to foster sustained health, prosperity and belonging for current and future generations. We ask you now. We actually ask City Council members to raise your hands. I'd like to hear if there are electeds that genuinely honor and respect York's collective true input into decision making on the public benefits agreement by hearing, receiving, and responding to our specific, detailed, recommended changes before your final vote. Can I see a raise of hands if council members are open to hearing that?

**Speaker:** Just to be clear, this is public testimony. So we're not taking council action during public testimony. But thank you. Thank you.

**Speaker:** Outstanding question. Thanks.

**Speaker:** Next we have candice jimenez.

**Speaker:** Planning to turn okay. Okay. Thank you. Welcome. Thank you so much. Mayor Wheeler. And to all the council members, thank you so much for the time today. And we just want to share our gratitude for this public benefits agreement. Stating, for the record, my name is candice jimenez. I'm a citizen of the confederated tribes of warm springs. I'm also a board member on the Portland harbor community coalition, as well as a member of the york collective. So I just want to address a component of breast best practice that was brought up previously. That I also spoke to last week with the plan itself. And to just reiterate the critical nature of indigenous land stewardship with respect to public benefits in this city. As a critical component to preservation of cultural resources. So with respect to that, I know in previous meetings we've had, including one with bts, we were noted of rulemaking efforts that were happening at the state of Oregon within the department of land conservation and development. With regard to their cultural areas definition. And so I just want to make make that as a part of this testimony that coming from the state side as well, there's work happening with respect to lands and cultural resources and to note that it's really important in the mission of this work as well as public benefit agreements across across the city, that we take time to honor and reflect on that. And especially the need for tribal consultation and taking into account cultural resources. I want to give my gratitude to you as well, mayor Wheeler, for taking your time earlier this week to meet with the native community at at the family center. I know that meant a lot to many of us, and I know you took time out of your day along with sam chase to do that. So I just see that as a reflection of what we're taking into account here with the benefits agreement itself. So just to reiterate with what was already shared. The history of regional tribes and partnership with groups like the york collective are very valued.

And I think that's noted in the mission statement that was read earlier. We also want to just note that there's a suggestion of stronger language in part section 5.2.3 that talks about as deemed appropriate, but we would just offer stronger language like shell or will serve or shell assist to really just dig down into what that means for this public benefits. And so just want to end here with just acknowledging original possession and ongoing stewardship of these lands, and to make sure that in the future as well as here, it's not too late to continue with tribal consultation. Those efforts are ongoing, and I know the city is working hard to make sure that that occurs. And I know we've heard that commitment from you to mayor Wheeler. So we thank you. Thank you for your time.

**Speaker:** Thank you.

**Speaker:** Troy Winslow. Welcome.

**Speaker:** Thanks for being here.

**Speaker:** Mayor Wheeler, commissioners. I just want to read something real quick. That one of our members of York Collective passed along to me and it seems apropos. My ocean floors are covered with his people's resistance. I carry their spirit in every splash I make. Their humming, their lost voices. Their last words have become a part of my sweetest songs. When he is whole again. When York knows what he is worth, I will well up inside of him. And he will hear them sing. This is my great grandfather and six of his kids. All daughters. There were two boys also. When I think of public benefits, I think of what they were denied and how that affected their ancestors, me being one of them. And I can't, for the life of me understand. Really what what a public benefit is without truly defining what community is. And how we how we build it. I just I feel like this public benefits agreement is just business as usual. It tries to hit marks. It doesn't. We have an opportunity to do things different. We've had opportunities in the past and they

just slipped by. I feel like the city has done a great job of running interference of obstructing, of preventing landowners and community members from truly engaging with one another. And that, I mean, the jig is up in terms of what what voters have decided to do with our city government. That was made very clear. I hope that we can move forward in a way that is truly uplifting community and does meaningfully. But as far as the city is concerned, does facilitate meaningful engagement. I don't blame individuals. I know this is a systems issue, but we need to change these systems, and we need to have the courage to change these systems, because I continually see opportunities that slip away that essentially are selling my kids and their future and their peers future down the river. And I don't take kindly to that. A person who has children. Should should.

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

**Speaker:** Appreciate your perspective.

**Speaker:** Todd zarnitz. Welcome.

**Speaker:** Hi, guys. Thank you so much. Can you hear me?

**Speaker:** It doesn't sound like the mic is on. You're on.

**Speaker:** Check, check. Hello? All right. Thank you. Guys so much. In the desire for a large public works project here, I'm talking about the streetcar. I think we're getting confused about what the function of it is. If the function of a streetcar were transportation, we would not build an extension to the tune of \$120 million to vacant land. Instead, we would say we need to preserve right of way to build one if and when we need one. A streetcar, in actuality, is a visible commitment to induce development, and with the streetcar in place, it will only make sense to develop the now vacant land as intended. And as we all want, into a vibrant, multi-use, future forward neighborhood. The value of the streetcar is to provide an incentive to get to the place we all collectively envision, and maybe also it eventually moves a

