



April 16-17, 2025 Council Agenda

5805

City Hall, Council Chambers, 2nd Floor – 1221 SW Fourth Avenue, Portland, OR 97204

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Wednesday, April 16, 2025 6:00 pm

Session Status: Recessed

Council in Attendance: Councilor Sameer Kanal

Council Vice President Tiffany Koyama Lane

Councilor Angelita Morillo

Councilor Dan Ryan

Councilor Steve Novick

Councilor Olivia Clark

Councilor Mitch Green

Councilor Eric Zimmerman

Councilor Candace Avalos

Councilor Jamie Dunphy

Councilor Loretta Smith

Council President Elana Pirtle-Guiney

Council convened at 6:11 p.m.

Council President Pirtle-Guiney presided.

Officers in attendance: Robert Taylor, City Attorney; Mike Porter, Deputy City Attorney; Keelan McClymont, Council Clerk

Item 2024-138 was pulled from the consent agenda and on a Y-12 roll call the balance of the consent agenda was approved.

Motion to suspend the remainder of this agenda until a future meeting: Moved by Zimmerman and seconded by Kanal. Approved by unanimous consent.

Council recessed at 8:43 p.m. and reconvened at 8:58 p.m.

Council recessed at 10:55 p.m.

Agenda Approval

1

Council action: Approved

The agenda was approved by unanimous consent.

Public Communications

2

[Public Comment](#) (Public Communication)

Document number: April 16, 2025 Public Communications

Time requested: 15 minutes

Council action: Placed on File

Committee Referral Report

3

[Committee referral list](#)

Time requested: 5 minutes

Consent Agenda

4

[*Create a new non-represented classification of Lead Preschool Teacher and establish a compensation range for this classification](#) (Emergency Ordinance)

Ordinance number: 192044

Document number: 2025-153

Introduced by: Mayor Keith Wilson

City department: Human Resources

Previous agenda item.

Council action: Passed

Aye (12):

Kanal, Koyama Lane, Morillo, Ryan, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

5

[*Authorize Letter of Agreement with the Laborers' International Union of North America, Local 483 – Recreation to amend wage scale premium for Recreation Associates leading trip excursions with Adaptive and Lifelong Recreation](#) (Emergency Ordinance)

Ordinance number: 192045

Document number: 2025-154

Introduced by: Mayor Keith Wilson

City department: Human Resources

Previous agenda item.

Council action: Passed

Aye (12):

Kanal, Koyama Lane, Morillo, Ryan, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

6

[*Authorize Letter of Agreement with the Laborers' International Union of North America, Local 483 Recreation for premium pay to Assistants and Aides as defined in the Preschool for All Program](#) (Emergency Ordinance)

Ordinance number: 192046

Document number: 2025-155

Introduced by: Mayor Keith Wilson

City department: Human Resources

Previous agenda item.

Council action: Passed

Aye (12):

Kanal, Koyama Lane, Morillo, Ryan, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

7

[Confirm appointment and reappointment of members to the Portland Elections Commission for terms to end April 30, 2029](#) (Report)

Document number: 2025-138

Introduced by: Mayor Keith Wilson

City department: Small Donor Elections

Previous agenda item.

Council action: Confirmed

Item was pulled from the consent agenda for discussion.

Motion to move the item to the top of the regular agenda: Moved by Koyama Lane and seconded by Clark. (Aye (11): Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney; Nay (1): Kanal)

Motion to call the question: Moved by Koyama Lane and seconded by Clark. (Aye (10): Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Dunphy, Smith, Pirtle-Guiney; Nay (2): Kanal, Avalos)

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

Aye (12):

Kanal, Koyama Lane, Morillo, Ryan, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

8

[Approve Council Minutes for March 5-20, 2025](#) (Report)

Document number: 2025-158

Introduced by: Auditor Simone Rede

City department: Auditor's Office; Council Clerk

Council action: Approved

Aye (12):

Kanal, Koyama Lane, Morillo, Ryan, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

Regular Agenda

9

[Amend Affordable Housing Code to add prohibition of anti-competitive rental practices including the sale and use of algorithmic devices \(add Code Section 30.01.088\)](#) (Ordinance)

Document number: 2025-045

Introduced by: Councilor Angelita Morillo; Council Vice President Tiffany Koyama Lane; Councilor Mitch Green

Time requested: 45 minutes

Second reading agenda item.

Council action: Referred to Committee

Motion to refer item back to the Homelessness and Housing Committee: Moved by Morillo and seconded by Koyama Lane. (Aye (12): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney)

10

[*Adopt the FY 2024-25 Technical Adjustment Ordinance and make other budget-related changes](#) (Emergency Ordinance)

Ordinance number: 192047

Document number: 2025-120

Introduced by: Mayor Keith Wilson

City department: City Budget Office

Time requested: 30 minutes

Previous agenda item.

Council action: Passed

Motion to call the question: Moved by Green and seconded by Smith. (Aye (11): Kanal, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney; Nay (1) Ryan)

Motion to make adjustments to the supplemental budget as proposed to change General Fund return decision packages to General Fund carryover decision packages in the Public Safety Service Area: Moved by Kanal and seconded by Avalos. (Aye (6): Kanal, Koyama Lane, Morillo, Green, Avalos, Dunphy; Nay (6) Ryan, Novick, Clark, Zimmerman, Smith, Pirtle-Guiney) Motion failed to pass.

Motion to call the question: Moved by Green and seconded Zimmerman. (Aye (9): Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Smith, Pirtle-Guiney; Nay (3) Kanal, Avalos, Dunphy)

Aye (10): Koyama Lane, Ryan, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney

Nay (2): Kanal, Morillo

11

[*Amend the City Employee Benefits Program for the plan offerings for FY 2025-26](#) (Emergency Ordinance)

Ordinance number: 192048

Document number: 2025-159

Introduced by: Mayor Keith Wilson

City department: Human Resources

Time requested: 25 minutes

Council action: Passed As Amended

Motion to amend the ordinance to reflect recommended plan design changes to reduce the renewal rate to 10%: Moved by Smith and seconded by Ryan. (Aye (12): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney)

Aye (11): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Dunphy, Smith, Pirtle-Guiney

Nay (1): Avalos

12

[*Amend the Portland Police Association City Employee Benefits Program for FY 2025-26](#) (Emergency Ordinance)

Ordinance number: 192049

Document number: 2025-160

Introduced by: Mayor Keith Wilson

City department: Human Resources

Time requested: 25 minutes

Council action: Passed As Amended

Motion to amend the ordinance to reduce the renewal rate to 11.9%: Moved by Kanal and seconded by Smith. (Aye (12): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney)

Aye (11): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Dunphy, Smith, Pirtle-Guiney

Nay (1): Avalos

13

[Add Sustainability and Climate Commission Code \(add Code Chapter 3.136 and amend Code Chapter 3.33\)](#) (Ordinance)

Document number: 2025-118

Introduced by: Mayor Keith Wilson

Time requested: 15 minutes

Previous agenda item.

Council action: Passed to second reading

Passed to second reading May 7, 2025 at 9:30 a.m.

Motion to amend Code Subsection 3.136.020 A. in Exhibit A to remove "a maximum of": Moved by Kanal and seconded by Smith. (Aye (6): Kanal, Novick, Green, Avalos, Dunphy, Smith; Nay (6): Ryan, Koyama Lane, Morillo, Clark, Zimmerman, Pirtle-Guiney). Motion failed to pass.

14

[Authorize revenue bonds in an amount sufficient to provide not more than \\$80 million to finance curb, ramp and street improvement projects](#) (Ordinance)

Document number: 2025-131

Introduced by: Mayor Keith Wilson

City department: Transportation; Treasury

Time requested: 10 minutes

Previous agenda item.

Council action: Rescheduled

Rescheduled to April 23, 2025 at 10:00 a.m.

15

[Direct funding for the Workforce Pre-Apprenticeship Program and a SummerWorks Youth Employment Initiative](#) (Resolution)

Resolution number: 37704

Document number: 2025-156

Introduced by: Councilor Loretta Smith

City department: Human Resources; Procurement and Business Opportunities; Transportation

Time requested: 45 minutes (1 of 2)

Previous agenda item.

Council action: Rescheduled

Rescheduled to April 23, 2025 at 10:00 a.m.

16

[Direct Bureau of Transportation to construct and maintain sidewalks while addressing pavement maintenance deficiencies throughout Portland, improving safety and accessibility for all residents through the Sidewalk Improvement and Paving Program](#) (Resolution)

Document number: 2025-095

Introduced by: Councilor Loretta Smith; Councilor Olivia Clark; Councilor Mitch Green; Councilor Eric Zimmerman

City department: Transportation

Time requested: 45 minutes (2 of 2)

Previous agenda item.

Council action: Rescheduled

Rescheduled to April 23, 2025 at 10:00 a.m.

Thursday, April 17, 2025 2:00 pm

Session Status: Adjourned

Council in Attendance: Councilor Sameer Kanal
Council Vice President Tiffany Koyama Lane
Councilor Angelita Morillo
Councilor Dan Ryan
Councilor Steve Novick
Councilor Olivia Clark
Councilor Mitch Green
Councilor Eric Zimmerman
Councilor Candace Avalos
Councilor Jamie Dunphy
Councilor Loretta Smith
Council President Elana Pirtle-Guiney
Mayor Keith Wilson

Council President Pirtle-Guiney presided.

Officers in attendance: Linly Rees, Chief Deputy City Attorney; Lauren King, Senior Deputy City Attorney; Rebecca Doherty, Acting Council Clerk

Council recessed at 4:12 p.m. and reconvened at 4:27 p.m.

Council adjourned at 7:21 p.m.

Time Certain

17

[Consider appeal by Forest Park Neighborhood Association and Forest Park Conservancy against the Hearings Officer's decision to approve with conditions an Environmental Review, Conditional Use Review, and two Greenway Reviews for the upgrade and expansion of transmission lines in Forest Park \(LU 24-041109 CU EN GW\)](#)
(Report)

Document number: 2025-161

Neighborhood: [Forest Park](#)

Introduced by: Mayor Keith Wilson

City department: Permitting & Development

Time certain: 2:00 pm

Time requested: 3 hours

Council action: Tentatively grant the appeal and overturn the decision of the Hearings Officer to approve the application; prepare findings

Prepare findings for May 7, 2025 at 9:45 a.m. time certain

Motion to tentatively grant the appeal and overturn the Hearings Officer's decision to approve the application for a denial of environmental review and approval of the two greenway reviews and conditional use review: Moved by Green and seconded by Morillo. (Aye (12): Kanal, Ryan, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Avalos, Dunphy, Smith, Pirtle-Guiney)

Oral and written record are closed.

Portland City Council Meeting
 April 17, 2025 - 6:00 p.m.
 Speaker List

Name	Title	Document Number
Elana Pirtle-Guiney	Council President	Pre-gavel
Sameer Kanal	Councilor	Pre-gavel
Bob Cozzie	Director, Emergency Communications	Pre-gavel
Carolyn Welch	Senior Dispatcher, Emergency Communications	Pre-gavel
Steve Novick	Councilor	Pre-gavel
Loretta Smith	Councilor	Pre-gavel
Jamie Dunphy	Councilor	Pre-gavel
Dan Ryan	Councilor	Pre-gavel
Keelan McClymont	Council Clerk	
Tiffany Koyama Lane	Council Vice President	
Angelita Morillo	Councilor	
Olivia Clark	Councilor	
Mitch Green	Councilor	
Eric Zimmerman	Councilor	
Candace Avalos	Councilor	
Robert Taylor	City Attorney	
Addie Smith	(Public Communications)	2
Audrey Zunkel-deCoursey	(Public Communications)	2
Jeff Weitzel	(Public Communications)	2
Brandon Morgove	(Public Communications)	2
Jenna Knobloch	(Testimony)	2025-045
Sara Fischer	(Testimony)	2025-045
Spencer Trumm	(Testimony)	2025-045
Lea Belton	(Testimony)	2025-045
Lorreina Guyett	(Testimony)	2025-045
Natalie Hutchinson	(Testimony)	2025-045
Heather Riggs	(Testimony)	2025-045
Jerhemi Baird	(Testimony)	2025-045
Jordan Lewis	(Testimony)	2025-045
Tyler Fellini	(Testimony)	2025-045
Adam Shippey	(Testimony)	2025-045
Jessie Dhillon	(Testimony)	2025-045
Mike Semko	(Testimony)	2025-045
Kathryn King	(Testimony)	2025-045
Ianda Allen	(Testimony)	2025-045
Christopher Herr	Council Policy Analyst	2025-120
Ruth Levine	City Budget Office Director	2025-120
Mike Myers	Deputy City Administrator, Public Safety	2025-120
Stephanie Howard	Community Safety Director	2025-120
AJ Jackson	Interim Fire Chief, Fire and Rescue	2025-120

Name	Title	Document Number
Michael Jordan	City Administrator	2025-159, 2025-160
Ron Zito	Deputy Director, Bureau of Human Resources	2025-159, 2025-160
Michelle Taylor	Benefits Manager, Bureau of Human Resources	2025-159, 2025-160
Rachel Whiteside	PROTEC17 Union Representative and Labor Co-Chair for the LMBC	2025-159
Leslie Goodlow	Equity and Business Operations Manager, Portland Housing Bureau and Management Co-Chair of the Labor Management Benefits Committee	2025-159
Aaron Schmautz	Sgt. Aaron Schmautz Portland Police Association President	2025-160
Isaac McLennan	(Testimony)	2025-159
Mark Hinkle	(Testimony)	2025-159
Chris Flanary	(Testimony)	2025-159
Carolyn Welch	(Testimony)	2025-159
Ashley Hernandez	Council Policy Analyst	2025-118
Vivian Satterfield	Chief Sustainability Officer	2025-118

Portland City Council Meeting
 Thursday April 17, 2025 - 2:00 p.m.
 Speaker List

Name	Title	Document Number
Elana Pirtle-Guiney	Council President	
Rebecca Dobert	Council Clerk	
Sameer Kanal	Councilor	
Dan Ryan	Councilor	
Tiffany Koyama Lane	Council Vice President	
Angelita Morillo	Councilor	
Steve Novick	Councilor	
Olivia Clark	Councilor	
Mitch Green	Councilor	
Eric Zimmerman	Councilor	
Candace Avalos	Councilor	
Jamie Dunphy	Councilor	
Loretta Smith	Councilor	
Linly Rees	City Attorney	
David Kuhnhausen	Interim Director, Portland Permitting & Development	2025-161
Morgan Steele	Planner, Sr City-Environmental, Portland Permitting & Development	2025-161
Scott Fogarty	Executive Director, Forest Park Conservancy	2025-161
Carol Chesarek	Land Use Chair, Forest Park Neighborhood Association	2025-161
Micah Meskel	(Testimony)	2025-161
Rachel Felice	(Testimony)	2025-161
Catherine Thompson	(Testimony)	2025-161
Ali Berman	(Testimony)	2025-161
Jim Coon	(Testimony)	2025-161
John Thompson	(Testimony)	2025-161
Paul Majkut	(Testimony)	2025-161
Marcy Houle	(Testimony)	2025-161
Ellen Mendoza	(Testimony)	2025-161
Thomas Cunningham	(Testimony)	2025-161
Jeremy Smith	(Testimony)	2025-161
Kai McMurtry	(Testimony)	2025-161
Mike Lindberg	(Testimony)	2025-161
Damon Motz-Storey	(Testimony)	2025-161
Karl Anuta	(Testimony)	2025-161
Matt Shipkey	(Testimony)	2025-161
Suenn Ho	(Testimony)	2025-161
Susan Andrews	(Testimony)	2025-161
Thomas Giese	(Testimony)	2025-161
Rosie Sharrard	(Testimony)	2025-161
Bob Weinstein	(Testimony)	2025-161
Brenna Bell	(Testimony)	2025-161

Name	Title	Document Number
Rachel Hu	(Testimony)	2025-161
Ariana Scipioni	(Testimony)	2025-161
Judas Graves	(Testimony)	2025-161
Albert Kaufman	(Testimony)	2025-161
Charlie Michelle-Westley	(Testimony)	2025-161
Lucila Cejas	(Testimony)	2025-161
Robin Glenn	(Testimony)	2025-161
El Es	(Testimony)	2025-161
Katherine Peters	(Testimony)	2025-161
Michelle Driessnack	(Testimony)	2025-161
Desiree Mariscal	(Testimony)	2025-161
Lauren Bright	(Testimony)	2025-161
Noah Herlocker	Applicant Representative, David Evans & Associates	2025-161
David Petersen	Portland General Electric Representative	2025-161
Randy Franks	Portland General Electric Representative	2025-161
Angus Duncan	(Testimony)	2025-161
Brett Luelling	(Testimony)	2025-161
Carol Canning	(Testimony)	2025-161
Jolynn Moshner	(Testimony)	2025-161
Arthur Marx	(Testimony)	2025-161
Randall Friesen	(Testimony)	2025-161
Joe Bond	(Testimony)	2025-161
Nate Tokes	(Testimony)	2025-161
Tyler Smith	(Testimony)	2025-161

Portland City Council Meeting Closed Caption File

April 16, 2025 – 6:00 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: We are beginning today with a pre gavel from councilor kanal. It is not part of our formal agenda, but it is part of our live stream and an important part of our evening together tonight. This will be about ten minutes. And after that we will open up our formal meeting. Councilor kanal. I will pass it off to you.

Speaker: Thank you, madam president. I am proud to sponsor today's pre gavel in celebration and observance of national public safety telecommunicators week. Our 911 call takers and dispatchers are our city's first responders. They are the lifeline and reassuring voice in an emergency for both our community members and our public safety responders on the scene. Our 911 centers are staffed with hard working, skilled and highly trained people 24 hours a day, seven days a week, 365 days a year. My policy advisor and I recently had the privilege of being hosted for a 911 sit along at the bureau of emergency communications, or boec. I want to thank our host, taylor, courtney and amanda. Thank you for all your valuable work and for patient explanations for my staff and i. Portland's 911 center also answers calls for more than just the city of Portland. We answer for all of Multnomah County, including gresham, troutdale, fairview, and maywood park. And to anyone listening out there who would like to join the boec team, recruitment is opening in may. I'll save you the time, director. You can go to Portland 911 911 to learn more. 911 is also part of a larger response network. Many know that I'm passionate about

that response. Ecosystem. As co-chair of the community and public safety committee. Director cozzie, who we're going to introduce in a moment, famously says that they're the bureau of emergencies, not non-emergencies, and launched the first ever transition to move some of the non-emergency calls to 311. And in the face of limited resources and national staffing shortages, it's essential that we ensure the right response is dispatched at the right time to reduce the burden on 911 and its call takers. And I'm grateful for director cozzie leadership on that. So with that, I'll pass it over to director cozzie and carolyn welch, senior dispatcher and ppa workgroup leader. Following that, we'll have remarks from community and public safety committee co-chair steve novick, as well as councilors loretta smith and jamie dunphy. Welcome, director cozzie and carolyn.

Speaker: Great. Thank you. Councilor kanal. It's really a privilege being here tonight. Madam president and City Council, I'm bob cozzie, director of the bureau of emergency communications, and this week is national public safety telecommunicators appreciation week. That's a mouthful. We call it mtw for short. National telecommunicators week. And we at boec greatly appreciate being recognized for the important lifesaving work that we do every day. Our call takers and dispatchers are the first first responders. They care deeply about our community. They are the calm voice during a caller's worst day, and they have a tremendous impact on our collective welfare. I brought one of our telecommunicators here with me today. I'd like to introduce senior dispatcher carolyn welch.

Speaker: Good evening. My name is carolyn welch. I'm a senior dispatcher at boec. Thank you, councilor kanal, for inviting me to speak at the pre gavel. I'm here to represent the group of call takers and dispatchers that serve Portland and the greater Multnomah County at the bureau of emergency communications. It is an

honor to be here today while we celebrate national public safety telecommunicator week. It is true that we show up 24 hours a day, 365 days a year. Regardless of what is happening within our community, our personal lives, or even the weather. It is a calling that requires diligent effort to maintain a positive work life balance. Being exposed to the daily traumas of the community can have an impact on not only us as individuals, but on our families as well as our loved ones. We appreciate councilor kanal for inviting us today, and all of you, for taking the time to recognize and celebrate the work we do. We're also thankful for the support of our union, the Portland police association, as well as our partnership with boec leadership and city labor relations. Last but not least, we could not successfully do the work that we do without strong working relationships with the other entities we serve alongside police, fire, amr, corrections, road and maintenance workers, and the countless other labor groups within the city and county. Once again, on behalf of our membership, thank you and happy national telecommunicators week.