couple people around. My objection here is the funding to build the streetcar and lid, aka property taxes will be required, and it's unfair to ask property owners along northwest 23rd avenue, where the extension will come down, and then up into the area to pay for a streetcar to a poor neighborhood. It's a neighborhood now that exists on planning documents, but doesn't exist in real life. The problem here is that the public benefits agreement requires 1535 to participate in an lid, but doesn't set the boundaries of the lid. And lid is supposed to be a democratic process in which landowners in drawn boundaries agree to assess, assess taxes upon themselves in this case to fund a streetcar. However, incorporating land that has agreed to a quid pro quo yes, into a larger lid area in this case property that's, you know, on the extension down northwest 23rd avenue is fundamentally undemocratic and unfair. I think there has to be a way to separate the lid in a way where there's an lid for the area that is, you know, going to be up zoned because they're getting tremendous value out of that up zoned area. And that's why they're agreeing to this public benefits agreement to fund the streetcar. However, the area on 23rd avenue that's going to go up to connect the neighborhoods, they're also going to be asked to pay for the streetcar, which they're there currently is no benefit to build that. I mean, nobody in the neighborhood currently really has any reason to go up there because there's no neighborhood that's currently built. So I think, you know, we're going to have to be very careful about what we're asking. Property owners in northwest Portland to really do here. I'm just kind of riffing now. But, you know, I think you can kind of see that in in lid. There's supposed to be property owners that get to vote to assess property taxes on themselves. And if there are landowners that own major parcels of land that are being up zoned and are going to be an automatic yes, then the bigger part of that lid that's not a part of

the up zoned area is going to get a property property tax crammed down. So i, I think we need to be careful. So that's all I got.

**Speaker:** Thank you. Appreciate that. It's good advice.

**Speaker:** O.b. Hill. O.b. Hill. Sorry. I never thought I'd miss.

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

**Speaker:** Thank you very much for the opportunity of addressing the council. I am really pleased that the area will be recognized in york and hopefully a museum, as well as a park could be a part of this development. And if the property owners would be willing to sell part of the property that they own to a group of us who would be willing to be investors, I would appreciate it. Thank you very much. Thank you.

**Speaker:** Jamarion malley. And they're joining us online.

**Speaker:** Hello. Good afternoon. Hello, this is jamari malley. I'm the campaign manager for Portland harbor community coalition, and I just wanted to give my input on what's happening in this area with concern with me. Also being a member of the york collective and Portland born and raised. There were some things I was seeing having like specific steps being taken with the benefits that are going to have on the community, like as far as health and business, there are a lot of things that the york collective had to offer, and a lot of that didn't align for what they seem to want to present it to for things like diversity and what the original history of that area entails. I just wanted to see if the council would be ensuring that that follows through. That was my only question.

**Speaker:** All right. Thank you.

**Speaker:** Next we have brian ames. Welcome.

**Speaker:** Good afternoon. Again I'm brian ames here, representing the ownership group of the former esco property. We are here to express our support for the

public benefits agreement. We have been working hand in hand with the city for over four years now. To bring this plan to final adoption. We stayed the course and now ask that you approve the pba. Pba delivers on the city's primary and critically important objectives housing and jobs. And at the same time delivers green transportation infrastructure, parks and the commemoration of York and the pba helps us deliver on our vision for this land that brings all these public and private objectives into reality. We are long time Portland residents, investors and importantly, builders. We do not have a business model to just hold land. Instead, our vision is to develop community and then stay in the land over the long term. Just like our partners have done in the Pearl District. We bought this site to build and under its current zoning, we can build, we can build the 400,000 square foot last mile warehouse consuming almost our entire property. And we have been asked to do this, to do so. But that is not what we want to build. Such use would bring a limited number of jobs. No park, no new transit or transportation infrastructure, no commemoration of York, and no affordable housing. We want to build light industrial and other commercial uses that grow middle wage jobs. Well beyond a large scale warehouse. New homes for people who work in these industrial and commercial jobs. A new park for families and nearby residents. New options for opportunities in this city for those that do not live and work today in a high opportunity area. We are owners of industrial businesses in the area. This plan will support our workers in these businesses and allow us to attract and retain more employees for our existing operations. The pba is deliberately and carefully balanced to ensure delivery of these public benefits, while also encouraging private investment and development. We ask that you approve this pba and allow greater things to happen on this property to better serve the whole community. Thank you.

**Speaker:** Thank you.

**Speaker:** Christy white.

**Speaker:** Hi, I'm christy white. Land use attorney for 1535 llc. I have three minutes, so i'll hit three things. I'm going to reiterate what brian just said. There's no question that this pba supports middle wage job growth, far superior than the existing zoning. As you heard, his example, they were approached by that last mile distributor during this planning process. And the calculation was about 120 jobs that would take up most of the property with a warehouse, parking and loading. We can do that today. We can do it right now. We can do it as permitted outright, if that's what we want, that's what we'll get. But it's not what any of us want. They didn't make that deal. And in that process, the city set a higher bar for us. Now we have this requirement to do better and to produce not 120 jobs and a parking lot, but 400 middle wage jobs with housing, a park, commemoration of york and other public objectives. So if the question is which zoning produces the best opportunity and in fact requires middle wage job production, the pba is it. We also support commissioner Ryan's amendment on the job study metrics I love data. I think it's important for accountability, and I think it will help us in all phases of this redevelopment. Number two, there's no interference with existing industrial uses. Nikolai will be a primary freight route providing access to us 30 and the highway and vaughn will remain a local service truck street. The city's analysis, actually in the pba, finds that there's no street. Neither vaughn nor nikolai that has a delay in service or a queue that's longer than the off ramps onto the freeway. I'd also love to direct your attention to that letter from carl, who is one of the investors in this property. And what's interesting is they have that industrial use right across the street. 50% of their jobs are bipoc jobs, and they have a significant number of middle wage jobs. And in the recent past, they've lost seven employees and



couldn't get 12 to commit to middle wage jobs because it's too expensive to drive here, and there's no place for someone to live that they can afford. So this the other whole lens on this project is that it's creating that wraparound opportunity in a high opportunity area that supports other industrial users in the area while growing light industrial and other middle wage jobs. This is also a different kind of pda. This isn't public land. This is private land with no additional public subsidies yet we're still able to commit to honoring york with participation of the york collective and the pba. With that, the city wants us to do better. We're here to do better. This is an opportunity that does not come around often. Willing landowners, no additional public subsidies. The result will be city building, and we ask the council to firmly put this pda in Portland's win column. Thank you. Thank you.

**Speaker:** That concludes testimony.

**Speaker:** All right, colleagues, here we are. Obviously, we're not taking a vote today. We'll be moving this whole package to a future meeting. But are there any questions for staff at this particular point or any further discussion?

**Speaker:** Yeah. I have a quick question for staff.

**Speaker:** Why don't we have staff come back up please.

**Speaker:** Thank you.

**Speaker:** I want to thank everyone who testified today on this item. We heard several members of the public express concern about tribal participation in this process and project can staff kind of tell us where we're at, where we are on that and what the plan is?

**Speaker:** Thank you. Commissioner Mapps patricia diefenderfer, for the record. So as we may have described previously, there was we did send some communication email communication through our office of government affairs or government relations. Pardon me to a number of different tribes. We did not receive we

received one response to those emails. It was from the Klickitat tribe. We did follow up several times with requests to schedule a meeting with the chief, who did express interest, and we did not hear back from the chief. So we have not been able to secure a meeting time with him.

**Speaker:** Well, I hope folks continue to try. It seems like there's a desire on both sides to have further talks here, and it seems like it would this project. Well, that's all I have. Mr. Mayor. All right.

**Speaker:** Very good. Anything else? Any other amendments? This item is continued to the City Council meeting on December 4th at 10:25 a.m. Time certain to vote on commissioner Ryan's amendment. We're scheduled to make final vote on December 11th at 2 p.m. Time certain. Our next item is a time certain item at 4 p.m. We're in recess until 4 p.m. And. We.

**Speaker:** Do.

**Speaker:** This session will go to our second item for this afternoon is item 1020 times certain. 4 p.m. It is a report. You have to read it except 2020.

**Speaker:** Critical assessment phase two report from independent monitor llc, provided pursuant to the settlement agreement between the united states and city of Portland.

**Speaker:** Colleagues, as I'm sure you recall that as part of our settlement agreement with the department of justice, the city agreed to commission an independent assessment of the city's response to the 2020 protests and riots. Nick mitchell and his team at independent monitor llc last came to us in August of 2023 to present their initial report recommendations, which we at that time voted to accept. Since then, mr. Mitchell's team has continued its work to follow up on our efforts and are here today to present the lm, llc phase two. And I guess it's an i, an l am llc phase two report. Chief deputy city attorney heidi brown is here as well to

provide some additional background and information. So i'll pass it to heidi to get us started. Good afternoon heidi.

**Speaker:** Good afternoon. Mayor, council members. Good to see all of you. This afternoon. As I know you all recall, but maybe anybody watching from home may not. We made some amendments to the settlement agreement between the united states and the city of Portland in 2022, and one of those amendments was that we would have an outside entity perform a critical assessment of the 2020 force used by the city during that 171 days of protests and so I am Ilc, a wonderful team. Did that work on did a lot of research, a lot of interviews, came out several times with folks. We had their phase one report last August in which they came up with 12 recommendations for the city. And then six months later, the city filed a response to I'm Ilc, describing the work we had done to implement the recommendations. And then mr. Mitchell and his team, Ilc followed up. We gave them a lot more documentation, information and interviews that informed their phase two report, in which they are providing an update on how well the city has done in implementing the recommendations that they gave to us last year. With that, i'll turn it over to you and i'll be available here for any questions that you all or anybody has that you'd like me to answer. Great. Thank you. Nick. I'll turn it to you.