Speaker: Thank you. Councilor, I believe we are turning to your co-chair next, is that correct? Councilor. Novick.

Speaker: I just wanted to express my amazement at the job you do. I mean, like you said, you're dealing with people in incredible stress, incredibly emotional situations, and it's your job to get them the help they need as quickly as possible and get off the phone as quickly as possible. And most of the time you don't know what happened. So it's always seemed to me like your job requires the technical skill of an air traffic controller and the emotional resilience of, I don't know, meryl streep. It just seems to be just it must be an. It just amazes me that people can do this job day after day, year after year. So just wanted to say thank you so, so much.

Speaker: Thank you.

Speaker: Councilor smith.

Speaker: Thank you. Thank you, madam. Madam chair. My name is loretta smith. I'm from district one. I'm one of the three councilors. And I want to say, it is so good to see you and to know that there are individuals and neighbors who are working at 911. And you are those heroes who wear headsets, and you play a critical role in our emergency response system. And I strongly support the well-paying jobs. Director cozzie. And I believe that telecommunications is a viable career path, especially for those who are brave and committed and dedicated to serving their community. The jobs that you offer are a pathway for young people and those without a college degree to earn a very good wage. Nearly \$32 an hour. It's hard. It's hard to look at it as work. But for those who answer the call, you will receive competitive benefits and you will be able to have the knowledge and the professional development that they offer. Director bob cozzie, I want to take a moment to recognize you and your leadership. You oversaw the bureau of emergency communication boec during the height of the pandemic, when there was a hiring freeze in citywide demonstrations, while calls and volumes of calls reached record highs and staffing levels suffered. But you prevailed. This was not just a local issue in Portland. It was part of a national 911 staffing shortage. Yet, bob, you managed to turn things around under your direction. You increased the training division, expanded training academies, and resolved our staffing. So I want to say kudos to you. And as a result, call response times, they have dramatically improved. For 30 years, you have dedicated your career to emergency communications. Your leadership centered on care and compassion. It sets the tone in the stage for exceptional staff that you lead. You have left a lasting impact on Oregon's largest 911 system center, and on every life that you have helped to save. So I thank you. It is an honor to know you and to watch you work. Thank you.

Speaker: Councilor dunphy.

Speaker: Thank you, madam president. Director cozzie to your whole team. Just sincerely. Thank you. The. Anyone who's lived in Portland in the last few years has known that our 911 system has been under serious stress. Serious understaffing. And it's led to some really tough results for our community. People are calling you on the worst days of their lives every single day, all day. And the people who you have answering the phones are dedicated professionals who are doing their absolute best. The thanks to the leadership of your of you and your team. We are seeing that increased call times decrease. We're seeing better call time responses. We're seeing better service for the community. And it is re-instilling that sense of confidence in our system to be able to be there when people call on the worst days of their lives. So thank you to all of your teams for being such an important part of the first responder system, and for really focusing and centering those outcomes for our community members.

Speaker: Thank you. I would like to mention that, you know, our folks like carolyn and so many others at boec, they're the ones doing most of the heavy lifting. So I really want to lift them up because it is telecommunicator week, after all. And I'm so proud of my team. Thank you.

Speaker: Thank you. Director. Councilor Ryan.

Speaker: Yes. Thank you. I just wanted to take a moment, director cozzie to acknowledge your vulnerability earlier today. And I really took your comments to heart. When your staff levels were low and the calls were at a peak and you had to force overtime. That was your reality. And I can only imagine that the shame that you mentioned was real. I remember going out there over two years ago and spending. I don't think you could get rid of me. It was so exciting and I was there for two hours and just really want to hold your team for hanging in there. Those of you that have hung in there, you inspired me on that two hour visit back then, two years

ago when it was kind of at the peak, and you continue to inspire me and make me proud today. So thank you and I really appreciate you being vulnerable earlier today. Thank you. Happy week. Happy celebration.

Speaker: Thank you.

Speaker: And carolyn, please do make sure that your colleagues know how much we all appreciate the work that you do. Councilor kanal would you like to close?

Speaker: Yeah. Thank you so much. And I just want to recognize also that the entire bureau was recognized at the association of public safety communications officials, apco western regional conference, which was hosted here in Portland in March. I had the privilege of hearing your talk director cozzie there. The deputy director of boec, steve maudsley, is the conference co-chair as well. And I also just want to say I learned more in a couple hours than I could have possibly imagined from from taylor and courtney while we were there. And so I really appreciate that. And with that, I will close out this pre gavel and pass it back to the president.

Thanks. Thank you.

Speaker: Thank you.

Speaker: Thank you.

Speaker: For being here. Thank you councilor kanal and I will open our official council meeting for this evening. It is April 16th at 6:11 p.m. Councilors, we have a very full agenda. We have a number of contentious items. We have a number of things on the agenda that your colleagues have brought amendments for. So it is going to be a long evening, possibly at times a heated evening. And I just want to make sure that we all are ready to be as concise as possible and move things through, while also taking the time that we need to have the conversations that are important to move this process forward. And to folks who are here watching and are going to be with us through a long evening, please know that we do this

because we were asked to have conversations in public, and we know that sometimes that's hard, but it is really important. It's a critical part of the work. Keelan could you please call the roll canal here?

Speaker: Brian. Here. And elaine here. Morillo here. Here, here, green. Here. Zimmerman. Here. Avalos. Dunphy here. Smith.

Speaker: Here.

Speaker: Pirtle-guiney here. And, mr. Taylor, could you please read our 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 w-w-w. Md.gov slash 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. The 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, please state your name for the record. Your address is not necessary. If you are a lobbyist, please identify the organization you represent. Virtual testifiers should please unmute themselves when the council clerk calls your name. Thank you.

Speaker: Thank you. The first item on our agenda is agenda approval. Are there any requests to amend the agenda? Okay. Do we have unanimous consent to

approve the agenda? Great. Next item on the agenda is public comment. Keelan, could you please invite up the folks who are here with us tonight?

Speaker: First up we have addie smith. Addie is joining us online.

Speaker: Welcome, addie. Please introduce yourself and go right ahead.

Speaker: Hi, my name is adi smith. And as you guys can see, I'm at your old meeting place. I went to the wrong place. I wanted to be there in person to deliver this message. But I'm at your old office, so whatever. Today's April 16th, 2025. Today I'm speaking before the Portland City Council, and I'm speaking about problematic Portland as well as the state of Oregon, and that landlords and attorneys and judges in Multnomah County are violating house bill 2001. Before I begin, I want to address something that has been circulating across this country. I want people to know that democrats in Oregon have done the same thing to african American men and women the trump administration is doing to kill mar alberto garcia, audrey hernandez romero and thousands of others, while innocent african American men and women aren't being sent yet to el salvador, they are being incarcerated for crimes they didn't commit and are spending lengths of time in jail, either awaiting sentencing or being sentenced to jail time. After proving their innocence by racist judges like ricardo menchaca, kathleen proctor, derek boucher, brandon thompson and judge andrew irwin, who gives attorneys and judges probation after they've been convicted of either watching child porn or participating in child porn. These judges are in Washington county circuit court. But the racism and discrimination and violations of the laws of the state of Oregon are being executed by judges throughout the state with impunity. They aren't being held accountable for violating the laws of the state, or the laws and rights of the defendants who come before them, oftentimes, due to absolutely no investigation by police and deputies in this state, african American young men are languishing in

jail for years in Oregon for crimes they didn't commit. And governor tina kotek does absolutely nothing about it. I believe nationally, it is time for us african Americans to leave the democratic party, the democrat party. I don't believe I don't mean leave this party to be part of the republican party, but part of the green party. It is time for us to establish our own party while trump is burning this country down. It's not just Oregon, a democrat led state that innocent african Americans are languishing in jails. It's also Washington state, california, new york, all democrat led states, the same states wherein democrats are outraged that trump has sent innocent people to el salvador, but are silent when judges and police do it in their own states. In Oregon, african Americans make up less than 2% of the demographic. So the politicians don't care about our votes because they don't impact the electorate. But nationally, our votes determines how senate seats, judges and the presidency 31.78% of people voted for trump, 30.84% people voted for kamala harris, 36.33% of people did not vote, 1% of the people voted third party, while the majority of people voted for some someone other than trump. That 30% 36% of people who stayed home did so because kamala harris refused to stop sending bombs and money to israel to commit genocide. Once again, democrats are hurting black and brown people and still expecting our vote. Why? Because trump is so much worse. It is time for african Americans to leave the democrat party. Our rights under the law, our children, our lives, our neighborhoods.

Speaker: Thank you. I'm so sorry, but we need to make sure to stay on time tonight. Thank you for being here, though with us.

Speaker: Next up we have audrey decoursey.

Speaker: Welcome, audrey. Please introduce yourself.

Speaker: Hello. Good evening. My name is audrey, uncle decoursey and I am speaking tonight. As a private citizen, I am before you to address the leaf day

program. Pbot. It's time to turn over a new leaf. I know that's cheesy. Okay. At a moment of tight budgets and at a moment of newly unified administration of city services, this is the moment to reset how our city does fall. Leaf sweeping for some quick background, five years ago, I lived in a house with one street tree that dumped its leaves by labor day. So when our leaf day rolled around around thanksgiving, it was not so helpful. Then, three years ago, we moved all of 11 blocks away to a block not covered by leaf day. I now have five mature maples lining the street and I get to rake the street leaves myself. We live on a greenway so thousands of cyclists ride past every day, contending with slippery, wet leaves. All fall and winter and spring. They're still there. I submitted my written testimony earlier today to you by email, including photos as evidence of what the streets look like along this route, caked with mush, slippery and unsafe. Two elementary school bike busses roll along that very same slippery street, and up in the balcony, you can see two of the wonderful kids who ride their bikes to school along this unswept, leafy bike route. Vice president tiffany rode with us one of those days. This is unfair and it is unequitable. I also submitted as evidence the map of the leaf day zones, where you can see which neighborhoods are covered and which are not. There is not one in district one. We can do better. So let's have urban forestry talk with pbot. Can Portland meet our goals of expanding Portland's tree canopy? If we're only sweeping the leaves from the trees in some neighborhoods? It was one thing when residents paid for the leaf day \$15 a year, I think. But now it's free, which means I am paying taxes to fund someone else getting a service I don't, and this is mostly benefiting wealthier neighborhoods. Every Portland neighborhood deserves to have its streets swept. But if budget cuts mean we can't sweep everywhere, then we should prioritize bike routes and safe routes to schools, or rotate every year. There's different solutions. There's lots of ways we can make our streets safer for

bikers, especially our youngest riders I support the 500 is plenty initiative to reduce car traffic on greenways. Street sweeping would be another way to make bike travel safer in every part of our city. Maybe this can be partly funded by pcef. Even so, I want to thank city workers who clean our streets who might be worrying about their jobs. Their work is important. We have plenty of work for them to do. I will submit my letter also to mr. Jordan in hopes he can direct reconsideration of this program. And I want to thank you for your attention on this. You have so many important things on your plate. We see you. You're working hard. Thank you so much for your service.

Speaker: Thank you for being here.

Speaker: Next up we have jeff weitzel.

Speaker: Welcome, jeff. Please introduce yourself and go right ahead.

Speaker: For the record, my name is jeffrey weitzel. Counselors, president pirtle-guiney. Thank you for the opportunity to speak today. My friends. If more Portlanders were biking around our city instead of driving for their daily trips, it would be to Portland's great benefit cleaner air, less congested roads, fewer lives lost in car crashes. We'd also have fewer potholes. Bikes need much less road space than cars, and they do barely any damage to pavement. So our roads budget would go much, much farther. None of this is news to the Portland bureau of transportation. Since 2009, a key planning goal in Portland has been that a full quarter of commute trips be by bike by 2030. Despite this laudable foresight, despite Portland's world famous bicycle culture, the number of cyclists in recorded in pbot's annual bicycle count fell almost every year from 2014 to 2022, and we are still 46% down from the peak here in the bicycle capital of north America. Something has gone terribly wrong. Councilors, this is now in your hands. If we want the clean air, safe streets and well-maintained pavement promised by

thousands of Portlanders trading their cars for bikes, something must change. Our 2035 transportation system plan imagines streets with almost as many bikes on them as cars. If we're serious about that, and we should be, we must make our streets as welcoming for to bikes as they are to cars. Any writer from eight years old to 88 should have the ability to bicycle anywhere in the city without fear. Those are different streets than we have today, and a different city, a better city. This year of budget crisis happens to be the perfect time to get things moving in the right direction. Cyclists feel safer and happier with other cyclists. This offers us a virtuous circle. Tempt a thousand new riders onto their bikes with inexpensive measures like commuter bike busses and flower pots on greenways to slow and divert cars. And the next 1000 bikers will come easier, and the thousand after that easier. Still attend to this virtuous circle and you can build up a lot of forward momentum on the cheap pcf. Pcf grants could buy us even more, my friends. Portland loves bikes. We all know that. I believe that someday Portland will have more, even more bikes on its streets than cars, and those streets will be a party. Vision zero will no longer be a vision. The asphalt will be like silk, and pbot will have all the money it needs. Councilors, I ask you, keep the virtuous circle of cycling in Portland turning. Keep the bike numbers going up and to the right. It will take attention and courage and creativity, but our city will be the better for it. Thank you.

Speaker: Thank you so much for being here.

Speaker: Next up we have brandon margo.

Speaker: Brandon, please introduce yourself and go right ahead.

Speaker: Can you hear me? Okay, I can hear myself.

Speaker: We can hear you even a few inches back from there. Okay. Welcome to take a seat if you'd like.

Speaker: I feel more comfortable like this. So this is my first time in City Council. My name is Brandon. I'm here to talk about homelessness and some plans to address it. This is the first day I can get here, and maybe the only day for quite a while. And summer is coming. First off, I'll also thank the first responders that came within like three minutes when I had the narcan someone the other day, and they actually talked me through the process of resuscitating this. So I can attest they do their job well. And as far as the leaves, I mean, maybe in the parks, if they just kind of left some of those leaves by the trees and then transported those workers to the places that need leaves, you know, that'd be good for the trees and probably good for the streets. But as for the homeless. Mayor Wilson's plan, I don't believe, is sufficient. I believe he seems good on paper. I'm looking forward to see what he has to offer, but unless the city changes its kind of attitude and approach towards the homeless, it's going to get better. And so here are my points. First off, I think to help the homeless identify who does and who does not want to be on the street. Someone doesn't want to be on the street. Good. Those are the first people should get off. Some people like being on the street as a way of life. I don't advocate for it. But so my second point, and on the first point, the city of Portland can absorb some homelessness. No, homelessness is like authoritarianism. A city that is willing to have some homeless is actually a healthy city. I believe Jesus said the poor will always be with you. Okay, number two, come up with a way to enlist more Portlanders to work at micro villages or shelters. I'm going to call this. I mean, you have plenty of people working doordash and Uber every night, and yet you can't staff a homeless shelter during a winter ice storm. There definitely needs to be more calling out Portland on its general attitude for the homeless. Maybe if you didn't have 20 bike rides running around for LGBTQ, just was there one bike ride for the homeless? No? Then maybe they wouldn't be blocking your trails as much.

Honestly. Point number four when people are trying to get their lives together, you might want to check on them a bit. I mean, imagine you're a poor person and you go to like an oxford house and the person running the oxford house is corrupt, which in this day and age can be can quite happen. You'd have some people go there and investigate. You don't want to have a vulnerable person who's gone through all this stuff to try and get their life together, being in a corrupt place, and I've been around, I've been homeless myself for a couple of years, off and on.

Thankfully, I have a place now, but I can attest that does go on. These are not empty words either. What I'd like to say is, if one thing that's important, this town needs more of a focus on low on helping there be less low income people and less of a focus on there being more low income housing. And these are not empty words. I just got back from today working to try and create a program for the homeless in another town, not picking up trash, mind you, a program that's actually kind of putting them in a beneficial mindset where they can learn and grow. And I also have a plan to turn lloyd center into a into a hybrid housing for the homeless, as well as a shopping center. And I have a written up plan for that. And I sent all the papers. They didn't publish it or any of my other stuff, which has legitimate legitimacy. And so if I could, if I could pass off either of these.

Speaker: I'm sorry.

Speaker: Can I help you, ma'am? I was going to finish one more point, saying I would like to pass off to the City Councilors. As I wrote on turning lloyd center into affordable housing as well as general plan, I have, I call it the morgan proposal, for lack of a better term.

Speaker: If you go ahead and send that to us, I'm sure folks will take a look at it. I know that I will. Thank you so much for being here with us tonight.

Speaker: So here is a.

Speaker: Plan. The morgan proposal, combined with my plan for lloyd center into affordable housing. Thank you. Shopping center.

Speaker: Next up we have alan combs. Alan combs. It doesn't look like they've joined us.

Speaker: Okay, well, thank you so much to our four speakers. We appreciate you being here with us, sharing important messages. This is an important time for us to hear about things that aren't otherwise on our agenda. The next item on our agenda, item three is the committee referral list. And right now our committee referral list are all things that have actually been heard already. This list, as we councilors file things earlier and as the administration gets things filed earlier, we'll hopefully contain more things before they are before committee so that we can use this opportunity to give people notice about what might be coming on our agendas, but you will see that we put forward a few items that I won't read through because they are on today's agenda, as well as an amendment to the Portland permitting and development fee schedule that has gone through the finance committee revised transportation fee schedule that went to the finance committee, adopting rates and charges for water and water related services that went through the finance committee, revised sewer and stormwater charges that went through the finance committee, fees and charges for water system development and water related services to the finance committee. I apologize, I'm skipping the things that are on the agenda tonight, amending the code to consolidate noise enforcement and improve fairness and consistency in noise regulation that went to community and public safety. Repeal the authorization of the city attorney. I'm sorry. Repeal the authorization of the city attorney to appeal the judgment in the kelly jones as personal representative for the estate of michael townsend versus the city of Portland, case went to community and public safety. And I believe the rest of these I

o and direct funding for the workforce pre apprenticeship program and summer works youth employment initiative went to labor and workforce development. The next item on our agenda are on the consent agenda. Keelan I believe we've had an item pulled from the consent agenda. Is that correct?

Speaker: One item was pulled. Item seven 2020 5-1 38.

Speaker: Thank you. And counselors. Items pulled from the consent agenda go to the end of our agenda. Unless anybody would like to make a motion to put this item elsewhere on the agenda. This is the confirmation of the appointment and reappointment of members to the Portland elections commission. Councilor koyama lane.

Speaker: I would like to make a motion to add this to the top of.

Speaker: The agenda.

Speaker: To the top of the regular agenda.

Speaker: Second.

Speaker: Counselors, there's been a motion to move this to the top of the regular agenda.

Speaker: Keelan councilor koyama lane motioned. And I'm sorry, who seconded. Counselor clark. Any discussion? Okay. Keelan can we do this by unanimous consent or do we need to call the roll?

Speaker: I think unanimous consent.

Speaker: Are there any objections or do we have unanimous consent object? We have an objection. Okay, then let's call the roll.

Speaker: Okay. Canal. Ryan.

Speaker: Sorry, i.

Speaker: Koyama lane I morillo. I novick. I clark,

Speaker: I. Ryan.

Speaker: I zimmerman i.

Speaker: Avalos i.

Speaker: Dunphy I smith. I pirtle-guiney. I the item is moved to the top of the regular agenda with 11 yes votes and one no vote.

Speaker: Thank you. So we are on the consent agenda. And I apologize. There's nothing else that has been pulled from the consent agenda, correct?

Speaker: That's correct.

Speaker: Okay. Keelan, can you please call the roll on the consent remainder of the consent agenda?

Speaker: I. Ryan.

Speaker: I koyama lane I morillo. I novick I clark, I green. I zimmerman I dunphy I smith. I pirtle-guiney. I the consent agenda is approved with 12 yes votes.

Speaker: Thank you. So we are now moving on counselors to the regular agenda. And the first item on the regular agenda now is agenda item seven. Keelan. Could you please call the agenda item.

Speaker: Item seven confirm appointment and reappointment of members to the Portland elections commission for terms to end April 30th, 2029.

Speaker: Thank you, Keelan and counselors, because we don't generally have committee staff summaries on appointment agenda items, I am going to turn to councilor koyama lane, who was the presiding chair over the meeting when this agenda item was heard in the governance committee.