**Speaker:** All right. Well. Very good. Thank you for that introduction, mayor Wheeler and heidi. We appreciate it. We're very pleased to be with you again presenting this. Follow up assessment. I'd like to begin by introducing my colleagues who are with me here today. You may see on the screen matt buddhist doctor. Matt, buddhist is was our sort of data analytics lead on the phase one project and the phase two assessment. And pete davidoff is a nationally renowned expert in public order policing and was a subject matter expert on both of these projects. I think someone is going to be running this slide show for me, if I'm not mistaken. It may be

stephanie howard if you're on. Perfect. That's great. You anticipated where I was going next. So I'm going to, you know, do a fairly high level overview of the phase two project. I think you should feel free to interrupt if you have questions. You can ask them during this kind of quick run through, or if you'd like to save them for the end, that that's also okay. You know, either one works for us. Again, the phase one project, what we sought to evaluate the effectiveness of ppb's public order training and response to the protests and riots of 2020. As mayor, Wheeler already indicated. I won't sort of go through the, you know, the methodologies that we use, but suffice it to say that it was a fairly deep and broad investigation that involved, you know, many dozens of interviews, lots and lots of meetings with the ppb command team, lawyers for the city, elected officials, community members and others, and review of voluminous sort of internal department records, city records, video submitted by community members and others. And from that very large quantum of evidence, we developed some theories and some ideas about why the city of Portland descended into disorder during that period, and some 12 actionable recommendations for fixes that could be made to prevent similar outcomes in Portland in the future. As heidi mentioned, the phase two report assesses the city's progress at implementing those recommendations, and I should note that much of the data that we gathered for the phase two assessment. We gathered in spring, kind of bleeding into early summer, and the interviews that we conducted were in sort of late spring, early summer. And I know that there has been additional work by the ppb, particularly related to the elections of earlier this month. And so there may be some updates that that cpb and other city officials may want to provide to the information that we're sharing today that that we shared in the phase two assessment. But I can tell you that overall, our impressions were quite positive. We have concluded that the city took meaningful, but in

some cases, preliminary steps to implement the recommendations. And i'll walk through some of that in the slides to follow. Next slide please. Before I dive in here, let me also say that we really appreciate the cooperation of city staff and ppb members and community members. We you know, as I said, we talked to lots and lots of people and we found the department to be transparent and helpful as we conducted this review. So that was it was a pleasure to work with city folk on this, given that, that they really, you know, people really tried to help facilitate the work that we were doing to do the phase two assessment. We again analyzed the directives and procedures of the ppb, most specifically those that relate to public order events, use of force and other related matters. We reviewed emails meeting minutes, memoranda, job announcements, selection criteria, training records, videos of training provided to police officers with a particular focus on the training and the architecture set up for the new rapid response team developed by the ppb. We also assessed records related to the efforts to reestablish mutual aid relationships with other jurisdictions, and to grow ppb crowd management incident commander program, and we visited Portland, interviewed leadership in the city line officers, other non-sworn city personnel, and again members of the Portland community. Next slide please. The first recommendation from our phase one report, as some of you may remember, was that the city should rebuild its mutual aid network. The city is reliant upon mutual aid relationships, as are most large cities in America. In in times of emergency, including a public. When public disorder falls within a city and there was a nearly complete fracturing of those relationships in 2020. And so we put it first in our report, because it is absolutely essential to the city's building. The city's capacity to manage these kind of events in the future. And we concluded that the city has taken noteworthy steps to rebuild that mutual aid network, including obtaining commitments of support for cert or swat operations

and other kinds of non public order operations with several of its neighboring jurisdictions. So that was very positive. That through a series of meetings, you know, multi-party meetings and individual discussions with other city officials and policing leaders from other jurisdictions, some commitments of support were obtained. However, the city has not yet successfully reestablished those mutual aid relationships for public order deployments, notwithstanding its efforts to do so. And I think where we ultimately came down here was that from our discussions, I think we feel optimistic that if the city can build a track record of responding to public order events with a whole of government approach, it may serve to encourage other jurisdictions to again consider partnering with the city for public order deployments. Next slide please. Another recommendation from the phase one report was that the city must dramatically reduce its reliance on crowd dispersals with riot control agents. And what we found in the phase two assessment was that ppb has invested in event liaison officers and has built a public order philosophy that de-emphasizes crowd dispersals with riot control agents, which are both very positive developments. A lack of available video and embedded plainclothes officers among other things, led ppb to rely too heavily on crowd dispersals instead of targeted crowd interventions. In 2020, some of the some of the video issues that we discuss in both reports will be addressed with the rollout of body worn cameras. But real time video in the command post may still be limited, given existing legal constraints on the city's ability to use cameras in the downtown area. We also recognized in the report that the city created a specialized team of plainclothed officers that can be embedded in public order events to provide intelligence to the command post, and we made a number of recommendations for the procedures of that team to be tightened, some of which I believe have been implemented. And some of which may still be under

consideration by city officials. Next slide please. We recommended in the phase one report that ppb strengthen and clarify its public order and use of force directives in several ways. We noted that following 2020, ppb updated its directives to address several issues, but there remained opportunities for improvement, including tightening or addressing specifically rubber ball grenades, which were not expressly prohibited in ppb directives. However, the remaining supply of those grenades was decommissioned and they are included on a list of controlled items. But we made some recommendations related to public order announcements so officers were not required to audio record such announcements. And we had some suggestions there to ensure that that they would be recorded and that that be required in the future. And we also had some recommendations related to procedures associated with the use of the dynamic tactic button pushes and slow walkers. All of which were addressed in recent training given by ppb. But we again emphasized in the phase two report that we believe that policy that that the changes in approach related to those issues should be formalized in ppb policy, which is not yet been completed. Next slide please. One of the recommendations related to ppb's use and reliance on what we called internal controls on officer use of force and a need to ensure that officers that that they were being used in the future. This included keeping better track of munition inventory, so developing procedures to record what munitions are being acquired and deployed into the field, and to whom to which officers, and developing tracking systems to do that. There were issues related to force reporting, so ppb has now addressed some of those by providing resources to officers, including body worn cameras. But we had some concerns that those resources may be insufficient if the rbt is deployed for multiple consecutive days. And relatedly, you know, a very important issue with respect to public order

deployments is the investigation of uses of force. And ppb has made some improvements here, too, such as assigning sergeants specifically to the task of gathering information and investigating force incidents. But we ultimately concluded that even, you know, with those dedicated staff sergeants, ppb may struggle with the workload, particularly if there are multi-day deployments, because all of, you know, any use of force needs to be investigated. And in multi-day deployments where, you know, the number of uses of force may, you know, become more than more than just a small number, the system can become overwhelmed with, you know, sergeants attempting to investigate each one of those incidents. And so we flagged that as an area that we believe continued work is necessary to refine the system for investigating force incidents during public order events. Next slide, please. We also of course, recommended that the city create a new specialized public order team, consistent with emerging standards for such teams around the country. When the phase one report was written, the rrt had been disbanded and ppb lacked a specialized public order policing team. We were encouraged that the city and ppb had created a steering committee to launch a new public order team, and that committee had obtained buy in from public officials, including assignment based pay increases, to 2 to 4 team members, which was a positive development. The new team was launched and is now staffed with 42 officers, or I should say at the time that we were in Portland. So in late spring early summer it was staffed with 42 officers, eight sergeants and a lieutenant. Those numbers may have fluctuated since then. It has a set of standard operating procedures, which is positive and is set to receive at least 96 hours of training. A year. We did note in the report that keeping the name r.t, so resurrecting that name may have been a missed opportunity to emphasize to the public that there's a new approach to public order policing. Given that our community interviews reflect, you



know, some continuing amount of baggage and concern about the art. We did feel that that may have been a missed opportunity for the ppb to launch a new team with a new name to reflect a new set of procedures and standards for how, you know, large public order events would be policed. Next slide please. One of our recommendations from the phase one report was that the team, the public order team, should be transparently introduced to the public and receive rigorous scrutiny and oversight, both internal scrutiny from the command team of the ppb, as well as oversight from the police oversight entity, which I understand is still in flux in Portland. One of our most significant and to some extent surprising findings from our phase one project in our community interviews were just was just how surprised many members of the community were by the police's tactics. Munitions, etc. Being used by the rrt and so we thought it was very important that as a new public order team is launched, that there be, you know, meaningful efforts to bring the public in and explain how it will operate and what standards it will use and what equipment it will use to address that, that surprise that we heard and ensure there's sort of public buy in to the approach being taken with this new team. We also identified, as I mentioned, that there was insufficient internal scrutiny of rbt by ppb's then command staff. Since the phase one report was issued, the city took a number of steps to address these recommendations, including holding a press conference to introduce the new rbt. We recommend or recommended additional outreach to the outreach to the community, possibly through the many, many, many existing police community committees, which I won't attempt to name or list here because it would be a very long list and we'd be here for quite a while. But we did recommend that some additional outreach occur to bring again, bring the public in ppb described increased scrutiny by command staff in the self-assessment that it produced to us, which heidi earlier described. But there's an opportunity, we

think, to document to further document that scrutiny and procedures. And we really, in our phase two assessment didn't say very much about, you know, we continue to believe that there is a need for external oversight through whatever police oversight agency is created in Portland. But we didn't really say too much about that, because, again, our understanding is that that remains in flux and no such entity has yet been seeded or begun its operation. So that's an area where continued work will be necessary once the new oversight agency is launched.

**Speaker:** Yeah, just to be to be clear on that last point, this council has been blocked by the federal judge from pursuing any further action on that. That is not a decision of this council. Just to be clear.