Speaker: All right. Thank you, madam president. So the four Portland elections commission volunteers at the governance committee that the governance committee has recommended for confirmation today are part of a nine member volunteer commission which implements and evaluates the small donor election program. At our April 7th governance committee meeting, we had the opportunity

to hear from these passionate volunteers one a reappointment and three new appointments, and the committee voted unanimously to recommend their appointment. For those of you that are not steeped in city hall business and Robert's rules of order, I want to explain a little bit about consent agenda. Each council meeting we have what is called a consent agenda, which allows us to approve several items with one vote. We include the opportunity to unanimously approve volunteer committee appointments as a council using the consent, the consent agenda. So when these volunteers come to us, they've gone through a thorough vetting process. First, they're vetted on the executive staff side, the executive side by staff. Those names are brought forward to the mayor, and then the mayor's office recommends them for appointment. Then these names go before a City Council policy committee that relates to their volunteer work, their at least in the case of my committee. I think this is happening in other committees as well. We hear from the volunteers all about their interests in the work and relevant experience. These committee meetings are public meetings. Councilors do not have to be on that policy committee to vet a nominee. Any one of us can come testify. You can ask committee members to ask a question on your behalf. You can watch the hearing live or after the fact. You can submit written comment. You can see who's been nominated. You can do your own research. So once that policy committee has heard all of the questions and comments signed off on the volunteers, that list of volunteer names then comes before us here on the full on the consent agenda. The hope is that after all this vetting and acknowledging the extensive work of the committee and the volunteers, they can be unanimously approved by the consent agenda process. Now, if needed, a councilor can pull these committee volunteer appointments from the consent agenda and say, no, we need more discussion. And if you've been to the last few meetings, you'll see that

my colleague councilor kanal is pulling all of these off of the consent agenda as a matter of principle. And I want to acknowledge that I do truly appreciate how passionate and principled my colleague is. We've spoken at length about his reasoning for this, and I do understand it. And at the same time, I'm tasked as the chair of the governance committee to streamline things for these roughly 80 different volunteer bodies so that all of us can get down to policy work. Our governance committee has worked hard on a forthcoming resolution to formalize the process that I just described for you today. You'll be seeing it soon. And because of what I've heard from dozens of past and prospective volunteers, it's what I'm hearing is that adding another layer of bureaucracy is making it harder for volunteers to feel like they can participate. So these are people that are already donating their time to do really valuable and important work for our city. Anyone who comes to these Wednesday City Council meetings know that we have very packed agendas. And our constituents, our constituents are begging all of us to get to work. We have many people here who I think are are ready to give public testimony on other agenda items that we have on our list. We have a long meeting ahead of us. I feel strongly that it does not serve our volunteers or our constituents to go over things that have already been discussed publicly and on the record. So, with love and respect to my colleague councilor kanal, I would ask that we respect our volunteers and constituents time by reserving discussion on appointments for when it's truly needed, and not in order to make a point at every single council meeting and all that in mind, madam president, I call the question second.

Speaker: Okay, we have called the question and have a second. Keelan. I believe we move straight into a vote when a question is called. We don't have discussion on that motion.

Speaker: That's correct. And because this is a report, we may need a motion to accept the report in a second before we can take the vote.

Speaker: I think this is a vote to call the question.

Speaker: Okay. Yes.

Speaker: Are we are we doing a vote to vote right now?

Speaker: This is calling the question. Yes. I'm sorry. I usually state what these are I apologize calling the question is a vote to vote. And I vote on whether or not to vote.

Speaker: Okay.

Speaker: So this is the vote on the motion to call the question canal.

Speaker: On the motion I vote no.

Speaker: Ryan. I koyama lane I maria.

Speaker: Hi. No, i.

Speaker: Clark green. I zimmerman i.

Speaker: Avalos no. Dunphy i.

Speaker: Smith i.

Speaker: Pirtle-guiney i.

Speaker: With ten yes votes. The motion is approved.

Speaker: Counselors that moves us past discussion and to the vote on this agenda item I will need a motion and a second to adopt the report. And then we will move into.

Speaker: A.

Speaker: Move to adopt the report.

Speaker: I think I heard a movement from councilor zimmerman and a second from councilor Ryan, though I also heard councilor kanal say a second after that. I

believe we have zimmerman and Ryan first. For the official record, I just wanted to acknowledge my colleague. Sorry for the confusion. Keelan can you.

Speaker: Call the roll?

Speaker: And we are now voting to adopt the report and confirm the recommended appointments from the mayor.

Speaker: No.

Speaker: I will keep this streamlined. Madam president, if we are to have fewer, better supported, more empowered and therefore more meaningful volunteer bodies, we need to ensure that council engages with the topics, the bodies themselves and the appointees. We also need to guarantee public participation in this process. I support the appointees I have this entire time, and I wish that we had a process that better reflected that going forward, and I look forward to working with my colleagues who are on the governance committee to ensure that I vote.

Speaker: I Ryan. I koyama lane I morillo. I novick.

Speaker: I.

Speaker: Clark, I green. I zimmerman,

Speaker: I.

Speaker: Albornoz I agree with councilor canal. I am concerned about what this process is setting up, because I do think that us vetting volunteers who have very big roles and make a lot of big decisions too, and I don't agree that that process going just through committee and us having to do our own due diligence to watch committee meetings or participate, I barely have enough time to do my own committee. I expect to come to this meeting and be able to make a vote and have the ability to have an informed vote, and that requires some further vetting. So I disagree with that premise. I agree with councilor kanal that I'm going to I'm going to vote for this because it's not about those people. And i, as somebody who has

put hundreds and hundreds of hours, no, very much the burden that we put on community members. But for that same reason, I also know the responsibility that that community members have and our responsibility to properly vet them. So I'm voting I but I want to continue the discussion about this process in the future.

Speaker: I smith.

Speaker: I.

Speaker: I with 12 I votes the appointments are confirmed.

Speaker: Thank you Keelan counselors. Our next agenda item is an item that we've heard a few times before. The ordinance to ban a. I'm sorry to ban price setting through I in housing Keelan. Could you please call the agenda item.

Speaker: Item nine amend affordable housing code to add prohibition of anti-competitive rental practices, including the sale and use of algorithmic devices.

Speaker: Thank you and counselors. You'll remember that we had to cut testimony short when we first heard this agenda item, and offered the public two additional times to come forward and complete the testimony list. This is the second of those times, so we will move right now into picking up on public testimony where we left off after the last meeting. Keelan could you please call up folks to testify?

Speaker: First, we have jenna knoblach, amy walsh, and christine orlandi.

Speaker: Thank you for joining us tonight.

Speaker: All right. Hi. My name is jenna knoblauch. I'm a renter in southeast Portland, and I'm also someone who has experienced housing precarity too many times in my life. And I'm here to call on you to pass this ban on algorithmic algorithmic price fixing. First, it's clear that it's a real problem. I learned from real page's own testimony here that they are already setting prices for 18% of units in Portland. That's almost 1 in 5 units, far too many. And according to real page's own materials, they are, and I quote, driving every possible opportunity to increase

price, even in the most downward trending conditions. That is not a fair market. And this is further distorting what is already a losing, a losing market for renters. Secondly, I really am failing to see any downsides here for landlords. For all the bluster about unintended unintended consequences, I have not heard a single real world example from the DOJ investigation or the other cities with this on the books. For all the discussion about barriers to building new market rate units, I've never heard price setting come up as a barrier. The fact is, landlords have been setting prices just fine for a long time without colluding in. In fact, it was just in the news. I was just reading just now. That real page lost and is settling in north carolina, where they're agreeing to stop using the practice. There are real consequences for tenants. The Oregon community foundation found that for every 10% increase in homelessness, there's an associated 13.6 increase in or 10% increase in rent is associated with 13.6% increase in homelessness. Trump's department of justice is not going to protect us from price colluding. We are all depending on you, so please vote yes on this sensible policy.

Speaker: Thank you. I'll remind folks.

Speaker: That we can't have clapping and other interruptions. You're welcome to do jazz hands. Thumbs up, thumbs down. Other silent indications of support or opposition.

Speaker: Amy walsh, christine orlandi, sarah fisher is joining us online.

Speaker: Welcome, sarah. Please go right ahead.

Speaker: Sarah you're muted. Sarah if you're on the phone try star six to unmute. Okay. We'll come back to sarah. Next up we have michael park. Spencer trump. Eric hogstedt.

Speaker: And I believe one of those guests is making their way downstairs right now. Keelan while we wait, is sarah ready?

Speaker: It looks like sarah is still muted.

Speaker: We want to call the next couple of people.

Speaker: Let's see. Next up we have marion drake. Greg frick. Keeley coke. Next we have leah belton.

Speaker: Cost.

Speaker: Is spencer.

Speaker: Go right ahead. Thank you i'll.

Speaker: Introduce yourself and jump right in.

Speaker: Good evening. Council president pirtle-guiney and members of the Portland City Council. My name is spencer trum, and I'm here today on behalf of state representative zach hudson, representative hudson's district represents Oregon's 49th house district. This includes parts of east Portland and gresham, as well as troutdale, fairview, and wood village. I'm here to urge you to pass the ordinance prohibiting algorithmic rental price fixing. Nearly half the households in representative hudson's district are rentals between 2019 and 2023, over 60% of those renter households were forced to spend more than 30% of their income on housing. In other words, the majority of east county residents are forced to pay too much in rent. One way to limit the damage caused by out-of-control rent is to ban the use of ai algorithms to set rents. Propublica's reporting reveals how software companies help landlords and property managers coordinate rent increases. Their algorithms aggregate nonpublic data from landlords and supply them all with the same analysis to maximize rent yields. The result spiraling rent inflation, community displacement and harder lives for working families. Our senior u.s. Senator, ron wyden, used a good word to describe the arrangement by which companies use algorithms to raise prices and control housing as a commodity. That word is cartel. Jurisdictions across America have recognized the threat posed to

consumers by predatory rent setting algorithms. City Councils in Philadelphia and San Francisco have passed ordinances like the one proposed here in Portland, and I'm pleased to say that Oregon has joined a federal antitrust suit against realpage. But housing unaffordability is an emergency across the state, and our city governments must play their part to protect Oregonians. This ordinance has attracted a great deal of attention and support. I urge you to listen to the voices of rent burdened Portlanders and prioritize their need for shelter and dignity over landlords profits, the degree to which Oregonians are burdened by rents is unfair, unsustainable and unacceptable, and it must stop. Please pass this ordinance without delay and thank you for your time and consideration.

Speaker: Thank you.

Speaker: Please go ahead and introduce yourself and then jump right in. Hi.

Speaker: My name is Leah Belton. I support the ban on algorithmic rent pricing. I am here for myself, my fellow renters and East County Rising, which serves District One and East Multnomah County. We are deeply concerned about the housing and eviction crisis. A 2018 City of Portland assessment on gentrification and displacement highlighted East Portland's unique vulnerability. East Portland has had the most rapid increase in housing costs citywide since zero eight, the year I graduated from Reynolds High. Over 14,000 low income cost burden renter households live in East Portland, and they're being pushed out in Parkrose and Rosewood. Black and brown Portlanders are being displaced. The fastest. Institutional racism and historical redlining laid the foundation, and today, the use of algorithmic price fixing tools continues this displacement. You have the power to slow this displacement. Please do not give in to misinformation and scare tactics. Help us pay reasonable rents instead. Vote yes on this ordinance. Do not water it down. Banning price fixing algorithms to close a collusion loophole will not tank the

housing market. Algorithmic price fixing tools enable our capital to be mined out of our community with ease. Help us keep our money in our local economy. East county rising, and I urge you all to vote yes on this ordinance and protect the people who actually live in this city. Thank you for your time.

Speaker: Thank you for being here.

Speaker: Next up we have colin font. Lorena guyot. Natalie hutchinson joining us online.

Speaker: Natalie, go right ahead.

Speaker: I'm here. All right. Good evening. My name is natalie hutchinson. I am a grad student in the architecture program at psu, and I'm here to speak in support of the ordinance banning I of I price fixing of rents. Portland's soul is defined by its people. The artists, the families, the small businesses and the neighbors who make our city unique. But the use of algorithmic devices in the rental housing market threatens to push neighbors out. As a tenant, I live in an affordable housing building where I based price fixing software like yardi is used. In the 11 months that I've lived in this building I've witnessed, it was 22 evictions on the first day, on the original day of this testimony. But today it's 24 evictions in this building. This is a clear example of the harm these practices cause, and it is unacceptable. Renters deserve grace, not exploitation, especially in today's economic economic climate. To the tech companies behind these algorithms, these practices of manipulating prices and destabilizing our housing market are just not just unethical. They're harmful. We won't allow you to turn our city into a market for profit at the expense of its residents, the small landlords. You are an essential part of keeping Portland weird and special. By setting rents reasonably, you ensure that our city remains diverse, inclusive and vibrant. Supporting fair and affordable pricing benefits everyone, your tenants, your neighborhoods, and our city as a whole. Furthermore, I urge all

renters to join renters unions and stand up for your rights. We need to hold landlords and developers accountable for their actions. This ordinance is just the first step in ensuring that our city remains a place where residents can thrive. Today, I want to lend our community's bravery to the City Council and facing these current issues head on. I'm confident in the leadership of the City Council to make the right decision for Portland's future. I urge the council and greater Portland to support this bill, to protect our community from the harmful effects of ai price fixing. Thank you.

Speaker: Thank you. Go right ahead.

Speaker: Hi.

Speaker: My name is lorena guyette. I am speaking in favor of this ordinance. I did have previous testimony, but I decided to scrap it in order to rebuttal some of the misinformation that was presented at the previous council meeting. First, in response to the claim that the software is not price fixing or like realpage. It was reported in 2022 that realpage executives have been quoted as taking credit for a 14% increase in rent and referring to landlords who refuse to increase rent as idiots. Employees. State landlords who want to charge reasonable rates, have an empathy problem and have admitted to disincentivizing landlords from doing so, even kicking some landlords off of the software. As a latina, I took offense to the idea that this ordinance would prevent generational wealth from developing in black and brown communities when demographics for this city show that more than 60% of black and hispanic rent are renters in Portland, meaning that the biggest hurdle for our communities is being rent burdened and first time home buying. What percentage of them do you think are landlords? We need to ensure that all of our community is protected, not just those who are able to invest in property, and you are being presented with a false dichotomy that we must either

focus on building homes or regulating costs. It is important to state that not only can we do both, but we must do both. Under normal conditions, more housing will bring prices down. But realpage and software like it are built for the purpose of disrupting these types of market forces. All the housing in the world means nothing. If we allow software to run rampant and remove any incentive to lower prices. This ordinance is a necessary preventative measure that needs to be applied. Yesterday, also as a request councilor zimmerman, you have asked the same questions in the housing and homelessness committee as you have in general. In the general meeting, I would like to request that you maybe write down some of the things so we don't have repeat answers in order to be respectful of our time. In regards to the necessity of testimony, thank you very much.

Speaker: Thank you for being here.

Speaker: We'll go back to sarah fisher.

Speaker: Sarah, welcome. Please introduce yourself and you can start your testimony.

Speaker: Thank you. Good evening. Councilor. Council president pirtle-guiney, vice president koyama lane and councilors. Do I need to do something to turn my camera on?

Speaker: Yeah.

Speaker: Sarah, if you accept the promote, I am. Yep.

Speaker: All right. Are you ready?

Speaker: Go right ahead, sarah. And even if you can't get your camera on, we've got a picture of you on screen.

Speaker: Okay. My name is sarah fisher, and I'm an episcopal priest serving hope and bread street church and saint aidan's episcopal church, both in east Portland. I'm testifying for myself today. While much of my work is with people currently

living on the street, I know, as you know, that our housing crisis is about much more than homelessness. I've lived in Portland for almost 40 years, and I've lived in every quadrant, quadrant of the city. I've been a homeowner, a renter, and a landlord. About 30 years ago, a family member was visiting and she said something I have never forgotten. She said Portland feels like a city that really cares about the people who live here, and does things for the enjoyment of all of its residents. When we talk about a boom loop, reviving Portland and making Portland a better city, I think this is what we're talking about. Giving the impression to all who come here that we care. This anti algorithmic price fixing ordinance does that. The simple truth is that this is about putting people before profit. If this is not a moment in history to put people before profit, I do not know what is. My husband and I own a small apartment complex in southeast Portland. We do not participate in real page, so I guess we're one of these stupid landlords or any other algorithmic price fixing service. Our apartment complex matters to us, especially as we consider retirement, but I am here to say that it is possible to have a healthy investment property without making it impossible for everyday people to live in our city. I urge you to pass this ordinance. Thank you.

Speaker: Thank you sarah.

Speaker: Next up we have zach voss. Tessa cole. Meg. Bender. Stefanski. J m. Riley. Martz. Haley nissen. Will spalding. Heather. Heather riggs. Hanna. Brooks. Olsen. Jeremy. Baird. Okay.

Speaker: Go ahead and introduce yourself, and you can begin your testimony.

Speaker: Good evening, madam president. Councilors. Hard working administrators. Thank you for letting me come back to testify. I am reverend heather riggs, pastor of montavilla united methodist church in southeast Portland. I'm here to speak in favor. I want robots to clean my house, not to raise my

parishioners rent. Many members of my congregation are either elderly and struggling to survive on a fixed income, or are young adults struggling to find jobs that pay enough to cover the rising costs of living. My church includes a queer young adult group for whom affordable housing is literally life saving because they cannot depend on their families for the kind of support that most parents give their young adult children when they are starting out in life. This ordinance will not impact small, local landlords who can't even afford to pay for these algorithmic programs. As has been already stated during the discussion of social housing, this ordinance will also not stop developers from building affordable housing, since for profit developers have no intentions of building affordable housing because it just doesn't pencil out to build for lower rents. When we have higher building costs. This ordinance will help to prevent the large corporate landlords from using ai to collude to raise rents in an already stressed housing system. Let's do the right thing. For the majority of Portlanders, not the right thing for the minority of those who are already making enough money. Thank you.

Speaker: Thank you.

Speaker: Go right ahead.

Speaker: For the record, my name is jeremy barrett. I'll give a little bit more of.

Speaker: A personal testimony.

Speaker: I'm a resident of.

Speaker: Portland city district four.

Speaker: I'm a research.

Speaker: And development chemist.

Speaker: Who is. Employed in the building industry, specializing.

Speaker: In.

Speaker: The science of.

Speaker: Developing housing materials.

Speaker: My partner is a medical student going to ohsu pursuant of an md. We moved here in the last few years in the pursuit of a better life from idaho, where I price fixing has caused the price of rent to far exceed the price of labor. The lack of regulations in that state have allowed this inequity to grow considerably throughout my life while growing up there. Before coming here, we only heard rumors of Portland being something that it isn't, and we don't regret coming here at all. The city has been amazing. We've decided that we'd like to stay here permanently and add another scientist and a doctor to the community, but the rent increases have been making it impossible to save money and even think about being able to save up to afford buying a house in this area. Even with the higher paying job that I have right now, we have already had to move once due to rent being exacerbated by the price fixing since we've come here. I know this is a part of why it has gone up, because all of my slightly older coworkers who make the same amount, same salary as me, are able to do what I am not. And that's because of a steep increase in rent since they bought houses, which conveniently happened after software companies like realpage started existing. So we have a decision to make once my partner graduates on whether or not we can afford to live here, or even in this country when she becomes a medical resident. We have been putting off having a family or even getting married until we have the money to do either correctly. Our main expense is rent and it's not even close competition. We look for the cheapest place to live and it doesn't exist. I hope everyone will vote to prevent us from being priced out of our favorite city, before we can even start to build a life here. Thank you.

Speaker: Thank you so much for sharing your story with us.

Speaker: Next up we have rowan spillman. Michael shanks. Richard borkovich. Brant hoffman. Jordan lewis. Tyler fellini is joining us online.

Speaker: Tyler, you're welcome to come off mute and begin your testimony.

Speaker: All right. Good evening. Councilors. I, I want to say that I think it's incredibly telling that the most ardent opposition to this eye ban has come from, you know, multi-unit property owners. I think that's incredibly telling. I hope that the council feels the same. It's also a shame that so many people were not able to be here tonight. I recognize, you know, the bureaucratic process being what it is. It's slow and steady. And I do hope that you will do your due diligence to capture those people's statements because, you know, I believe that they had something worth saying, and I hope it gets heard. With that, I should have said this at the beginning. I am a registered lobbyist for and the executive director of Portland jobs with justice. And I am just here to express my support for the ban on I price fixing. And with that, i'll yield the rest of my time.

Speaker: Thank you, tyler, and thank you for remembering that that lobbyist disclosure. I know folks sometimes have a hard time remembering it. Go right ahead. Please introduce yourself and begin your testimony.

Speaker: Oh. Oh, me? Yeah. Go ahead. Yeah, me.

Speaker: Hello? City Council. My name is jordan lewis, and I'm a renter in Portland stadium. Hood. I'm testifying here in support of councilor maria's algorithmic price fixing ban. Something that frustrates me about this conversation is that every turn, we have to consider the plight of the precarious landlord. It's not that I don't believe a landlord can be in financial precarity, but this is a rhetorical technique that hijacks the conversation and decenters the precarious tenant. The most precarious landlord necessarily owns a house which puts them above the average tenant financially. I want to talk about how popular this policy is. I talk a lot about city

politics and a lot of apolitical group chats. You will not imagine the excitement I got when I brought up this policy in there. I have landlord friends, friends who own their place and rent out rooms. This policy does numbers in those group chats. No one gets more excited by this policy than my landlord friends, because policies like this alleviate a lot of the guilt that they might feel as landlords. They almost want this more than I do. And while I'm not sure if I can get my friends to care about climate policy or transportation like I do when I tell them who voted no on this, they will remember it. This is meat and potatoes and gentrification policy. It shouldn't be that hard. Let's pass this very first step so we can move on to some more interesting stuff. The housing crisis is a multifactorial situation, and a lot of regular Americans bear some responsibility in it. I echo the concept of a housing cartel mentioned in previous testimonies, but people love a simple villain like realpage. This is the lowest hanging fruit there is. It's practically on the ground. If we can't pass an algorithmic rent fixing ban, which really just brings software in line with 100 year old antitrust law, how are we supposed to challenge the housing cartel and build the housing supply that we need if we can't even do that? Thank you.

Speaker: For being here.

Speaker: Next up we have adam shippey. Followed by lee shelton. And claire knutson.

Speaker: Adam, go right ahead and introduce yourself.

Speaker: My name is adam shippey. District four. You know, my 20s, I was homeless. I think there's only one person on this council that has, like, personal experience with how humiliating, dehumanizing and violent that can be. The people that were homeless alongside me. Are not here to speak to this council right now because they are dead. Suffice it to say, my circumstances improved. Not through some stupid bootstrap ideology, but just through sheer luck, right? A couple of

years later, I was lucky enough to marry a beautiful woman, and in 2011, we rented an apartment in southwest Portland that had two bedrooms. It was 1300ft², had a balcony, in-unit laundry, two parking spaces, and a freaking storage unit for less than \$1,000 a month. Less than \$1,000 a month. It was so affordable we were able to save money. We saved money. And with the assistance of her family a couple years later, we put a down payment on a house that we bought for \$265,000. No, no, no, \$257,000. Right. I love my house. I still live in my house. But like that story. That story about someone who rose out of circumstances that could have killed them and got to the level of comfort that I have right now, that doesn't get told anymore. That's not possible. And these price fixing algorithms are a huge part of that. And I think everybody at this council knows that. And if you don't know that, I question who you're listening to. I've heard a lot of disingenuous arguments two weeks ago. I really did by people who were paid to be here, but I didn't get to speak. But I'm speaking now, and I just want to say the landlords are going to be okay. They are. They really are. And most of your constituents aren't landlords, and they're desperate and they're angry. So please pass this. We need it.

Speaker: Thank you for.

Speaker: Being here and for sharing your story.

Speaker: Next up. Well, lee shelton. Claire munson, jesse dylan.

Speaker: Welcome. Go right ahead and introduce yourself, and you can begin your testimony.

Speaker: Hi, I'm jesse dylan.

Speaker: City Council members. Thank you for being here. Staff, thank you for being here. I really have great admiration and respect for anybody who volunteers to engage in this process. So thank you very much. My name is jesse dylan, and let me be clear, I absolutely do not support price fixing. I don't support monopolistic

ideals, but I also do not support this amendment. There are flaws to the amendment, and I am very concerned that it will cost me as a housing provider. To increase rents, to cover the costs, because I'm going to be sued for frivolous lawsuits based on the way that it's written right now. I'm a mother, a u.s. Army veteran, a business owner, and a housing provider. I take great pride in all of the roles that I fulfill, and I have a strong set of personal values that guide me in my decision making. I hold those values near to my heart and encourage those around me, as well as expect my staff, my colleagues, and my children to reflect on their personal values and live them each day with each decision they make. My favorite personal value is integrity. Do the right thing even when no one is looking. Today, I urge you each to exercise integrity in your position as Portland City Council members. You are elected by the citizens of Portland to do what they cannot do for themselves, to collectively ensure the local government does the right thing. If you vote yes for this amendment to the affordable housing code, it will have an unintended consequence of increasing the cost of housing, and it will entice frivolous lawsuits to be filed, resulting in housing providers in the city of Portland to be uninsurable. I've lived in Portland for 18 years. I've been a housing provider for the same amount of time, and I'm very proud of the work that I do as a housing provider. It's tough, though, because I have to balance running a business with making really hard decisions related to the employees that I care about and work hard for me, as well as the decisions that residents rely on me and my staff to provide them with safe, warm and habitable, habitable homes. I wish I had 20 more minutes, but I appreciate your time. I'll submit the rest of my comments online.

Speaker: Thank you. Thank you very much for being here.

Speaker: Next up we have christina dirks. Mike simko joining us online.

Speaker: Mike, go right ahead.

Speaker: Thank you very much. Council president and members of the Portland City Council, I really appreciate you allowing us to testify this evening. I do represent realpage. I'm a vice president and associate general counsel there. There's a lot of misinformation about pricing software in general. All we do is market analysis with a pricing suggestion. We do not set the rents. In most of the sunbelt, in fact, all of the sunbelt right now, where we have our largest market penetration, our software is recommending lower rents. That's from arizona all the way across the south. We can count maybe denver, colorado as part of the sunbelt. They'll be happy to know all the way up through virginia. Our software is recommending, in a lot of cases, double digit rent decreases. And that's not because of the software. It's because of the market dynamics at play in the sunbelt right now. And that is they've built a lot of new housing. That is the only way to lower rents. And I feel for people who are having to deal with high rents, I really do. But the only way to lower rent is to build more product. That's it. You know, our software really just applies math to data. And what this draft ordinance does at the present moment, it doesn't ban price fixing. It bans the use of data sets and applied math. Essentially what you're doing is you're you're banning a math tool that's not going to help anybody. It certainly won't help housing providers. And by the way, it won't help your residents either. If we're a cartel, we're the worst cartel in, in, in history, because where we have the highest market penetration, rents are falling. And when we have very little market penetration, rents are rising. Thank you.

Speaker: Thank you for being here today.

Speaker: Next up we have colin brown. Joe harvey. Rajesh venkatachalapathy. Lina maya poole, holly hamilton. Antonia januzzi. Thomas. Jordan byers. Catherine catherine king.

Speaker: Welcome. Go ahead and introduce yourself, and you can begin your testimony. Thank you for the opportunity. My name is catherine king. My name is catherine king. And I'm.

Speaker: A rental owner since 1997, and I have had rentals in districts three, two and one. My company, cjjc properties pc, is located in district one. We have managed rentals since 2003, in all four districts. Our company needs rental data software in order to be to best serve our clients who own 220 rental doors in the Portland metro area. As a rental owner for 29 years and the manager of many rentals before clients since 2003, I wholeheartedly oppose this policy. Housing providers are your existing clients and voters. Without housing providers and housing willingness rentals, you lose vitally needed housing stock. We simply cannot encourage our owners to continue selling out their rentals. We have lost significant housing stock since 2015, when the first rent control ordinance went into effect in Portland. Small owners and professionals that house Oregonians cannot work without data. We are not colluding to price fix. A housing provider cannot provide housing without relevant data, and appraiser cannot accurately value homes without relevant data. How can fred meyer price eggs without being able to see the data on their inventory and suppliers, and the demand in the market? They cannot. The easiest housing stock for renters is the housing stock you already have. The easiest housing stock for renters is the housing stock you already have. We have driven out the majority of investment in Portland already and we have been bleeding rental units. I currently have eight listings for sale in total that are all rentals that owners are selling, because they no longer support having rentals. In this policy environment, that fails to see that biting the hand that feeds the housing stock is not the right answer. Supply and demand drive pricing. You are adding to the lack of supply issue.

Speaker: Thank you. I'm sorry, we just have two minutes per person, but I appreciate you sharing your testimony with us.

Speaker: Alicia. Alicia. Morseth. Eamonn. Rutherford. Yolanda allen is joining us online.

Speaker: Please go ahead and unmute yourself and begin your testimony.

Speaker: Hi. Can everyone hear me?

Speaker: We can. Yes.

Speaker: Yes. Hello, council first and foremost. Thank you so much for taking time out tonight to hear me. My name is andre allen. I am the director of community engagement and advocacy at the community alliance of tenants. I am encouraging the passing of the prohibition of ai being used to. Increase rent. Excuse me. In the community and lots of tenants. We get calls every day. We are interacting every day with tenants across the state who are struggling to stay within their housing, who are struggling to afford the thought of even moving much more, resigning a lease that is being increased. Or please forgive me. So sorry. Who are struggling with the thought of being able to stay in their homes much more what their lease renewal will look like. And I'm just encouraging this council to please take the considerations as proposed by other people who have come before me and people after me into consideration and hopes of passing this ordinance to make sure that we are keeping people housed and we are not exacerbating the already ongoing crisis within the state of people becoming houseless. Thank you.

Speaker: Thank you for joining us tonight.

Speaker: That completes testimony.

Speaker: Okay. Well, thank you for everybody who showed up multiple times to wait for your turn to share your testimony with us. I know that the scheduling of this has been hard, but I am glad that you were able to be here tonight and that we

were able to hear from you. I believe councilor morillo has a motion to make on this agenda item.

Speaker: Thank you, council president.

Speaker: I just want to start off by thanking everyone so.

Speaker: Much, who has come multiple times to city hall to testify. It means a lot to us how engaged you are in the process that you've come to committee, that you've come to full council, and it's just immense how much you guys care about your community and what's going on in it. And I'm extremely grateful for that. I also wanted to say that just this past week, an article came out that said that in the five hours since opening the waitlist on Tuesday, home forward received nearly 7000 applications, and our 2024 Portland insight survey just came out, and it showed that 72.4% of Portlanders told us that affordable housing was their top issue. It's kind of with a heavy heart that I have to say this, that there is some new litigation elsewhere that touches on similar issues with the algorithmic price fixing ordinance, and I want to assert that the litigation is not determinative of what's going to happen here, but it's worth us keeping an eye on and being responsible stewards of policy and maintaining good conversations with stakeholders. As we look into it. So while the council is facing other immediate priorities like the upcoming budget, it makes sense to me to keep this item in the committee for further discussion. So with that, I move to refer item nine back to the homelessness and housing committee.

Speaker: Second.

Speaker: Is there any discussion on the motion before us to move this agenda item back to the committee on homelessness and housing? Seeing no one in the queue. Keelan could you please call the roll.

Speaker: Just to verify that was moved by councilor morillo and seconded by koyama lane councilor koyama lane. Thank you. Canal.

Speaker: This is on the motion to refer back to committee, correct? Yeah. I can't say I'm an expert on the litigation, but I think on this particular thing I'm very happy to follow my, my colleague, my renter colleagues lead on it. So I will vote. Aye.

Speaker: Ryan. I koyama lane i.

Speaker: Morillo i.

Speaker: Novick really appreciated the testimony tonight and look forward to seeing this item again when it comes back to us.

Speaker: I. A green.

Speaker: I also appreciate the testimony.

Speaker: Tonight, and i'll just.

Speaker: Acknowledge that the chief sponsor of this has done an incredible amount of homework, and I'm just going to take her lead on something like this. I vote i.

Speaker: Zimmerman, I avalos.

Speaker: Thank you so much to all of the folks that come out to really express what is clearly a need in our city. And as chair of the homelessness and housing committee, I really want this bill to work. And so I'm eager to bring it back to committee to make sure that it can succeed. And I'm looking forward to it coming back to council. I vote aye, dunphy.

Speaker: I'm disappointed that we don't get the resolution tonight, but I look forward to working on it with my colleagues in the housing and homelessness committee.

Speaker: I vote yea smith.

Speaker: I.

Speaker: Pirtle-guiney thank you to everybody who is here tonight and the folks who have shared their stories and their both support and concerns over the last few times that we've heard this. We know that housing costs too much in Portland. We know that that's a challenge up and down the west coast, but it's one that we feel particularly acutely in our city here. I appreciate the sponsor working with all of us to ensure that we can address this issue in the best way possible, and look forward to continuing to work on this ordinance, and also on the many other steps that I know we need to take to address housing affordability broadly in our city.

Speaker: I 12 yes votes. The item is referred back to the committee.

Speaker: Councilors, we are moving on to agenda item ten. Keelan. Could you please read the agenda item?

Speaker: Amend the fy 20 2425 technical adjustment ordinance and make other budget related changes.

Speaker: Thank you. And we do have a committee staff summary for the technical adjustment ordinance. I see christopher hare is here to share that with us.

Christopher, go right ahead.

Speaker: Good evening, madam president. Madam vice president, councilors. For the record, my name is christopher hare, council policy analyst with counsel operations. And I serve as staff to the finance committee. The emergency ordinance before you document number 2025120, was first discussed in the finance committee on March 24th as a presentation. It was later considered in the finance committee on April 1st as an emergency ordinance, where it was referred to council with a recommendation to pass the emergency ordinance. Amends the fy 20 2425 appropriation schedule for certain expenditures across various budgets, across various funds, and amends the number of authorized positions in the fy 20 2425 revised budget. The amendments to the fy 20 2425 appropriation schedule

allocates resources from a general fund policy, set aside reserve to draw down \$3.5 million from the projected police overtime buy down set aside. It reduces \$6,078,879 from fy 20 2425 bureau budgets to be carried into the respective fy 20 2526 budgets and returns 5,078,514 to the general fund. There are additional adjustments representing internal transfers, realignments and other adjustments that do not impact the general fund. Discretionary or contingency balances. The amendments to the fy 20 2425 revised budgets reduce one fte from Portland fire and rescue and one fte from Portland police bureau, which are then realigned as an additional two fte under the office of public safety. Deputy city administrator. Additionally, one fte is being removed from the Portland police bureau to fund the conversion of a limited term position into a regular permanent position within the bureau. The ordinance will change the appropriation 47 funds by a net reduction of 1,000,007 \$777,925, primarily as a result of balancing the beginning fy 20 2526 fund and other resources. There is also a net increase of \$3.46 million to the general fund. The net change in fte from this ordinance is the reduction of one limited duration fte. An emergency clause has been added to this ordinance to enable the implementation of the adjustments without delay. The full impact statement on this item includes a financial and budgets impact and analysis, and information on potential community impact and community involvement. There was no verbal or written testimony on this ordinance prior to committee action. This concludes the committee staff summary. Thank you.

Speaker: Thank you. Christopher.

Speaker: Counselor zimmerman, is there anything that you would like to add as the chair who presided over this meeting?

Speaker: No.

Speaker: Okay. This is an agenda item that came from the mayor's office from the administrative side. So we don't have a council presenter on it, but city administrator Jordan, is there anything else that your team would like to add or should we move into discussion?

Speaker: I think moving to discussion is great. Thank you.

Speaker: Keelan is there any public testimony? Signed up?

Speaker: No one signed up.

Speaker: Okay. Councilor Kanal, you are first in the queue.

Speaker: I have a question and then a comment, if that's all right, madam president.

Speaker: Yes. And we do have budget office staff here with us today. If anybody has questions that they need answered from our budget office staff.

Speaker: My question. Yeah, it may go to either of you. My comment definitely will require budget office staff. So my question is if you could just give a little bit more clarity. We use the phrase drawdown. Christopher. The amendments to the appropriations schedule allocates resources from a general fund policy, set aside reserve to draw down \$3.5 million from the projected police overtime. Can you just clarify for the public what that exactly means? And then I'll make my comment after that.

Speaker: Sure, yeah.

Speaker: Yeah. For the record, my name is Ruth Levine. I'm the director of the city budget office. So the drawdown term. So just for general background, the 3.5 million was put into policy set aside by the previous council in the fall. Bump in 2024. And excuse me, it was put there to sort of as a pot of money essentially that would be available to the council based on updated projections around overtime in the police bureau. In the spring, which is now. And so essentially the idea behind it

was to sort of be able to wait and see and provide flexibility based on how, you know, certain events, specific events, including like the election panned out. And how their overtime generally was trending. And so this ordinance would draw it down, meaning it would take it out of the policy set aside, which is contingency, and put it into the police bureau's budget. You can't nobody can spend out of contingency, which means that it requires a council action to move funding out of contingency into a bureau's budget in order for them to be able to spend it. And so that's what that drawdown term refers to, is just moving it from contingency into the bureau's budget.

Speaker: Thank you for.

Speaker: Thank you for clarifying, i. Madam president, I would like to propose an amendment, and I will send this over to I think I have sent it over to the clerk, but if there's more information I need to give, it's a motion to make the following adjustments to the supplemental budget as proposed to change general fund return decision packages to general fund carryover decision packages within the public safety service area. It would reallocate the policy set aside in the general fund by \$737,427 to change a general fund return. Portland fire and rescue carryover for firefighters as general fund. Return to a general fund program. Carryover for the Portland fire and rescue program. Carryover for firefighters and reallocate the policy set aside in the general fund by \$100,000 to change the general fund return. That's marked pdx contact survey general fund return to a general fund program. Carryover for pdx contact survey program carryover. And the amendment would also include updating exhibits one through five as needed to reflect this change. I don't think it touches all of those so I can speak to it, but I wanted to put that forward. And what this can I clarify one thing. This is allowing Portland fire and rescue and the public safety service area to use money that is

already allocated to their budget this year, next fiscal year, because they have been unable to spend that money in this fiscal year for reasons that are particular to each of those two things, it's allowing them to use their existing money for that purpose across the fiscal year line. Does that make sense? And you can clarify, ruth, if I didn't say that fairly enough. Okay.

Speaker: Thank you.

Speaker: So essentially, counselors, right now this money is coming back to the general fund. It would become part of the funds available as we begin our budgeting. In some cases, we allow bureaus to carry funds over into the next fiscal year, rather than having the money come back to the general fund for future allocation, which could be to the same thing or to something else. This would carry that over and ensure that it was reallocated for these same purposes and councilor kanal, can you just restate what the two purposes are, what the two lines are, that you are making this change to?

Speaker: Thank you. And for those who want to follow along, the best place to look at this is exhibit four. In the middle of the first page there's a big table and can I share a screen or have you do so? Keelan either way is good.

Speaker: Yeah. Let me see if we can pull it up.

Speaker: And for folks who are following along, this is linked. If you look at our agenda which is posted online, you're going to agenda item number ten. And then when you get to that agenda item, you're scrolling down to the exhibits to exhibit four.

Speaker: Keelan. Let me know what you prefer.

Speaker: Yeah, we're pulling it up. Thank you. Give us just a second.

Speaker: So for those who have it up and when you see it, you're going to see a table that has a row. Sorry, a column with a lot of money that's being removed from

this fiscal year's money allocations. And then a second column that has the same amount for many of those things. And that's money that's being carried over or rolling over from this year to next year. There are several lines, however, that do not roll over. They have a zero in that second column. And this is in the middle, the middle big table. There's those four that you see kind of together that have a zero in the right column. It's the middle two of those. And my amendment would basically be to put the \$100,000 in the left column, also into the right column for contact survey carryover. And the seven 37,000 there for in the next line for Portland fire and rescue. Over this would allow and i'll explain each one of them. There are two together. It's money that would be used for one time training costs for firefighters, which would do two things. It would allow them to pay the cost of training firefighters, which takes ten months, roughly from recruitment to being able to be in the traveler pool, picking up shifts and reducing overtime. And it would also give certainty to Portland fire and rescue today, not in June, which would mean that it is more likely that they could get that recruitment done very early in the fiscal year, which is really critical because ten months from the beginning of this fiscal year, in may of next year, we have a 27 pay period, which will lead to a retirement wave. So having recruits ready to go when the retirements hit, as opposed to two months after the retirement hit, is the main benefit of doing this now as opposed to later. Also, we don't know if it would be done later, but assuming even if it was, it's better to do it now. That's the 737. The \$100,000 one is a contact survey program which would implement a customer service post incident event when a community member interacts with the police. This is something that was recommended by the community. Sorry. Compliance officer, community liaison for the settlement agreement for Portland police. It was then recommended by the Portland committee on community-engaged policing. That recommendation was endorsed

by chief day and mayor Wheeler. It was a workshop or a work table was set up to create an rfp, a request for proposal to find a vendor to implement this. That work was done including labor, including a lot of partners, which we can speak to. Some of them are in the room. And then it went to procurement and there was a delay at procurement. And as a result, the rfp would not get done in time for them to use the money this year. So this would allow them to continue using that money into next year and avoid the entire project getting shut down. And that, I think, is a succinct I can speak more if anyone has questions.