**Speaker:** Yeah. No, that that is that is to say that please.

**Speaker:** Thank you.

**Speaker:** Yeah. That's that's that's helpful. Yeah. We don't really opine on why it has not, you know, has not been public record. Yeah. No. Understood. We're simply noting the fact that whenever it happens, whenever it's needed, there will be some some work necessary. Thank you. There. Thank you. Next slide please. We recommended in the phase one report that the city continue to improve its public order training, consistent with recent standards. And we have seen that since that time, the city has or ppb has subjected its recent public order training to robust oversight and recommend that that process that has been used be documented and formalized in policy to ensure that it continues in the future. We also noted that ppb held a two day public order in-service training for all sworn staff in 2023. And probably one of the things that we were most pleased about in doing this whole project, the city committed to providing our team members with 96 hours of training a year, which is at the level of an advanced public order team under the entos public order standards. That's a very high level of training. And we think it's

commendable. We think that is an investment that will bear fruit in terms of the capability of that team. So we're very pleased that the city was able to reach that 96 hours a year number. Most of the rbt training is yet to be held, so it's somewhat hard to evaluate. But the training that we did observe and reviewed is promising. Next slide please. We also recommended that ppb policy should require chiefs. The chiefs of the ppb to be engaged with and visible to officers during deployments. We found that ppb executives did not visit the field or debrief with officers often enough. In 2020. In its self-assessment produced to us, ppb indicated that the chief's office will play a more active role in reviewing public order plans and be present at briefings and debriefings in the future. We saw that this occurred during recent deployments, such as those at Portland state university. And we were pleased to see a more active role by the chief and his and his, you know, immediate subordinates. That increased role has not been documented in ppb directives or procedures yet, but we suggested that it should be formalized as an expectation of the ppb command team going forward to ensure that it lasts. It outlasts any one. Chiefs administration. Next slide please. Among our one of our more important findings was the need to strengthen and deepen the bench of leaders who could step into these important command positions for public order events. Particularly incident commanders and operation section chiefs. Because ppb did not have enough trained leaders to serve in those positions in 2020. In follow up or following our report, ppb identified a group of approximately 30 leaders to serve as incident commanders and operation section chiefs and committed to recurring meetings of that group. The meetings appeared to be very productive from the agendas, and we reviewed and the discussions that we had, we noted, though, that attendance at those meetings fluctuated significantly, and it's important that that group be meeting and debriefing and sharing information and working together to be

prepared for major public order deployments. And we suggested that the ppb should make those meetings mandatory so that all of those leaders who are in attendance in the future. Next slide, please. I'll try and be quick through these last slides. We also recommend that the ppb develop a checklist and hold supervisors accountable for the briefings provided to officers when they're being sent out onto the street for public order deployments. That was in response to the fact that ppb did not consistently prime officers with the rules of engagement in 2020. And in response, ppb has created a briefing form with a checklist that requires supervisors to certify that they've addressed some of the most important topics before officers are sent into the streets, such as the incident objectives, the priorities and requirements associated with proper use of force. We did note that there's an opportunity to expand that use of force section to include reminders about de-escalation and kinds of forces that are authorized, restricted and prohibited. Next slide please. We also recommended and, you know, relatedly, that ppb formalize the debriefing process for public order deployments. And some of that work has been accomplished through the creation of a debriefing checklist. And the creation of some standard operating procedures associated with debriefing of public order events. Next slide please. And finally, what the city as we've talked about here, we recommended that the city produce a self-assessment about the implementation of these recommendations. And in March 2024, the city did provide such a self-assessment to us with discussion of the recommendations, some discussion of the progress made and obstacles. It was an accurate reflection of the city's progress at that time and a useful primer. And it reflected as this final bullet point indicates, our general experience on the project, that the city and ppb were transparent, helpful, and dedicated to learning from their experiences. In 2020.

Thank you. So that that concludes our use of the slide deck. We are of course, available to take any questions that you may have.

**Speaker:** All right. Very good. And heidi, does that complete your presentation as well. Thanks, nick.

**Speaker:** Mayor. If anybody has council, if anybody has any questions. Also, assistant chief dobson is here with me. I don't know if he has just a word or two about the report and the assessment and how ppb has taken that.

**Speaker:** Commissioners and mayor, I just wanted to thank nick again for the opportunity that he had to give us an outside look of an evaluate how we did in 2020. Many of the recommendations that he made, again, as he pointed out, were in the spring. And we've made leaps and bounds in most of those recommendations since then in preparation for the election period of time. We also have some other things that we're moving forward with. We've we've opened some dialog with several of our activist communities to have good dialog with them and start a conversation about what does that look like so that we can work better together in the future. And we'll be soon presenting you with a grant that we received through the federal government. On being able to bring in professor stott from england, who's one of the world renowned leaders in how this stuff works. And dynamic crowd dynamics and working again with outreach with the community. So that we can be on better footing going forward. Thank you.