Speaker: Thank you. Councilor ruth, are you able to share with us whether these are requests that were made by the dca and then zeroed out in a decision by folks in the administrator or the mayor's office, or whether these are requests that the service area did not make.

Speaker: Yeah, I can they were they were requests that were made by the service area. The reason they were zeroed out was simply that we were trying to apply a pretty strict lens on carryover. So we were looking at things that had actually begun this fiscal year and just didn't, wouldn't be completed this fiscal year. So, you know, that that was the rationale behind it. But yeah.

Speaker: Thank you, councilor smith. You're in the queue.

Speaker: You have a second before we move to discussion. Okay.

Speaker: Sorry.

Speaker: You're right.

Speaker: Councilor.

Speaker: Councilor, thank you for catching.

Speaker: Me this second.

Speaker: Okay. We have a second from councilor avalos. Councilor smith.

Speaker: Thank you. A couple things I want to get some clarity on. So these other dollars, they also put the spring bump in here right as a part of this money councilor.

Speaker: I'm sorry. I believe we're doing discussion to the proposed amendment right now to.

Speaker: The proposal.

Speaker: I should have asked.

Speaker: Okay. I'm sorry. So again, my answer is still the same. We should not be working on budget 2526 before we have a chance to look at the entire budget and the dca's, the mayor, the city manager, whoever brought this forward, the city budget office, I was going to say the same thing. So no, we should not until we find out what the mayor's budget is we can't be acting on. There may be something more important than this sameer that we have to do for money pieces. I don't have a problem with policy, but money pieces? You have to wait until the budget is dropped. And so that's where it begins and end. And the other piece is if the if the department wanted this, they've had more than enough chance to ask for a budget modification to ask for this money. But doing it in this way, it's a real sneaky kind of way to do things.

Speaker: Councilor this is the regular technical adjustment. It's equivalent to what was the bump before. And the question at hand is whether we should carry over funds that had been allocated last year, or whether we should allow those funds that weren't spent.

Speaker: And that's what I'm saying, and that's what I'm saying. Madam president, we should not because it is causing us to make a decision about 2526 early. We're taking that money because ordinarily that money would be pushed over as one time only money or ongoing money for the next budget, so that the mayor could do

what he needed to do with it. And until the mayor drops his budget, I don't know that this is an emergency right now.

Speaker: Thank you, councilor. Councilor zimmermann.

Speaker: Thanks. Well, it took a minute to follow along. I think I'm there. I think I know what lines were referencing. Councilor, as the chair of the finance committee, this is the very first minute that I'm hearing of this Portland fire and rescue. The dca, mr. Myers of public safety have not brought this up to me. This is not something that that I've heard of. And they I do not remember any testimony from them at the finance committee regarding this technical adjustment, what used to be called a spring bump. So i, I am. I would like to highlight this moment as to underline what councilor smith has said. I look at this page and I say, yes, some things are carried over. Those are not always my most preferred method, but what I see from that is that that indicates to me that the executive branch of this government has said they see some reason why it needs to be carried over, either because the work is already started. It's very likely that they're going to be proposing it as part of the, of the upcoming budget. But it is stark to me when the executive branch pulls back something that isn't going to be spent, that is representative of a previous council, and now we're getting something zeroed out. And so having not heard this case, having not heard from the executive branch, and why this would be an important amendment and addition and recognizing what \$837,000 is, is, is in terms of opportunity for our upcoming work in the coming weeks. I would really encourage my colleagues not to support this amendment. This type of work is a very robust and important conversation, and I think that the committee structure continues to be tested about whether or not we're going to do the real work in committees so that we bring products to this council for consideration that have worked through some of the details instead of I see no

chief of fire here, I would like to understand what the chief of fire would do with this money. If I put it in her pocket tomorrow. I can't do that from this position, and I won't be supporting the amendment because of it. As fun as it is to talk numbers with our budget team, they are not our operational team. And so I think that this amendment also looks like putting money into a pocket of a department who's not asked for it, for a mayor who's not asked for it. And I think it sets a precedent that while we haven't set a ton of precedents yet, I think it's important to think about, and I hope that you will all give these programs the right time, the right conversation, and an operational look at a different day. But today's amendment is and this this technical adjustment is not the time for this. And so I would urge everybody strongly to vote this amendment down and pass the technical adjustment. Thank you.

Speaker: Thank you. And if there are questions for the department, while we don't have the bureau directors online, we do have stephanie howard who will be joining us in just a few minutes if needed. Councilor, canal and smith, you've both spoken, so I'm going to jump to councilor green councilor green to the.

Speaker: My hand.

Speaker: On the table.

Speaker: But that's.

Speaker: Fine.

Speaker: Thank you, madam president. Just to understand your intent a little bit more clearly, is your thinking that yes, these programs may not have been started yet and that's why they're moved out of one bucket into the other, but that if we don't do this adjustment, we risk, well, introducing a risk that the whole town will fall apart. Is that the idea in your thinking? It's like a continuity argument.

Speaker: May I respond?

Speaker: Go right ahead, councilor.

Speaker: Thank you. Yeah, I'm. I'll just clarify for the \$100,000 portion of this. Yes. So the, the \$100,000 is to spend on the pilot project, the initiation of the survey itself. The planning has been going on and it has involved people, including, let's see, included staffer from the mayor's office, representatives from the ppa and the ppc, Portland police bureau leadership, community safety division leadership, which is now the public safety service area, dca's office, the city attorney's office, a representative from the Portland committee on community-engaged policing, and a representative from the training advisory council. They were working through that. They're coming up with the rfp and then procurement was delayed, which has to do with the ongoing labor conversations we had earlier this year. And as a result, the rfp never got out in time for money to be actually spent by June 30th. Okay. And just to clarify, and I'm I'm concerned that evidently people might not be aware that actually the only reason that it exists in this table at all is because it was, in fact, requested. If the bureau director had never asked for it, it would never have been in this table. So that is just factually incorrect. And I want to make sure that's clarified. There are a million things that that are not put in, but if you want to see why it's in the left column, it says bureau requested adjustment. That is the header for the column.

Speaker: Thank you councilor. So with that in mind.

Speaker: Can we pause for one minute? I just I want to clarify that with ruth.

Speaker: Because that's.

Speaker: Not true.

Speaker: My understanding was that any dollars that are returned or that that are not going to be spent, are returned in this way.

Speaker: In the later table.

Speaker: Whether or not they're requested. So and then councilor will get back to your question, I apologize.

Speaker: So. I think maybe both things are true. Let me see if I track. But the it is true that the bureaus did initially request this. We went through a process and again the lens was really strict on focusing on true carryover. This we're trying to transition from sort of the former spring bump where we had a pretty, I would say, expansive conception of what carryover was intended to be and to a much more slimmed down version of that. And that was kind of the lens that was applied. So that's why and I think the idea is, yes, this can still be considered in, in the 2526 budget process. The money will would, would be essentially returned to the general fund. If this amendment is not adopted, and then it can be considered by the mayor and then by you all in the 2526 budget process. So that was the idea with the carryover was to keep it really was to keep it really narrow. So it was requested. It was not put forward by the mayor and the city administrator in the version that came, that was filed and was brought to the finance committee. Hopefully that clarifies.

Speaker: Thank you. Thank you counselor.

Speaker: Go ahead. Thanks.

Speaker: Let me just finish my question comment here. So I understand the finance chair's argumentation. But what i'll say here is like whatever we do have the power to do this. We can make decisions to change this document that is within the scope of City Council's power. If let's suppose we voted yes on your amendment, there's nothing to prevent the mayor from issuing something that reverses that, and there's nothing to prevent this council from reversing that, too, during the budget committee. So in six and one, half a dozen, another in the other, as far as I'm concerned. So it's a statement of, as I understand it, councilor kanal intention to

champion a program, which I'm going to be doing throughout my tenure on this council at every, every month of the year. So I'm prepared to support the amendment.

Speaker: Madam president.

Speaker: Councilor, I want to make sure we hear from folks who haven't spoken yet, but I promise we will get back.

Speaker: To you.

Speaker: Okay, I thought I was next in the queue.

Speaker: Councilor avalos hasn't had a chance to speak yet.

Speaker: So first I'll say that I said this in the finance committee that in general, I was not a big fan of the fact that I felt we were being given a document that needed a rubber stamp and didn't really have the opportunity to discuss why these changes are requested, how they fit into larger bureau directives, etc. I said also in the finance committee, I recognize the just, you know, patch year that we're in and that some processes were going to need to continue to refine. But I'm stating that because it's relevant to me, to what I'm about to say, which is that I think that this amendment raises some foundational questions, kind of building off of what councilor green is saying. On if a bureau makes a request. Right. Let's just put it that way, because they want to discontinue a program, let's say. But the council decides that that's a program that is a priority to the community. Do we get to direct the bureau via a budget allocation to reprioritize that program? I believe the answer is yes. I also don't think that our only measurement of making budget decisions should be, does the bureau want or not want it? Because it is our job as the electeds to combine both the expertise of our hard working staff and consider their recommendations, and to represent our constituents and their priorities. So in general, I just want to challenge this concept that this isn't the place to have this

discussion, that we don't get to make this decision and that we don't with our bureau or I'm sorry, with our budget decisions, get to redirect bureau priorities based on what we believe we're representing for our constituents. All that being said, based on the arguments that councilor canal has mentioned, I am definitely inclined to support approving this. And I think on the back end, I want to follow up with the administrative side or and the mayor and the bureaus to just understand what happens in a situation like this where we again, we say we need we want this direction with these dollars. And there is there a negotiation process. I don't know what that looks like yet, but my larger point is I do believe we have the power to do this. I think councilor kanal has made an argument that is compelling to me about why those programs should be prioritized and funded, and I think I'm leaving on the table this broader question about how we're going to be using our authority as electeds when making budget decisions, to direct bureaus, to do work that we believe represents our constituents. Thank you.

Speaker: Thank you, councilor. Councilor clark.

Speaker: Thank you.

Speaker: Madam chair. Did we did you discuss this in the public safety committee, commissioner.

Speaker: No.

Speaker: Councilor did you councilor.

Speaker: This came to the finance committee. It's a technical adjustment ordinance that touches a number of different policy areas.

Speaker: I understand that I meant this whole issue that you're talking about where this. We weren't know and we weren't aware of it at the time that the agenda was set for the finance committee. Sorry for the for the community and public

safety committee. Okay. The most recent meeting, it was not given to us. We had no ability to react in the time frame necessary to get it on the agenda.

Speaker: But we will have a chance to work on this when the budget comes to us after may 5th.

Speaker: We will have a chance to look at how we spend fy 2526 revenue at that time. This is fy 2425 revenue, right?

Speaker: I understand that, but we will have another chance at this when the next when the mayor provides a budget.

Speaker: This could be part of the mayor's budget. We don't know yet if these programs will be included in the mayor's budget.

Speaker: But we'll have an opportunity to make that change should we decide to.

Speaker: So absolutely.

Speaker: This is beginning to feel, to me, like the former commissioner style of government, that we're in a different form of government now. And I just I think this is really inappropriate at this time. I understand where you're coming from. I understand you want to do this. I understand the rationale, but it seems to me it opens up the door for the different bureaus to come to us anytime and ask us for things outside the process of a city manager form of government and a and a legislative body. We're going to have our opportunity to do this. This just doesn't seem like the right place or time to make this kind of change. Thank you for listening to me.

Speaker: Councilor novick.

Speaker: Question for councilor kanal. What would you like? Just to make sure I understand this, do you think that it's reasonable to draw a distinction between the survey and the. Program carryover? Are you more worried about the survey never being completed than you're worrying about the budget?

Speaker: I think they're both valuable and I put them up together. I don't draw a distinction in terms of the importance.

Speaker: Okay.

Speaker: I just I was wondering if you might think that the survey might be more at risk.

Speaker: I mean, I can speak to what. Well, I can't the, the, the request from the bureau is actually does say what they believe the impact would be of not doing this. And I think they they could probably those words speak for themselves in many ways. I also know that we have elizabeth gallagher from Portland fire and rescue online who can speak to that and who has her hand raised, as well as stephanie, who's sorry, your name showing as as stephanie howard as well. So at any point we could reach to that. But I did send Keelan the request from Portland fire and rescue, which speaks to that. I can also send the other one.

Speaker: So I want to respond to the idea that we can deal with this in the context of the overall 2526 budget discussions. The fact is that when the mayor proposes a budget, then if we propose adding something in, we're going to have to say, let's take something else out. So that will put us in a more difficult position in terms of arguing for something than arguing for it now. So although I understand chair zimmerman's process point, I sympathize with councilor kanal point that this is. Well, I don't know if you even said this, but I think that we put these dollars more at risk if we don't deal with it now and deal with it later. So, frankly, I'm not sure actually how I'm going to vote, but I just wanted to make that general point that, you know, the mayor has enormous power in this system, despite the fact that he doesn't have a vote because he writes the document first. And if we vote to change his document, we're going to make somebody mad and somebody else happy. But as machiavelli said, the people who lose are always angrier than the people who

win whenever there's any change. So I just wanted to put that philosophical thought on the table.

Speaker: Thank you councilor. I am next in the queue. I agree, councilor avalos. We have the budget authority. We can make these changes and I will just say, when this came before the finance committee, I had the opportunity to see it for the first time there. My initial thought was why on earth are we carrying all of this over? Is there anything that we could actually not carry over so that we have more flexibility, more opportunity to think about our priorities as we begin the budget process and more money in our general fund that we have gotten back through the technical adjustment ordinance. I didn't make an amendment to do that because I didn't want to take funding away from programs that were already in progress, in process. I think these are both important things, and we do have the authority to make the change if we want to. I do want to share, though, that I will be leaning. No, my mind could be changed, but certainly leaning that direction, because I think it's important right now to give ourselves as much flexibility as possible as we move into our budget work. Councilor Ryan, I believe you are next in the queue, but your hand is now down. Did you have something you wanted to add to the discussion?

Speaker: Yeah, I'm just trying to track it here at home. I did notice that the chief jackson was on, so that intrigued me. I thought it would be helpful to hear from her. Since her name was brought up.

Speaker: Rightly so.

Speaker: Thank you councilor, and I believe we have both folks from the dca's office. I'm not sure if dca myers is on or not, but I know that stephanie howard is and also the chief mike or stephanie. Would either of you like to say something or invite your bureau staff to say anything?

Speaker: No they don't.

Speaker: Well, council president, this is dc myers. I'm the deputy city administrator for public safety. With regard to the context survey, and I'm a bit reserved to have discussion with the council here without the mayor present. There's been a lot of discussion around the mayor's proposed, but the context survey discussion, we had talked at length about it not being what we call shovel ready, and proposing that we would defer to putting that in. The mayor's proposed. Now, I cannot speak for the mayor. I will just tell you what we conversations that I have discussed. The intent is to at some point fund the contact survey. It is important to us and, stephanie, if you want to add context to that. I know the doj settlement is important. Can you add context to that? And I would like to talk a little bit about the additional funds for extra firefighters.

Speaker: Yeah, I can just speak to the contact survey. I think councilor kanal did a great job of overviewing kind of the history and where we are in that process. And as many of us know, procurement is incredibly, incredibly busy and has a very small staff, but it is still very much in progress. I think what I mostly want to say is that I don't think this is reflective of any intent of whether the context survey program moves forward. I think, you know, in the dca's office, certainly I think with the mayor's team and I think with other public safety leaders, I think there's absolute unity in wanting to move that forward, whether it comes from the mayor's proposed or if we retain the budget and carry it over. But I think that's just to be as clear as I can. I think there's support either way. However this happens, it would just be a matter of the timing of it.

Speaker: And, stephanie, I don't know if you know this or not. And council president, I think this is important as we make decisions collectively as a group. There's a group not represented here, and that is the labor group. And, you know, there is some interest in making sure that we have conversation with labor, even

around a contact survey, as benign as it may seem to all of us here about bargaining, that and I think the union president might suggest that he is not done bargaining this issue. And something for you all to be aware of. This is a very we just need to be very careful as we go forward and make decisions.

Speaker: And just to be clear, we do have our labor representatives in the work group that's been working on this, so we're keeping them very much involved in the progression.

Speaker: Thank you. And I should flag for you both that your your firefighters president is in the room with us watching this discussion.

Speaker: Okay.

Speaker: Madam president.

Speaker: Going back to the queue, I have councilor canal, then councilor smith, then councilor zimmerman. Councilor canal. I promise we'll get back to you, councilor smith.

Speaker: Actually could. So I'd actually like to hear from fire first. But while we're doing that, Keelan, could you put up the request that they put up that I sent you? Yeah, I'm happy to go after them because dcmr.

Speaker: Said, madam president, there's a there's a process issue here right now that I need to talk about before we have everybody give testimony that they're walking on eggshells.

Speaker: About councilor. We are in discussion on the amendment. Right. I believe if you have a process question.

Speaker: About the amendment,

Speaker: Okay, go.

Speaker: Right ahead. First of all, if the d.c. Dca wanted this, he would have put it up. He didn't. He's being nice. The mayor put this up. So unless we pass the original

his can't pass. He can't supersede it. I mean, the mayor put this on so that he could use those dollars for him to make plans and do his budget, period. And yes, we can do this. We can actually do what you're saying. But we have said as a council that we were not. You told me, eric told me that I couldn't put money issues in before the mayor dropped his budget. And it's just simple. It's a process you can't put put money stuff in before the mayor drops his budget, because all he's going to do, if he don't like what he sees, he's just going to take it out. So what's the purpose?

Speaker: Councilor what is the process question.

Speaker: That's the process. There is a process that goes along with this.

Speaker: There is a process. The technical adjustment ordinance is part of the new regular process.

Speaker: So yes, and we were not given an opportunity to know that this was the spring bump money. This went through finance. We should have had a work session to explain what this was. And that's the process question why didn't you do that?

Speaker: Councilor I'm happy to talk about having more work sessions I had.

Speaker: This on.

Speaker: This that we were having too many work sessions early on. We have committees to hold conversations about things and there are many committees I'm not in that I'd like to be engaged in conversation on, and I have to trust my colleagues or show up to those committees or watch them.

Speaker: So I know I disagree because that was about spring bump. We needed to know about the spring bump. It was hidden in the finance committee. We should have had a two hour, three hour conversation, just like we had to say, here's the money that has come in to the to the city since we last did our budget. And that is the process issue. And this is the reason why we're in this argument right now,

because nobody had the 30,000 foot level to say, give us some more information, don't slide it through finance and try to get it through here like nobody's paying attention.

Speaker: Thank you councilor. Councilor kanal. You'd like to hear from our folks from fire before you speak.

Speaker: Is that correct? I can.

Speaker: Just say if a chief would like to jump on. Sorry that I read the name instead of actually looking at the picture there. This what's on the screen on zoom is the request from fire. So again this was requested by Portland fire and rescue, as was the other thing by the office of the dca. So I just wanted to make sure that that was flagged. I don't know if there's anything chief you'd like to add, but I would like to hear i. Yeah.

Speaker: Chief, go right ahead. If you have any comments to add, i.

Speaker: Good.

Speaker: Good evening. And I'm sorry I could not be there in person. My name is ajackson. I'm the interim fire chief for Portland fire and rescue. And this was a carryover request that we made because this training was started. This is our January hire. And so as many of you have heard along the way, our training pipeline is nine and a half to ten months long. So the idea was to carry over these funding to complete this class's training into the next fiscal year. So our hires are in January and July. So this would move that continue to pay for those ten fte until they were ready to fill a vacancy and then reduced continue to reduce overtime for our bureau.

Speaker: And the other thing I should mention, you're going to hear this in a couple things, and i'll be very brief, is everything I've amended proposed amending today is something that will have positive financial effects in the long term. And the

long term is not the next month, but it's also not ten years away. Right? We're we're talking about continuing the progress that fire has made, which is, you know, really, really strong at reducing overtime. We just heard about that in the preceding work session. And so ensuring that that we're able to do that progress and continue that progress towards it will prevent us from backsliding on the progress we've already made. I'll conclude there.

Speaker: Thank you. Councilor.

Speaker: Councilor smith, are you in the queue or were you in the queue for the comments that you made earlier?