**Speaker:** Thank you.

**Speaker:** Just just a comment. More than a question, nick, you had mentioned in your report about the restoration of mutual aid. To what do you credit that restoration of mutual aid. What has changed specifically that you heard, particularly from our potential mutual aid partners?

**Speaker:** I think what we heard, mayor, we heard a sense that it may be the political environment had changed to some extent and that there was less hesitation. You know, we heard post 2020 was a lot of hesitation about sending officers into Portland and a fear that they might be subjected to criticism that may be perceived as unfair or subjected to prosecution or other legal sort of consequences that may be perceived as unfair by those officers or officials in those other jurisdictions. And I think what what we heard was that a sense that maybe some of those risks have abated to one extent or another, and there's at least a willingness now to have a conversation. I don't think there's there have not been commitments unless, you know, assistant chief dobson, he, of course, has the most up to date information. But as of our last visit to Portland and the records that we reviewed, there have not been commitments about supporting ppb officers on, you know, skirmish lines in the event of future public order deployments. But certainly a greater willingness to have conversations about doing that. And other kinds of commitments for other kinds of support by these other jurisdictions. Thank you.

**Speaker:** Do we have public testimony?

**Speaker:** We do. We have two people signed up.

**Speaker:** Do we hear that?

**Speaker:** First is dan handelman. Dan's online.

**Speaker:** Good afternoon, mayor and City Council. Are you able to hear me?

**Speaker:** Yep. Loud and clear.

**Speaker:** Thank you. This is dan handelman. I use he him pronouns, and I'm a member of Portland copwatch. It's fortunate for the city, the police, and the community that the reactions to the elections on November 5th and the police's response to them have been relatively quiet. I am lcs follow up report asked the city several times to prioritize crowd control training before the elections. Though it was

just released last week, the report doesn't mention that the ppb's updated crowd control policy was posted for review in July, but not approved until October 15, so any positive changes were not in effect until last Friday, the 15th of November. Ten days after the election. The assessment from im, llc points out some flaws in how the bureau rolled out its public order team, including the poor judgment it took to call the new group by its old name, the rapid response team. The first version of the crowd policy posted in February, clearly said it would be called the public order unit, while that was also a poor choice, it was discouraging when the city attorney chimed in during the chief's presentation to the pcp about the new team, and claimed they always intended to keep calling it the rt. The report also says the news conference, held June 13th, was a good first step to introduce the teams to community, while remarking that most of the audience were the media but they left out. Is that after pcp asked to hear the chief's plan to introduce the revamped rr rt to the community at its June 12th meeting, the news conference was held the next day and the committee was not informed that this was happening. This is not good. Community relations. We're also torn between supporting the city for following the judicial order, not to record people who aren't engaged in criminal activity, and being aggravated by the city's continuing to appeal that decision. The llc does not help by rightfully telling the police not to send undercover cops into a crowd unless there's articulable criminal activity, but on the other hand, remaining confused about the protections given to our community by state statute, we're concerned that one option the ppb explored is to gather information from private businesses security cameras, making this more of a surveillance state. Three minutes is not long enough to cover the whole 45 page document, but here are some highlights. The bureau gets praise for recruiting a new team, but it's not mentioned that many of these are officers who resigned their posts in protest when one of their

members was indicted. Will that happen again? Will community members trust people who are not only engaged in acts of brutality as part of the old rr, but stood by one of their own, who was correctly called out for his violence. The llc does a good job telling the bureau to ensure enforcement of its rules is evenhanded, regardless of protest content. But one key point from 2020 is absence. The police were policing protests demanding an end to police misconduct and violence. They responded by engaging in acts of misconduct and violence. Special attention needs to be paid when the.

**Speaker:** Yet 30s dan, I hear you.

**Speaker:** We agreed that the policy should be specific when describing criminal activity in llc. Points out that officers could go after minor minor violations rather than something that indicates a crowd will engage in violence or significant property damage. Significant is key because people have been cited for drawing chalk messages on the sidewalk. We hope the bureau will come back to the community through the pcp or the citizen review committee, which proposed a detailed recommendation in 2021 that was never responded to in a meaningful way.

**Speaker:** Thank you.

**Speaker:** Sarah hobbs.

**Speaker:** Hi, sarah.

**Speaker:** Sarah. Look like she's joined. That concludes testimony. All right.

**Speaker:** Very good. Are there any further questions? If not, i'll entertain a motion to accept the report. So moved. Commissioner Gonzalez moves. Can I get a second? Second. Second. From commissioner Mapps, any further discussion? Seeing none, please call the roll.



**Speaker:** Mapps, I want to thank the independent monitor for this report. And I want to congratulate the police bureau and thank them for their diligent work to continue to serve the people of Portland better. I also think the mayor deserves a lot of praise for navigating this incredibly challenging policy space. While we've made a lot of progress, there's still more work to do, which is completely normal in a city. You're never done with the work of building a city or building a better police bureau. But one of the things I'm proud of as we enter the end of this calendar year is that we've made an enormous amount of progress over the past four years, which is why I am happy to vote I on accepting this report.

**Speaker:** Yea. Rubio thank you to the monitors for this presentation. Report. Since I took office in 2021, I have observed over this entire time the tremendous amount of work that has gone into satisfying a lot of the recommendations. And I also want to commend the ppb staff, including chief lovell chief de mary claire buckley and all the analysts in that unit, as well as robert, heidi, sarah, lisa and the great team in the city attorney's office, and stephanie howard and mayor Wheeler's office. I'm also really helpful to hear the progress that's been made, and also recognize that we still have work to do and steps to get there, but my hope is both that our community and officers together will continue to place a high value in our new approach to public order, to transparency and building trust. And in some cases, rebuilding trust. Even long after the mlcc work is done. So thank you to everybody involved, and thank you for the hard work and the important steps that have been taken. I vote yea brian.

**Speaker:** Thank you heidi, and thank you. Independent monitor nicholas mitchell. It's good to hear the report. I actually just want to take a moment to thank you. Assistant chief dobson and all of the members of ppb. I can't tell you how many times I've heard over the past couple of weeks how the service that was provided

during election week was noticed. I heard from many people, one person that had to call 911 that it got picked up right away, and I've heard from a couple people that service response time was very quick. And so I think we'll look a little bit more into the staffing model. That was produced to provide that, as it probably is a good indicator of what is needed to keep Portlanders safe. But I back to the topic. Thank you for the report. I appreciate the methodical work that takes place and I continue to notice some humility in how it's received and how it's implemented. And that's all you can ask for.

**Speaker:** I vote yea gonzales. Just very happy to see all the progress. I do want to reiterate on mutual aid the importance of the city's reputation and what messages we convey, not just across the city, but across the state and attracting and retaining partners on our most difficult days. It's essential that we continue to communicate that we're supportive of accountable law enforcement in the community. If we want people to come to our aid on our darkest days, it's not just a city matter, it's a county. It's a da. It carries across a lot of lines, including the functioning of our local courts. But with that, I vote I to accept the report. Wheeler.

**Speaker:** Well, first of all, I'd like to thank everybody for the presentation today. Nick, thanks for your insights. As we work continuously to improve our efforts. I also want to underscore that this reporting period ended in June, so it does not include any of the analysis of the efforts taking place subsequent to that time. And frankly, I think it's been very positive that is not included in this report just for the record. I'd also be remiss if I did not take this opportunity to express my profound gratitude for all of the work that has taken place. The police bureau and many other city bureaus, and many of our external partners have worked together in ways that we have not done previously. And I think we are not only rebuilding from 2020. I think we're now setting the standard for other police bureaus around the nation,

and I appreciate chief dobson, that you and your team are getting the credit that you deserve for the work that you and your partners have done to strengthen and improve the services that we provide. I think it's also worth noting, as my colleagues did, that we prepared very differently here in 2024 than we did in 2020. We benefit from and learn from hindsight and the fact that absolutely nothing happened. Is important to all of us. And I think as we go forward, obviously we'll continue to experience challenges this is as much an art as it is a science. It's through learned experience, and some of that experience has learned the hard way that we improve things. And we will continue to refine our efforts. And mr. Mitchell, I also appreciate your reporting and analysis. Sometimes I disagree with your assessments, but I do believe that these reports have given us tangible issues to discuss, concrete ways of talking about what is and is not working and how we can improve things and so I want to thank you and your team for your professionalism and your objectivity in the overall work that you bring to the table. Last but not least, I just have to point out sort of one broad theme that is not brought into these reports, but it's significant to me. And if I were ever to write a book on this subject, I would note that we had these teams deployed in 2017, 2018, 2019 and into 2020. Pre-george floyd's murder and what changed with the dynamic of george floyd was the police bureau, which is the bureau responsible for maintaining public safety and maintaining public and private assets, became the focal point of those protests. And that creates an entirely different and far more complex layer that has to be managed through by the police bureau. When you are in fact, the subject of that community ire, and you are the focus of those often destructive and violent demonstrations, that requires you to do things very, very differently than, frankly, anybody else in this community. And so the work that you have done on preliminary findings being clear about what the game plan is going to be,

understanding, as always, the importance of de-escalation tactics and being very strategic in terms of how you respond to each of these events, becomes all the more important. And I'm really proud of the work you've done. I want to thank stephanie from my office. Stephanie howard, thank you for always being a good sounding board and diligent in your discussions with me about these various proposals and policies and evaluations. Heidi, thank you, as always. You and your entire team in the legal department for the great work that that you do. I also want to thank chief day, former chief lovell chief dobson. Thank you for sticking it out for so long and providing really incredible work to everything we do here. I am very happy to vote I and accept this report and I look forward to future progress. Well done. Thank you. The report is accepted or adjourned.