Speaker: No, no, no, I was in the queue for the comments later, but I just wanted to say, I think we need to ensure that our budget related changes are communicated clearly and the money that we're dealing with, that we should have a clear understanding where they came from and how they got here. And I think the council deserves the opportunity to assess the entire budget so we can ask some important questions and get answers to those questions, like how much money? Because I can't tell from these all these different tables how much money was allocated reallocated in the bump. What was the bump? I don't even know.

Speaker: This is the bump.

Speaker: I know how much was the bump?

Speaker: Ruth, are you able to give a quick answer to the question? How much was the total bump or technical adjustment ordinance?

Speaker: Now I are you asking specific to the fire amount?

Speaker: Well, no, I'm asking for the entire thing, ruth, because what happens is we got 47 funds that we're taking money from 47, and there's money that come in from bit-i since we last did our fall bump. I want to know what that number is. Not the numbers that have been intermingled between these 47 funds.

Speaker: So i, I think I understand the question that this ordinance does not add any funding. And anthony can speak to the, the net numbers for, for the total, but that we're not adding any funding in this ordinance. Again, sort of as a departure from how we used to do spring bumps. The only things that were allowed in this ordinance were to return general fund to carry over funding for those specific sort of short list of items that had been begun, and then to do technical adjustments between between funds and to allow for funds like water and sewer that have a lot of technical changes they need to make. So those were the only actions. So there's no added funding at all in this ordinance.

Speaker: And so we'll find that out in the general fund forecast with that.

Speaker: Yes. Right. The so the any the general fund forecast update that will come out in April will will be reflected in the mayor's proposed budget. This doesn't this does is disconnected from that.

Speaker: The reason why this is so difficult is because generally the general fund forecast comes out first, and then you put these out to say where you want to save stuff or not save stuff. And then the mayor puts their budget out. And so that's some of this stuff is the process that I was trying to talk about earlier. It's not in the right order. And so it's and then we don't have the mayor here to be able to say what he, what his intention was on this.

Speaker: So just on the process point. So we've we've historically done the spring bump around this same time. And we historically have not used the general fund forecast change in that same year. It always rolls into the next fiscal year. What we have done in the past is reallocated underspending, sometimes within the same fiscal year. We're not doing that anymore.

Speaker: Right. That's that's what I'm talking about. So it's giving. And particularly for people like me and eric who have done this before, we're trying to figure out

why is this process not feeling right. And so when we're sitting here having to have an impact on the 2526, and we don't even have the mayor's budget yet, I don't know if this is the most important thing that we need to be doing, especially if the dca did not bring it forward. The mayor already figured out what he wanted to do, so I don't know.

Speaker: I councilor zimmerman, we're going to move to councilor morillo since she hasn't spoken yet. We'll come right back to you. Councilor morillo.

Speaker: Thank you, council president. I think I'm having a hard time with this because I think that this is a kind of another discussion around our process. And I agree with councilor smith that this should have been maybe a work session, because while I understand, I worked here when we had the spring bump and now it's been renamed to something else. So I kind of understand that process and what it's supposed to mirror. But this is it feels like it was very sudden. It was posted on Friday. We're reviewing it now. Most of us who are on committees have already discussed that. Realistically, we don't have time to watch other committees, and this is just a recurring issue that I see happening over and over again. I'm inclined to support councilor canales amendment, because I think it's important to continue to ensure that our programs feel secure and that they have the support that they need over time. But I'm just kind of concerned about this process moving forward, and I would like to see some more delineation between what is going to be heard only in the finance committee and when we're going to get a briefing overall, because the mayor also has check ins with all of us on budget semi-regularly, and this was not brought up during our check in whatsoever. So I have concerns about that.

Speaker: Councilor zimmerman.

Speaker: So whoever wants to answer this, go for it. The ten firefighters in question, are we laying them off tomorrow if we don't pass this.

Speaker: I, i.

Speaker: Good I'd like them to just figure out who's going to answer it.

Speaker: Well, if I can, councilor, i'll defer to the chief. Thank you. Chief.

Speaker: No, we will not be laying any of the ten firefighters off if this isn't approved.

Speaker: Okay. Thank you. The way I'm looking at 737,000, is that. The funding for them exists through the 30th of June, which is how we fund city programs. And I'm getting a nod from the city administrator, so I at least got that check mark. All right. And in that, then that means that this program is fully funded for the current year. And we recognize from what I'm hearing from the chief, we recognize that their training program is going to go into the next fiscal year. What I guess I would expect is that any bureau who has employee costs, who are going to move into the next fiscal year, that their next fiscal budget would account for those costs. This seems to me to be a way to plump up. A bureau's budget without without going through the regular budget process. And that seems strange to me because this group of employees will still be accounted for. And so I am going to reject this idea that because they started a ten year, ten month training program, that tomorrow, if we don't pass this, they're going to be on a on a bus ticket somewhere else. That's just simply not the case. We just heard that. So let's not let's not get too fired up on what could happen if we don't pass this. I will say I'm more in favor of having a policy in this city who does not allow carryovers. And I say that knowing that it could be damning to certain programs. But when we evaluate a new budget, we evaluate every dollar and to plus it up or not, plus it up a few months before we pass it, that is that there's some historical stuff happening here. And I think it's good to

recognize that. I think this is probably one of the last technical adjustment ordinances we'll probably ever see, because the finance committee this summer will be looking at a more monthly or quarterly or, excuse me, monthly or even more often of budget modifications the way other governments do to be a little bit more transparent about these changes. But carry over this late in a in a fiscal year to go further into the next fiscal year, when we're about to enter into a budget, is a way to get a whole lot of numbers into a budget outside of the process that councilor smith is noting. And I agree to everybody who said we do have the authority, we 100% have the authority. I question none of that for my colleagues who brought that up. The point, I guess, I'm trying to make is that if this was so important, if this was the fact that we have folks who are not going to work tomorrow because we don't pass it today, i, i, I think we would have heard that we would have heard it ahead of time. And I'm not hearing that from today's information from staff. I'm not hearing that from the people who are proposing it. And so this looks like an end run on something that does not seem clear. And so again, i'll encourage folks and I think the budget office, if you have the ability to provide an answer for what would happen if we do not pass a technical adjustment today.

Speaker: I mean, I think I can't speak for every single line item in it exactly, but I think the biggest problem would would show up because of those technical changes across funds and from contingency into funds. The main reason we, you know, as as some folks may have heard, we weren't planning to bring this forward. This spring. The main reason we did bring it forward was for those technical adjustments. They would probably have to come as standalone ordinances, because there are some where we heard people need to do them just to keep paying bills. So those are those are the sort of meat of this ordinance is for that purpose to be perfectly frank, the carryover is not required. It's not a required

portion of this ordinance at all. But the technical changes are and the general fund return gives us a better sense of what we're looking at for 24 for excuse me for 25, 26 in terms of available fund balance, it allows the mayor and you all to count that with more confidence. I think if we didn't know that number, we would be a little bit more conservative in sort of what we're assuming in terms of fund balance. That's going to show up at the end of the fiscal year, just because we wouldn't have that level of certainty. So just.

Speaker: To put a finer point, I want to make sure that we're and some of this is me too. All right. I've done a few of these, but it's a new government. And I want to make sure I'm answering, learning or asking learning questions for the carryover column. If we do not authorize carryover, that money then goes into the beginning fund balance for the development of the upcoming budget that starts on July 1st. Is that a correct? No? You're pausing.

Speaker: No. It's correct. It's I mean, sort of. Either way, it goes into beginning fund balance. Honestly, there's no actual change right from this amendment. It goes into begin beginning fund balance. Either way. It's just are we sort of pre counting it towards that specific line item or are you leaving it into the pool of, of general fund that becomes allocated through the mayor's proposed budget and then through your budget.

Speaker: So I say that, madam president, just to highlight the point that it. If there is heartburn about this, might my great ask here is I would still say I would ask you please do not pass this amendment. But if you do, if we go forward with that, I would ask that we carve out the carryover. I would be happy to make an amendment that we drop all the carryovers from this, but we make the technical adjustments tonight and drop the carryover so we can just include it as part of the regular budget. But this one off here and there, I don't know that these are

coherent thoughts yet. And so what is listed here is a way in which the executive branch has signaled some direction that we think, I think will probably be reflected on the may 7th release. Those are all things we can talk about throughout that process. I think that those are healthy discussions, but carryover policy is an appropriate we should have that. We owe it as a finance and as a council to the staff, like how do we want to approach carryover next year? But I don't think we should one off it tonight. And if we if we can take all the carryover out and just pass the technical, I'd be fine with that too. But this, this one off right now I think this is sending. What this is sending this down a direction where I'm not sure that there's a lot of confidence around the dais about exactly where things came from, exactly where things are going, exactly how it affects the proposed budget coming forward. And I'm hearing that loud and clear. And I want to be cautious of down trace effects. If we make changes tonight and then other things that are just programmatic direction setting and those are different items tonight, that's all.

Speaker: Thank you. Counselor. Counselors, we are ten minutes, 18 minutes over time and still on an amendment here. So we do have two people left in the queue. I would just ask that we keep comments to new issues so that we can get to a vote. Councilor canal.

Speaker: Thank you, madam president. I have no problem with the idea that we should be considering carryovers broadly. I think that that is an important point, but the question before us is whether or not, if we're doing these other 17 carryovers, we should have two that are for these particular programs and whether those are meaningful and things that we would like to see not only carried over, but that that certainty is given today or whenever we pass the document, not June 20th or whenever we pass the full budget. And that allows that money to be more shovel ready on July 1st to get out the door. That's a really important part of this process,

is having that certainty. And that's maybe less relevant for some programs and others. I get that, but certainty is valuable. It conveys a message to the people managing these programs, and we're being asked to be deferential to the administration. I recognize that, and I think, generally speaking, if, if, if there's if the people that are we're asked to be deferential for deferential to words represent a status quo that suits us. I can see why that would be appealing. We're being asked to be deferential to committees that were not necessarily on, but only some of the time. That hasn't been enforced consistently here. Seven of us have a responsibility to manage the we have we have a financial fiduciary responsibility to the city, the same as the five who are on the finance committee. That's that's an important thing to keep in mind here. And so this is where the final decision is going to be made, not at the committee level. We've always known that the question is how deferential are we going to be on it? Again, we didn't have the time. We didn't have a work session. I completely agree with counselor smith on that. But council is the budget committee and not any of the subcommittees of the council. So with that, I would ask for a vote in favor to signal the use of the money, but also to earmark that money effectively into this. Again, this fiscal year's money to continue allocating it the way it's already been allocated. That's what this amendment would do for these two particular projects. Thank you.

Speaker: Counselor green.

Speaker: Madam president, I call the question.

Speaker: Is there a second second? Keelan, could you please call the roll? This is a vote on whether to end discussion and vote on the emergency ordinance before us.

Speaker: Canal i.

Speaker: Ryan.

Speaker: Are you going to vote? No, but I want to make a comment that I think that I would suggest we pull this and bring it to the finance committee meeting and bring it to our may 7th meeting. I would like to ask, I just want to put that out there. I'm sure it'll still be timely enough to get through the process of the spring bump, but I vote no on this question.

Speaker: Counselor. I'm going to jump in while we have a pause to say I misstated that this is a vote on whether to move to the vote on the amendment, not on the emergency ordinance. And councilor, I think you asked a question on whether there was timing to refer this back. Which I think is out of order while we are in the middle of this vote. But I think we should.

Speaker: It is, but I want to. I had my hand up before counselor green put that there and I would. I was suggesting it to you, council president. I think you have the authority to pull something back and move it to a committee, and then we can bring it to the next council meeting, because this is clear as mud.

Speaker: I say.

Speaker: Let's move. Let's we are in the middle of a vote. Let's finish this vote.

Speaker: All right. I just want to let you know that's why my hand was up. Thanks.

Speaker: Koyama lane.

Speaker: Okay.

Speaker: So we're.

Speaker: Voting on counselor connell's amendment.

Speaker: We are not. We are voting to end debate and take the vote on the amendment. Yeah. Counselor, was that an i.

Speaker: I yes.

Speaker: Morillo I novick.

Speaker: For the record, I'm disappointed that counselor Ryan didn't quite al pacino and say out of order, out of order. This whole council is out of order, i.

Speaker: Mark a.

Speaker: Green. I zimmerman. I avalos. I dunphy.

Speaker: I. Smith i. Pirtle-guiney i.

Speaker: With 11 I votes. The question is called.

Speaker: Okay we now move into a vote on the amendment to the emergency ordinance.

Speaker: Canal fairly obviously i.

Speaker: Ryan. No.

Speaker: Koyama lane. So as.

Speaker: We're thinking about the upcoming budget, something that I've been hearing is that thought about efficiency and making sure that our departments are running well, and also this need for stability. And so that is compelling to me that this is a step towards that, that this action shows that we're trying to provide some stability for these bureaus here. And so I recognize this is a little uncomfortable, but I think it takes us closer to where we want to be.

Speaker: I vote yea morillo. I novick.

Speaker: So I agree with counselor zimmerman that we need to have a discussion about carryovers as a council for next year, and I okay, I'm going to waste everybody's time by pointing out that there is an argument for carryovers to in in that if you don't have some carryover, then bureaus might feel like they need to spend all their money by the end of the year, because otherwise they'll lose it. And I think there should be some incentive to keep it. In fact, when gary locke was governor of Washington, he adopted a policy that you don't automatically lose all your money if you don't spend it by the end of the year, you get to keep half of it.

So I suspect I will be arguing for a change in policy to that effect. I am going to oppose the amendment, largely because the administration has come up with a carryover policy. I don't know if I agree with it, but I haven't heard it explained in great detail, and I'm reluctant to change the policy without having a replacement. And also, frankly, I see that another chunk of money that's not being carried over is something called sims for pbem. And given that a pbem is in desperate need of money, if they voted for councilor kanal amendment, I'd feel compelled to offer an amendment for pbem to keep that money too. And I don't want to keep us here till midnight, so I'm conflicted on this. But sort of as a matter of process, I'm going to vote no. Clark.

Speaker: No.

Speaker: Green.

Speaker: A zimmerman.

Speaker: No. Avalos. I.

Speaker: Dunphy. I smith.

Speaker: No.

Speaker: Pirtle-guiney.

Speaker: As I stated before, I truly am worried about us having the flexibility that we need when the budget comes to us, I vote no.

Speaker: The amendment has six yes votes and six no votes. It's tied and the amendment fails.

Speaker: Thank you. Where's the mayor?

Speaker: So I'm going to invite up robert taylor to clarify what happens in a split vote on an amendment. And counselors predicting that this might happen. I did check in with both robert taylor to make sure he was here, and could explain to us

the process. And also on the mayor's whereabouts. The mayor is not in the building and not reachable.

Speaker: Robert.

Speaker: Please introduce yourself.

Speaker: Thank you for the record, Robert Taylor, City Attorney. As it stands now, under the charter, it gives the mayor the responsibility to break a tie vote on a matter before council. We read that to mean the tie vote on final passage. In the absence of any council rule to the contrary, council has its own authority under the charter to adopt its rules of procedure. If council wants to adopt a rule that allows the mayor to vote on procedural matters like motion to table, motion to refer, motion to amend, they can do so. But as it stands now, the procedural motion on the motion to amend tied six six, it fails.

Speaker: Are there any.

Speaker: Questions about that explanation?

Speaker: Yes.

Speaker: Counselor.

Speaker: I'm concerned and I'm troubled with that explanation, because the same thing happened when we were trying to vote in our president. And they said, except for that vote, he can break every other tie. So here we are with every other tie. So now you're saying he can't break this in?

Speaker: When that issue came up in January 2nd, the advice was there was a question about whether council could adopt a rule to give the mayor the tie breaking vote on the election for president.

Speaker: That's not what I said. I said, you can do it based on the current charter.

Speaker: I understand this issue has come up before and I and it's unfortunate it has come up again. I don't think I anticipated this issue coming up at this venue

right now, but we have thought about this in our office. We do believe that charter provision contemplates the mayor breaking a tie on final passage. And if you want, the council does have their authority to adopt their own rules. They can adopt a rule giving the mayor the ability to break a tie on procedural matters. That is council's prerogative to do that.

Speaker: Can we pull up the language on the charter so we can read the language, pull it up on the screen?

Speaker: We can pull it up. This is our attorney's legal advice.

Speaker: And again.

Speaker: Counselor I it is one line in charter. Let's pull it up so that everybody.

Speaker: He's adding more lines to the charter. And that's what I'm saying. Let's look at what exactly the charter says.

Speaker: He's interpreting and giving us advice. There have been conversations about bringing forward a conversation around. Expanding on the one line.

Speaker: In charter.

Speaker: Because there clearly is not a lot of meat to this. There's not direction on what we do. If the mayor is not able to be present on a final vote when this does come into effect. So there are conversations that governance will need to have around this.

Speaker: I would like candace avalos, who is the chair of the charter committee, to say what was the intent. That's what I want to know.

Speaker: I am not sure if that is in order.

Speaker: She needs to tell us what the intent was because I know what it says. He settles the tie.

Speaker: Councilor I don't know that that is in order, and I don't see councilor avalos leaning in to do that. Let's get the charter up very quickly. We are at 830. We

need to finish this agenda item so that we can take a break and move on to other meaty items.

Speaker: Madam president.

Speaker: Point of clarification. Are we now back to the original motion?

Speaker: We are.

Speaker: Call the question.

Speaker: We are back to the original motion.

Speaker: Second.

Speaker: Okay.

Speaker: We have called the question and we have a second. To councilor points of order.

Speaker: There were my understanding is that there were motions that were floated a moment ago to table this item or to refer it back. It would preclude those motions which were suggested by the person who just moved to call the question.

Speaker: There were no motions given. There was an ask for me to consider sending this back to committee from councilor Ryan, which I'm not inclined to do, since committee already had a robust discussion about this ordinance.

Speaker: Well, wouldn't be. It would be our decision as a council, not yours individually, as I recall.

Speaker: But either way.

Speaker: And yes, council could vote to do that. But right now we have a motion to call the question which supersedes debate. That would be something that could be raised in debate.

Speaker: Point of order, though to call any motion you have to have the floor. And I see there are people in queue and so are we accepting a motion that's randomly thrown out before looking at the queue. I don't think that's Robert's.

Speaker: If folks are in the queue for discussion on this, then yes, we would move to them. I thought that those were hands left over that hadn't been lowered from the last discussion.

Speaker: In general, though, I don't think if somebody shouts out an order that we, you know, you should at least say you have the floor before you accept it. I don't think that's Robert's rules, that anybody can just say that and you move on it.

Speaker: Councilor canal are you in the queue on the main ordinance?

Speaker: Yes, but I'm happy to let you finish this conversation if that's helpful.

Speaker: Okay.

Speaker: So I don't know.

Speaker: Do we have the charter language pulled up?

Speaker: Yep.

Speaker: Still calling the question. Robert's rules does not ask for a zoom call. We have called the question. Madam president, it's time for.

Speaker: The vote.

Speaker: Robert's rules does not state what order we do things in. You are right. And Robert's rules doesn't say that somebody can't jump in to call the question. Our procedures do say that this is how we take items. We have had folks work a little more casually before, but right now we have an objection to that. So I'm going to defer to what our procedures are, which is that we take things in the order that is in zoom. Councilor. We take things in the order in zoom, with the exception which we've discussed before, that if somebody has not yet spoken, they move to the front of the line, which is what happened earlier. So we are still on the discussion that you have raised councilor around the charter, and we do have the charter section up. It is under the duties of the mayor. It is not written in the council, part of the charter, but under the duties of the mayor. One of them is listed here. E vote on

matters before the council in case of a tie. When the mayor casts the deciding vote. Councilor. Did you want to comment on that?

Speaker: I can, I can talk, okay.

Speaker: We are still on your comment.

Speaker: Yes. Okay. Perfect. Yeah. So the legal in in robert i, i. Trust your legal experience in this. I'm not trying to disagree with you, but I am disagreeing with your legal assessment because what I don't know how you get to where you're at from just that line because it's very clear what it says. And I hate that I didn't ask that question to bring it up when I asked you it originally, and we could have solved all this, but to me, I don't accept it. I respect your your your legal knowledge, but I don't accept what what you're telling us, because the mayor probably knew that this was going to be an issue and he should have been here.

Speaker: Councilor first, I want to thank you for the reasonable disagreement. I really do thank you for that. And then secondly, the when we read that, we think the phrase when the mayor casts the deciding vote, that means the final vote on passage or adoption, not a procedural motion to amend or to table or to refer. So that's how we that's how we get to that conclusion. But I understand folks can read that differently. And again, if council wants to give the mayor the authority to cast that type of vote on procedural motions, I do believe council has that authority to make a rule like that.

Speaker: He's not here, though, and so it wouldn't matter. And it's his budget item.

Speaker: Councilor anything else?

Speaker: No, ma'am.

Speaker: Thank you. They called the question.

Speaker: Well.

Speaker: In the order in the queue. Councilor kanal.

Speaker: Madam president, not to not to complicate things further, I don't believe councilor novick has spoken yet on the main motion.

Speaker: We are back to the main motion. Councilor green, have you spoken to the main motion?

Speaker: I have.

Speaker: Not spoken to the main motion.

Speaker: Councilor green councilor kanal. Thank you.

Speaker: I'm going to call the question second.

Speaker: Okay.

Speaker: The question has been called and seconded. This is a vote on whether or not to end discussion and move to a vote on the passage of the emergency ordinance. Keelan, can you please call the roll?

Speaker: We need to get out of the habit of using calling the question. We are in a.

Speaker: Vote to speak to my vote. That's my reason for voting no. We need to get out of the habit of using the idea of calling the question to cut off our colleagues. It's not a good way of doing things, and that is my reason for voting. No thank you.

Speaker: Ryan.

Speaker: Yes.

Speaker: Koyama lane.

Speaker: Yes.

Speaker: Morillo.

Speaker: Wait. I'm sorry. I think there's a few of us confused on exactly what we're voting on at.

Speaker: This time.

Speaker: We are calling the question. We are voting on whether to end debate and vote on the passage of the emergency ordinance.

Speaker: Okay. Hi, novick.

Speaker: The overall emergency ordinance. So we passing it without the amendment correct.

Speaker: The amendment was voted down. But this is the vote on calling the question. This is the vote on ending debate.

Speaker: To end debate.

Speaker: Regretfully, i.

Speaker: Clark a.

Speaker: Green.

Speaker: Zimmerman.

Speaker: A avalos.

Speaker: No. Dunphy.

Speaker: I would have liked to have heard what councilor novick had to say I vote no.

Speaker: Smith. I pirtle-guiney.

Speaker: I.

Speaker: With nine yes votes. The question is called.

Speaker: Okay.

Speaker: Do we need a motion and a second? Okay. So we are just moving into a vote on the emergency ordinance. Councilors this is a vote on agenda item number ten, which is an emergency ordinance. This vote would lead to failure or final passage. This emergency ordinance is not amended. It is here before us in its introduced form.

Speaker: Thank you. It's a very difficult one. And it's difficult because the process that's led us to this point has been very challenging. We had seen a committee get to hear it, but with limited even advance notice for them, let alone the other seven

of us. And now it's also being proposed as an emergency ordinance, when even from the information we've heard from our staff says that there would not actually be any impact to waiting until may 7th to do it, as it is an emergency ordinance. And I have brought this up several times from from this dais. It needs to fulfill the criteria of an emergency. It doesn't do that. Based on what we're hearing from the staff today, avoiding future delay is not a reason for cutting off the ability of the public to see this for longer than five days. From the posting to the consideration. Secondly, I mean, yeah, it wouldn't have affected my vote, but I do think it's worth saying that it's important to convey to our public safety partners in the administration what we stand on. We stand for receiving data not only from the loudest voices in the room, but from everybody who has had an interaction good, bad or neutral with the police. And we stand on ensuring that firefighters are funded for the training program so that we are able to reduce overtime while retaining the levels of service that we have been trying to maintain in very difficult times for, for that bureau and frankly, for the entirety of the public safety service area. And so as a co-chair of the public safety service, sorry, community and public safety committee, I was very happy to try and convey that. I am disappointed in that. That's not going to affect my vote. The emergency ordinance reasoning and, frankly, councilor zimmerman's argument earlier and councilor Ryan's argument earlier on why we don't necessarily need to do this today is why I'm voting no. Thank you Ryan.

Speaker: I koyama lane I morillo. Know novick.

Speaker: I'd like to take this opportunity to tell the council president that this is one of those nights that makes me think that there's not enough money in the world to make me take her job.

Speaker: I mark.

Speaker: I just want to say that we're really fledgling legislators, and we have a lot to learn. We have a lot to practice. We have procedures to understand and to implement. We have a long way to go. It's a great start. A little bit of sausage making here. I vote yea.

Speaker: Green. I zimmerman.

Speaker: I avalos.

Speaker: Regrettably I vote I because I do I wish the amendment passed but I vote i.

Speaker: I smith. I pirtle-guiney councilors.

Speaker: There was a lot of conversation through this debate about process and who had an opportunity to weigh in and where we have committees for a reason. We all agreed early on in this process that we wanted to have committees as part of our work. The folks who gave us this form of government did so writing committees into the work. Many of us have missed opportunities to bring things to committees that we don't sit on, myself included. And that will happen from time to time. And we have council, full council as a place to bring things where we missed and didn't get them in in time and to have robust conversation. That's important. But to suggest that something was rushed because it went through a committee you were not on feels highly disingenuous to me. I don't sit on policy committees. I sit on two committees, but not our policy committees. And I trust you all to do the work. Sometimes I don't agree. Sometimes I want to bring an amendment and I miss doing it before things come here. I'm working to get better at that. I hope we all are. I hope we are all working at bringing things earlier so that there is more time. We have created a referral list so that items can be public before they are put on agendas. And I hope we all work to bring our agenda items sooner, so they have time on that referral list where we and the public can see them. And I will continue

to encourage our administration to do the same so that we and the public have time to see there agenda items before they are placed on agendas. But again, using that as an excuse to not do your homework and look at what's coming, and to suggest that we didn't have process because we used the process we created feels highly disingenuous. And I think that that needs to be called out, I vote i.

Speaker: The ordinance is passed with ten yes votes and two no votes.

Speaker: Thank you. Councilors are next to agenda. Items will come together. They may take a significant amount of time. I hate to do this because I know that we have guests here for those two agenda items, but we need to give our staff a short break. So we are going to take a ten minute recess now, and we will come back at 853. Thank you. We're going to bring everybody back. I hope that brief recess gave everyone enough of a break to get what they needed. We have almost everyone back. I'll check in with our vice president. In the meantime, councilors, we are on agenda item numbers 11 and 12. We are going to hear these agenda items together. Keelan, can you please read the titles?

Speaker: Item 11 amend the city employee benefits program for the plan offerings for fy 20 2526. Item 12 amend the Portland police association city employee benefits program for fy 20 2526.

Speaker: Thank you and counselors, because we discussed these agenda items extensively in executive committee, they did not go through one of our committees. So we do not have a committee staff summary. So we are going to have a brief presentation which we don't usually have in full council meetings.

Speaker: Madam president, if it's all right, i'll, i'll kick it off with just a couple of remarks and introductions and we'll hear I'm going to be very brief. The council knows that every year the city's labor management benefits committee, the lmc and the Portland police association board reviews their employee benefits

programs and provides recommendations for necessary changes. I thank everyone involved in these processes, recognizes the shared responsibility of ensuring employees and their covered dependents have access to health care plan options that meet their needs, while protecting the long term financial stability and solvency of these plans. Beginning last year in June, the Portland police association board, lmc and city management have held collaborative conversations in preparation for this renewal. Bureau of human resources and labor partners have analyzed many options, many choices about balancing budget impacts and changes to the health care plans in order to meet rising renewal rates before you today. Item 11. The first ordinance would approve the fiscal year 2526 benefit plan document and adopt proposed changes for those employees covered under the labor management benefits committee. Lmc, which includes non-represented city staff as well as all unions other than the Portland police association. Item 12. The second ordinance would approve the same changes for fiscal 2526 plan benefit document and adopt the proposed changes for the Portland police association. The council, of course, will take up these ordinances separately, but we're presenting them together in, in an attempt to be more brief and cohesive. With us tonight is ron zito, bureau of human resources deputy director, michelle taylor, city benefits manager, to walk us through these ordinances along with them, aaron schmitz, who is here to represent Portland police bureau board, and rachel whiteside, representing as a co-chair of the lmc. So, ron, I don't know who's going to kick off, but you're up.

Speaker: Thank you, city administrator jordan, good evening, councilors. I'm going to immediately turn it over to our expert benefit manager, michelle taylor.

Speaker: Hi. Good evening council. My name is michelle taylor. I'm the city's benefit manager.

Speaker: You may have to get closer.

Speaker: Scooch closer. All right. I'm here to talk to you about two ordinances which are being presented together. But you will vote on those separately. Both of these are being presented as emergency ordinances. Given the urgency to move changes forward so the benefit team can kick off our open enrollment on may 9th and allow folks to go online and make their elections for the upcoming year. If we move to slide two, just briefly, here's our agenda. It consists of the background as to why we're here and the journey that's gotten us to this point. We'll then move into ordinance 2025159, which is related to the plan design changes for the labor management benefit committee. And throughout this presentation, we'll likely refer to it as lmc. And then we'll move on to 2025160, which are the plan design changes for the Portland police association, represented within Portland police bureau. And we'll refer to them as ppa or ppa. Ppb, if we move to slide four, we'll dive into a little bit of the background. So today we'll be talking about two specific groups, the lmc and the ppa. Lmc is comprised of 22 voting members. And that is split evenly between labor appointed and non-represented folks. The two co-chairs, rachel and leslie, are here today to share more with you as we move into other portions of the presentation. Then we have aaron here as well, and his team make up the other group, and aaron will be sharing more with you as well. So recommendations for both of these groups that receive an appropriate number of votes within the group get brought forth to council. Who has the authority to make changes to our medical dental vision benefit plan design for our employees and their dependents. Bhr does not make changes on plan design unless administratively required, but we do get consulted and we provide guidance throughout the process. To give you some context as to how we got here. If we rewind to last year, we were facing 13% increases in our plans for lmc and 18% for ppa. Both groups worked for months on recommendations for council, but ultimately we couldn't get to a place where those

recommendations met the budget constraints. Parties worked on ordinance amendments to bridge the gap between the recommended changes that were brought forth by these committees and the budgeted amount for the benefits council then decided on one time funding that was valued at approximately 607,000 for ppa, and 1.278 million for the lmc group. Additionally, a \$25 monthly surcharge, which is estimated at \$1.8 million, has been charged to employees covered under the lmc group throughout this current fiscal year. The surcharge also required a letter of agreement signed by all of the unions impacted with impacted employees, and it expires at the end of this fiscal year. This temporary solution provided the lmc and ppa groups another year, and what was quoted last year is a longer runway to kind of get back to the table and really address the double digit increases, they were asked to jump back in and then think about what could reduce the renewal increases that we were expecting for the 20 2526 fiscal year, because we believed it was going to be another rough year, given the one time funds and the expiration of that surcharge. Both groups immediately jumped into action before getting into the details of their work. I really just want to absolutely commend the committee members for their hard work. We had thoughtful conversations, values based discussions, participation in various exercises with sticky notes all over the room, packaging together, multiple options to present for council consideration. These committee members are some of the most passionate folks when it comes to employee benefits. They want to ensure that core services are covered. They're vested in protecting the health and well-being of the city's most important infrastructure, which is our employees and also their family members. I am proud of this work, and I hope that everybody is as well. I feel like these folks should be commended for their commitment to this work. We are in a much better place this year than we were in the past. We know that

healthcare is changed and this directly impacts employee benefit plans. We experienced a global pandemic which delayed care. We're seeing this care come back and in some cases it's more expensive as conditions are discovered in later stages, costs of services have increased due to labor shortages, inflationary factors, advances in technology, new extremely expensive medications hitting the market. Medical trend is at the highest we've seen in over ten years. The renewals for this upcoming 2526 fiscal year aren't too different from what we saw last year. We're looking at 13.4% for the lmc and 16% for ppa. Each of the committees convened monthly, sometimes more, sometimes for upwards of three hours, sometimes before or after homework. In between. They jumped into this challenging work of reviewing benefit coverage levels, trends, reasons for increased claims, and considered the impacts on our employees and their dependents during times of uncertainty across the nation. Putting packages together can take months. They require coordinated efforts with our vendor partners. We need to ensure that benefits can be figured configured into their system, and that claims can be paid accordingly. So it's not just something we can do off the cuff. We also need to ensure that analysis is done so that we can be compliant with local, state and federal rules. Throughout my time serving the city, all 18 years within the benefit team in various roles, these committees counsel guidance of past and current hr folks. They've made meaningful changes to our plans that align with the city's core values. For example, under former mayor sam adams, it was around 2012. The city added gender affirming care to our medical plans as a joint effort under former mayor ted Wheeler. Co-pays for mental health visits were waived beginning in 2019 and remain at no cost on many of our medical plans. And that remains today. Shortly after we expanded eap benefits to further reduce critical access to services in 2021, the committee and the city and council added fertility and family

expanding resources, and that was under the direction of former commissioner amanda fritz, leading the effort prior to her departure from city service. These committees, council and bhr continue to collaborate on meaningful changes. We want to ensure our employees and their families are supported throughout their healthcare journeys. In this nation's political climate, it's imperative that we continue protecting our access to care, and the city remains committed to our employees who serve this community. With that being said, we're going to jump into lmc, and these slides will reference lab specific, lmc specific changes. And they're captured under the first ordinance. I will go ahead and turn it over to rachel if you're okay with that.

Speaker: Yeah. Thank you michelle again.

Speaker: My name is rachel whiteside.

Speaker: I'm union representative for protect 17 members at the city, and I also co-chair the labor half of the lmc. And just adding a little bit to the context that michelle provided. There have been complaints in past years from committee members that sometimes we feel like we don't have enough levers to pull in order to. Make the cost savings that are necessary, while also making sure that we are providing a quality benefits package to our employees. And this year, we might have swung a little bit far in the opposite direction. The lab lmc started with over 30 items to consider. Some of these were had very small impact, and then some of them had extremely significant impact, such as, you know, dropping providence from our from our network in order to help the committee really focus in on where we were in alignment and where the committee as a whole had the most interest. And we felt like the options aligned with the values based discussion that we worked with a facilitator to curate. Before we started studying options, I helped facilitate an interactive exercise, as michelle mentioned, where yes, we put up all of

the options up in a conference room and everybody was walking around using reds and blues and purples and it really helped us visually see where our values aligned and, and where things like what you see here on slide six made. And we could move forward with those options and where things really did not make sense. And we chose to not consider those. The longer period of time is spent on those items in the middle. Obviously, the other thing that was unique to this year was the direction from the council that preceded you to come up with multiple packages at different renewal rates, and this helped us fulfill that exercise. So. What you see here are the recommended changes that will not have a financial impact on savings, but where the committee had full alignment and agreement. And if we could move forward to slide seven. These are the additional changes that were included in all levels of the eight, ten and 12% packages that the committee prepared, the one exception is the garner. Garner is a new service that would be added. Actually, all of these are new services that would be added on top of our existing mode of healthcare plan and create steerage services, which can help provide folks to the most cost effective health care. But there will be a learning curve that is associated with these for our members. Slide eight please. So this slide summarizes the culmination of the three packages that were presented, I'm sorry, that were voted on by the labor management benefits committee. I do want to call your attention in terms of the 10% package and the 8% package, the those are the two with significant kaiser changes. And these were really a challenge for the committee to land at. This represents a significant change in healthcare access for folks that have been on the kaiser plan, which previously had no deductible and a very low out of pocket maximum even at the family level. So in addition to the information that's on these slides, the. Deductible at the 10% package level is increased to \$450 at the family level and \$2,500 out of pocket maximum plus new

coinsurance that applies to emergency room visits, outpatient and inpatient surgeries, which those are all new things that our members on the kaiser plan have not experienced. And when you move to the 8% renewal package, those numbers are further increased. So the family deductible is \$750 and the out-of-pocket maximum is \$6,000. And it also again includes a new coinsurance for inpatient and outpatient procedures as well as some other services. So these represent significant changes in practice for our members. Additionally, at the 8% level, you see a doubling of the deductible from \$250 to \$500 and an increase in the out-of-pocket maximum by \$250 as well. And there is the potential for members to regain some of that through the garner health reimbursement incentives. But this is a new program to the city and a new program to all of our members that none of us are experienced with. And there's a significant amount of concern that there's going to be a learning curve associated with that. And I think that's why you see it added into all of our packages. But at a level where it feels more approachable for members. Michelle. Or is leslie going to talk about the executive branch recommendation?

Speaker: Yeah, I would like to I believe leslie is on the line if she would like to speak to the management side as the co-chair. Thank you.

Speaker: Well, I'm here and I just I'm I'm going to let the folks that are in the room cover the slides. I just want to say that this has been a great process for both the management and the labor side. We really worked hard to try to get to a decision. We were not able to get to a recommendation, but I think that the packages that were put together, that everybody were comfortable with are what you're seeing. And so I won't take up any more time and let folks finish presenting the slides because my eyes are tired and it's hard to read on the screen. So thank you, michelle, for giving me the opportunity.

Speaker: Thank you leslie. So is it okay to jump in? All right. So jumping into the next slide going into this one I want to reiterate and kind of go back to rachel and leslie. These were incredibly hard conversations that were had between labor and management. What is coming in front of you today is not something that is supported by the committee. It is not supported by labor. What it is the executive branch recommendation. While the committee was able to talk about things that build up the packages, we were not able to get enough votes to actually bring forth a single recommendation to this committee. So we are bringing forth the executive branch recommendation. That's on your slide here. It further changes the city core plan deductible and out of pocket maximum, which rachel talked a little bit about on the previous slide increases pretty significant increases to kaiser. That brought us to about a 7.3% overall renewal and 8% is budgeted. So the additional recommendation is to round up essentially from the 7.3 to the 8%. So it aligns with budget and add \$670,000 into the reserves for self-funded plan because it currently is underfunded and we want to develop a long term solution to start bringing that back up to a level that we need. So that's what you're seeing today. And part of the ordinance is the executive branch recommendation. All right. And here on this slide you'll see the costs. It is the various options that were presented. The far left column is the 8% which is budgeted for 2526. Then you'll see the 10%, which leaves a gap of about 2.6, almost \$2.7 million. And then on the far right is the difference between the 8% and the 11.6, which would remove some of the other recommendations. And that's well, it would change the executive branch recommendation. I want to make sure I choose my wording correctly to about 4.6 million over budget. All right. We're going to jump into ppa. And I will turn it over to aaron if that's okay with you.

Speaker: Sure. So just as an introduction again, as michelle has said, and I also want to note, michelle has been incredible in this process. This is not an easy job. These are all pretty emotional conversations. I'm a husband of a wife whose life was saved by genetic testing and more surgeries than I care to count, and I'm the father to a daughter who's had more pokes and prods. And we are a maximum family user of our health benefits. And so the reality is, when we're when we're talking about who the maximum expenditures are, they're the families who need the most. And so very often we're having conversations with a lot of people who don't use their medical benefits a ton. And this seems less scary. But as someone with a lot of experience, again, we're looking to balance. And it sounds awful, but we're looking to balance the budget on the backs of people who need these these services the most. And so, you know, for me coming, the ppa, our health benefits are what they are. 25 years ago, we had an arbitration in our contract and they moved some of our benefits into our contract. And so that's why we have two groups being on our board. I only ever saw these things once a year, and this was not an interesting conversation. For a long time. Our board would look at it, we'd vote on a few things that weren't that interesting, and on we would go. The last couple years have been just very, very difficult. And also working with my other labor partners. And, you know, we have dispatch who is within the lmc now, and just seeing how complicated this is, you know, we had a really strong motivation. The executive board for the ppa, in looking for ways to balance this so that, you know, things moving forward were aligning together, if we could, that we were being, you know, in alignment with our labor partners, but also providing services that nod to the future. We had a lot of conversations with the last council. Former commissioner and councilor. Ryan is the was one of the ones who was there. But these were not easy conversations if you want to. So most of these things are the same as far as

the introductory changes. Kind of ironically, you know, we went through a separate process, but the things that the ppa executive board for the ppa police side approved just ended up being the exact same things, basically. And I think a lot of that has to do with aon working for both groups. Garner, I do want to note, you know, on the moda side, the thing that's difficult is choose your own adventure. There's a lot of services that are available, but nobody knows what doctor to go to. My wife's doctor just moved out of state and literally we were like looking at websites, looking at which doctor looked nice. It's not very effective. Garner provides a potential help there, the concern being the way that it's sold is it is basically it is. They're the best providers. There's a little bit of a trust balance there of what does that mean, you know, what does it mean when a doctor is a preferred provider? Does it mean they're providing better service? Does it mean they're just cheaper? We don't, you know, they say that they're the better providers, that they get you to the right things. The further down the road garner options. If people choose to use these services, well, could be good, but we just don't know yet. So to rachel's point, we view this as kind of a longitudinal move. Let's start with the lower level. Let's see how people like it. Let's see how it works. Let's make sure we're not getting doctors who are refusing to do service. And that's why they're preferred. And let's not make people lose their doctors this first year, because you can under this initial garner plan, there's some benefits, but you don't have to use those doctors and still get the savings. And so garner hinge all the other things you see on the screen here. These are the things that we all agreed to and we thought looked logical. As it relates to kaiser. Kaiser is a plan for many families who are introductory, kind of the running joke that I like, or that I hear from people is a good place to be born, and it's a good place to die because they have really good elder care services in the middle. It's a little bit debatable. And so a lot of our newer

members use kaiser because it is cheaper. Both my kids were born there. The challenge becomes none of our our high level users are really on the moda plan, which makes it a little bit more expensive. We were looking for equity. We were looking for ways to again, not destroy kaiser, but also allow for a plan that would balance. And so these changes to kaiser aligned our kaiser plan with the moda plan. As far as the member impact for out of pocket costs for our members. And so for us, our board was comfortable with those changes for the ppa last year when we were talking, a lot of the changes that aon recommended were on to moda. We're experiencing a significant shortage of providers in in Portland, just across the board this year. Aon did not push forward anything as far as those changes because they would they were concerned that it would lead to members not being able to get into the doctor, basically, which would lead to wellness issues, which would lead to people not getting diagnosed early and potentially leading to people being more sick. And so the changes that were proposed only got us to 11.9%. That was as far as we could go without eviscerating kaiser, and there was nothing in motive that was provided that would do anything that, frankly, wouldn't require us to go to a member vote as well, because it would be a service change. So to be super clear, what the board voted for and approved is an 11.9% change. We got about just over halfway. It changes our deductibles for kaiser from what is currently 1000. I'm sorry. Going back a slide on my little phone here. It currently is 600 for an individual and 1200 for a family for out of pocket max switching to 1000 and 2500. This is in the actual ordinance. Paragraph three. We agree to those. What we did not agree to is paragraph four, which in our opinion is more than a bridge. It's a mountain too far. Most importantly, the out of pocket max would switch to 3000 for an individual and 9000 for a family. It's a \$7,000 a month or \$7,000 pay cut. And so again. Totally understand the financial picture we're in stand in alignment with the lembke from

the standpoint that we did look and effectively accidentally landed in the same spot, which for them was the 10%. That is as far as as we are able to go in a way that still provides quality health care. Definitely support our friends in landing in that same spot.

Speaker: Yeah. Thanks, aaron. I was just going to provide a little bit of additional clarity that the 10% package recommended from the lmc does align with what the ppa has. Board has voted for. The 10% package is also supported by the labor side, and several members on the non labor side as well. So while we didn't get to, we have a 75% threshold in order to move something forward to the council. It did receive more than 50% of the votes.

Speaker: Did I cover everything? Okay. Great.

Speaker: Yeah. Thank you. So moving on to the next slide. Similar to what we did with the labor management benefit committee, is that we are showing you what the executive branch recommendation is to bridge the gap between the 11.9% that the ppa board voted versus the 8% that is budgeted for the upcoming year. To reiterate what aaron shared, you'll see the increase in the deductibles, the out-of-pocket maximums, and also the day to day services that are provided by kaiser to our folks. On, I believe, our final slide here, you will see the difference in the 8% that was budgeted for fiscal year 2526 and the 11.9% that the ppa board is recommending. The difference between that is \$638,000. So with that being said.

Speaker: Maybe just one order of clarification, councilors, before we came up, aaron was kind enough to point out that for item 12 160, just full transparency as you consider these items before you the out of pocket max for the family. For kaiser, \$9,000 was not referenced on that ordinance. So I just wanted to be clear. So you saw that fully and you could consider it.

Speaker: I if I can, I also will be kind enough to point out that the ordinance as it relates to the lmc says that that that there were recommendations that came from the lmc and that is as a term of legal art is incorrect. They did not recommend what is recommended.

Speaker: All right. With that being said, thank you so much for your time this evening. Thank you to rachel and to aaron, to leslie, to all of the committee members, to ron, the support of bhr. We'll open it up to any questions and discussions you might all have. Thank you.

Speaker: Thank you. And counselors, we do have people signed up for testimony on at least one of these issues, but I see some folks in the queue. We often start with clarifying questions before moving to public testimony. I also know that there are some folks who are going to.

Speaker: At some.

Speaker: Point propose amendments. So, councilor smith, do you have questions for this point in our discussion while we have our guests up here before we move to public comment?

Speaker: Yeah.

Speaker: A couple of things. I thought that I was looking at the kaiser going from 3000 to 9000, that that was. Egregious, particularly for kaiser members. I do want to move to amend the text of the ordinance for this. And I don't.

Speaker: Know where.

Speaker: Item 11 or item 12.

Speaker: Item 11 I'd like to move to amend the text of the ordinance to budget for a 10% increase for employees health insurance, rather than the eight 8% increase.

Speaker: I think what we should do, because we do have public testimony coming, is let folks know that that motion has been made, but not second and discussed until we hear from the public.

Speaker: Okay, perfect.

Speaker: Feel comfortable to you, councilor.

Speaker: Okay.

Speaker: Actually, point of order. I think if it's second and then the public will know when they're testifying that this will be part of the package. Now that will be discussing. If it's not seconded, they would know that.

Speaker: Councilor are you comfortable with this? Receiving a second but pausing our debate until we hear from the public?

Speaker: Yes.

Speaker: I second it.

Speaker: Okay. Councilor smith, anything else?

Speaker: Well, for me, city employees are are or are our book of business and they're the most valuable asset in the city government and ensuring they have access to quality and affordable health care is a priority for retaining their excellence while they're here. The involvement of the lmc in this process is so vital, and I appreciate you all's work, and we should acknowledge their work in finding solutions to these challenges and cost increases. I believe this emergency ordinance is an example of nbc's effort to cooperatively strike a balance between managing rising health care costs responsibly and also providing comprehensive benefits that meet the needs of our diverse workforce. But I believe we should follow the nbc's recommendation, and I was told as well that this emergency ordinance as currently drafted, drafted, falsely claims that the lmc recommended the 8% package, when in fact the 10% package, while not receiving enough support

to recommend to council, did get the most support from the lmc. For this and many other reasons, I believe the 10% package is the one the council should approve.

Speaker: Thank you councilor. Councilor canal, are you in the queue for this point in our conversation?

Speaker: I believe so. Speaking to the amendment, but clarifying questions or other things that we need to get cleared up or on the record before we hear from our public testimony?

Speaker: Yes, i.

Speaker: Have a question and then a comment. My question. Michelle, the you mentioned that co-pays for mental health visits were waived in 2019 and that for most but not all that is retained. There is a slide that shows on the ppa side the creation of or perhaps change to primary and specialty care. Can you speak to if mental health care is included in either of those lines effectively it would there now be a co-pay for mental health care for ppa members?

Speaker: So the co-pays for mental health were not waived under the ppa plan. And that was an lmc change that was moved forward. What we see on the ppa and a lot of times on the pfa side and pcoa and other public safety folks, we're proposing increases to the employee assistance plan. The employee assistance plan is outside of the medical plan it provides. What we're recommending is 13 confidential counseling visits at no cost for our members and their eligible dependents. But the co-pays under the kaiser proposed option would change.

Speaker: It would.

Speaker: Change, yes.

Speaker: From what to what?

Speaker: I have that right here. So currently primary care under the ppa kaiser plan is currently at \$10. It would go to 15. Specialty care would go from 20 to 25.

Speaker: And mental health is in the 20 to 25 part generally.

Speaker: Yes.

Speaker: Thank you. That's my question. I would like to also propose and I'm comfortable waiting until after the testimony. An amendment to let me make sure I have the ordinance number correctly. 2025 160. This is the restoration of the 11.9% option that was agreed to by ppa.

Speaker: Is there a second to this amendment?

Speaker: Second. Okay.

Speaker: Councilor novick, are you in the queue not to speak to any amendments, but for clarifying questions or other things that need to be put on the table before we hear public testimony?

Speaker: Yes. I just want to address an issue that was raised. Ask a question about an issue raised by mr. Schmitz and councilor smith, which is that the whereas that the language currently says the lmc recommends the following plan design changes if required to reduce the renewal rate to 8%, and it's been stated that the lmc didn't actually recommend this. I wonder if so. Actually, michelle, can you explain what that language refers to and whether what it means?

Speaker: Frankly, it was poor word choice. It was not intended to misconstrue that there was an lmc recommendation when we originally had conversations, there was opportunities to bring forth 8%, 10% and 12%. We thought we were going to be able to bring forth three options and make that decision. And so when we had originally started drafting the language, that's what we were intending to do. And as we got through, we didn't edit it correctly. I didn't edit it correctly.

Speaker: Thank you.

Speaker: Apologize.

Speaker: Thank you for that candid explanation. We've all been there.

Speaker: I truly.

Speaker: Apologize for any of the pain that this has caused. I don't want it to discredit the hard work that these folks have done.

Speaker: Councilor avalos.

Speaker: I'll wait until after.

Speaker: Okay.

Speaker: I believe that's everybody in the queue. So Keelan, could we please move to public testimony?

Speaker: First up, we have isaac mcclymont want.

Speaker: To.

Speaker: Do the. 8%. They've got to amend that ordinance to the 9000 to alleviate this is. I don't like me doing it, but somebody needs to do it.

Speaker: Good evening.

Speaker: All right. Good evening. Council madam president, my name is isaac mcclymont, and I'm the president of the Portland firefighters association. Also resident of roseway neighborhood, district three. I'm I'm here to. I personally I would appreciate the floated amendments prior to the public testimony. That makes my job a little easier. I definitely want to support both amendments openly. I was struck because when we started this council meeting several hours ago now, we started by talking about telecommunicators and how wonderful they are, the great work they do, and we all, and I share every one of your guys's comments that you made about them. They are most deserving of all of those. They're also deserving of quality health care benefits. And even though this package, this 10% package is an increase was currently floated in this resolution, I want to remind everybody that it's a decrease in their health care. It's an increase to their costs, and it's a decrease to their health care benefits. All of these packages will be those

versions of that. So, you know, it's my in my mind. And I spoke about this at the Imc, I should have mentioned that I'm also a member of the Imc. One of the things people choose when they become a public employee is they they know these jobs are not necessarily the most lucrative. They're looking for something stable, and they're looking for a job that has quality benefits. That's what draws people to these jobs. One of the things that draws people to these jobs is that stability, but also the benefit packages and getting these benefit packages has been proposed by the lowest level option. Here, the 8% is really taking a sledgehammer approach to making decisions. So I appreciate the time and I fully support these both these amendments. And I really appreciate all the time and dedication you guys have given to this issue. And with that, I yield.

Speaker: Thank you. Keelan.

Speaker: Next up we have mark hinkle.

Speaker: Thank you.

Speaker: For those of you who don't.

Speaker: Know me, my name is mark hinkle.

Speaker: I've been employed.

Speaker: From the.

Speaker: City of Portland. In January 1st.

Speaker: Of 1999. In the.

Speaker: In may of.

Speaker: 2021.

Speaker: I went from being a city employee.

Speaker: To.

Speaker: Being a business rep for ibew local 48. And now I'm the current president of the district council of trade unions, which recently ratified a contract. Thank you

very much for that. I do want to echo I had a whole things written, but some things have changed. So I'm going to kind of go with my gut here. I want to echo partly what isaac said. Right. It's coming here as a city employee. Those are the things that were important to me as I was a family, you know, at a family of five kids. So, you know, stability, health insurance, kids do the dumbest of things, right? We all know that those that have children. So those are important things. Right. And then also being a public servant, I worked in bhs in the wastewater treatment. It's not really under the umbrella of public safety, but I really, truly believe it also is public safety, right. If the brown water doesn't go away, people get really cranky. So what I wanted to say is I'm in support of the two, the two amendments that have been put forward. It is a compromise in the particular environment we are in, in a very troubling time. Financially it does maintain it, but it also is a sacrifice on labor side. Right. And it was brought up before last year. We agreed on a low at \$25 a month, and that was a \$1.8 million contribution by the members. This change lets them bring some to the table, but still maintains the majority of their health benefit. So I encourage you to approve both of these amendments. Thank you.

Speaker: Thank you.

Speaker: Next up we have chris flannery.

Speaker: Chris.

Speaker: Are you online? I don't see chris in the room.

Speaker: Yeah, chris is online.

Speaker: Chris there's the button.

Speaker: I think I've joined as a panelist now.

Speaker: Yes, we can hear you.

Speaker: Thank you so much to.

Speaker: The council. This is Chris Flannery. I am the AFSCME local 189 representative on the ILC. Unfortunately, we weren't able to vote on all of the packages because of the delay of our ratification vote by council. But I also want to speak in support of the amendments that have been authored. Frankly, looking at the 8% package, it feels like a clawback from our bargaining in a way that makes me reconsider next time we're at the bargaining table, if we're going to commit to the labor management benefits committee. So I just want to be frank about that. Like, as a union activist, as someone who believes strongly in our right to bargain, when we were at the table, we had reservations about returning to the ILC after last year and the way that the recommendation was put forward, as from the committee when it wasn't. So I'm glad to hear the understanding this time around that this is an executive branch recommendation and that the ILC did not settle on one. But still, the 10% compromise, I think, shows that that shared sacrifice without creating enough of a burden on specifically Kaiser members, although there are also some changes to Moda, there's some pretty significant impacts to Kaiser members just from the pharmaceutical changes. So the additional plan changes are going to add a lot of people in their pockets. And some people, it's going to impact them more than any race that we were able to get them at bargaining. So please consider what you would like for your own family when you take this vote. Thank you.

Speaker: Thank you.

Speaker: Next up we have Carrie Co. Carrie Carolyn Welch.

Speaker: Hello again counselors. For the record, I'm Carolyn Welch. I'm a member of the labor management benefits committee and represent Boec Emergency Telecommunicators as a member of the Portland Police Association executive board. Over the last year, the labor management benefits committee has been

engaged in a difficult conversation about how to provide the medical benefits that keep city employees and their families healthy, strong and available to do the vital work that turns. That, in turn, keeps our communities thriving. This discussion has been centered around an understanding that costs are rising, and we need to adapt in new ways to meet this goal. In a matter that still affirms our shared values equity, access to care choice and providers, and affordability. While we voted on three packages in the lmc meeting different percentages of renewal cost, there is only one package that meets these values in addition to that of fiscal responsibility. Fiscal responsibility is important, but it should serve our values, not override them. The 10% package reflects that balance by augmenting our existing benefits in a way that is thoughtful and sustainable, without introducing uncertainty or hidden costs. The 8% package, on the other hand, risks undermining new programs before they can take hold. It raises costs too soon, before allowing members to acclimate to the overlay services that are meant to blunt the impact of rising costs that our families are feeling in every area of their budgets already, when facing illness or injury, no employee should have to pause and question whether taking their child or partner to the doctor during an emergency is the right financial decision. For this reason, I urge you to affirm the amendments as presented and vote for the 10% package that labor benefits management committee has forwarded. We need to provide benefits that are dependable, and the 10% package does that. It's a values based choice that supports our workforce and their families, and it is the only option that moves us forward. Thank you.

Speaker: Thank you.

Speaker: That completes testimony.

Speaker: Okay.

Speaker: Councilors, we have two ordinances with amendments on the table. And some discussion in the queue. I think we are going to leave both open because I suspect the discussion will be similar, but then we'll take votes on emergency ordinance 159, agenda item number 11 first. Separately, councilor avalos, go right ahead.

Speaker: I'm going to start by saying I have a very visceral reaction to this vote. And I want to signal to you all that I am really leaning towards a no on the entire ordinance. I love the amendments. I think the amendments are a great step, but I think what I hate about the amendments and just the things that we presented to our employees is we never gave them the option of, hey, the city should cover your health care. I completely agree that people come to work in a government because healthcare is a huge benefit. I will tell you too, as somebody who went from a job at Portland state that had really great health benefits, that I am grateful that my labor union bargained for. And then I went to go run a nonprofit. And nonprofits obviously don't have a lot of money and was immediately faced personally with the drastic change in healthcare. And that deeply affected me in very bad ways. And I had to pay the price for that. But then as a leader, when I was faced with making these kinds of decisions and looking at my budget and what are what are we going to do with the fact that I had no control over the inflationary costs of health care? But what I could control was where my values were and how I was going to allocate my budget for my employees. So every single year it didn't matter. We always budgeted, you know, ten, 12, whatever percent. And then it's like, oh, it's 14%, it's 16%. It didn't matter. We absorbed that cost because that is a critical, literally life saving resource to our employees. And when in this economy really like that, the last thing I want to do is put this burden on the backs of our frontline workers. We make so many choices in this city for how to fund for things. There's always money,

we always find money, and yet we are presenting our employees who work so hard to make this city work with bad options and saying these, this is it. There's no other money. I do not agree. I feel very strongly about this, because I'm also concerned that one of the testifiers said, think about or Chris Flannery said, think about what your family needs. I do not have children, but many of my staff, for example, have several children, and this is going to deeply affect them. It's going to affect me as somebody who lives with chronic illnesses, and I'm constantly in and out of the doctor and being able because I had health care at Portland State, that gave me the ability to do preventative care and to be consistent about getting care so that I could prevent further illnesses that really affected my life, literally. And I know what it felt like to go from something high quality health care and having to go down to health care. That was not enough. And I'm here at the city now thinking, yay, I have better health care again. And then look at this decision that I have to make. That's going to affect me too. But it's also going to affect so many employees that work so freaking hard. And I'm upset. I'm clearly upset because I do not think that we should have even put these options on the table. I think it's unacceptable. I had a train of thought that I lost because I'm angry, but I think my point is clear that I believe that the city needs to do better to bear this brunt of these changes and not put it on the back of our hard working employees. So I want to signal for you all that I am probably going to vote no. And I hope you all consider my comments as you as we continue to discuss this, because I do believe that we have a choice that we can make, we do not have to just accept an option that's presented to us. We are legislators. We can decide to go back to the drawing board and that's what I would personally recommend. Thank you.

Speaker: Councilor Novick.

Speaker: Really dumb question for somebody are the parks workers? Leona 483, part of the lmc group?

Speaker: Yes.

Speaker: Is leona 483 here?

Speaker: I don't see anybody from their union and nobody who was signed up is part of that union. Councilor.

Speaker: Okay, the reason I was asking is that if we're going to lay a lot of people off this year in this budget, and the mayor has made it quite clear that mostly he's going to cut parks. So I think that I would like to hear from the union most likely to be affected and ask them if they would rather, I mean, just ask them, do they would do they support going to 10%, even though it means more layoffs? So if I wouldn't ask anybody else to speak for them, but would trouble me to make this vote without asking that question.

Speaker: I do have the results of.

Speaker: The can. I'm sorry, can you reintroduce yourself for folks who are online?

Speaker: Thank you. Rachel whiteside co-chair, labor management benefits co-chair. I do have the results of the vote if you're interested in how they voted on the packages.

Speaker: Yes, please.

Speaker: Okay. I can tell you that there's a pcl representative and there's a parks rec representative. And hold one second. Let me get to my motions. Let's see. Both units voted in favor of the 10% package.

Speaker: And does that mean they voted against the 8% package?

Speaker: They did vote against the 8% package.

Speaker: Thank you very much. I really appreciate that.

Speaker: You're welcome. Councilor green.

Speaker: Thank you, madam president. You know, I just need to name that we're in this mess because we use self-funded reserves as a way to stabilize our self-funded health care plans, which are which which are a reason why we draw people in. Right. But that is those reserves are funds that the city can always fund. So let's keep that in mind. But we're also in this we're in this situation because, you know, we've got this unmitigated disaster that is a us health care system, the for profit health care system, which is designed to extract the maximum amount of money from working class families as possible. And so the city has been absorbing that for years, and it's depleted its reserves. And so now we're presented with a terrible choice. We do need to find a way to balance avoiding an unacceptable budget cuts. And I think you see that in the votes from the bargaining units at the lmc that they're willing to sort of recognize that that that fiscal challenge that we're in. I'm prepared to support both of the proposed amendments, because I think it does create a qualitative balance. That's the least of the bad, I should say, in this situation. I've just displeased that we could not come to a place that our labor partners could agree on a unified package. So I hope we do better next time. And that's that's our work, by the way. So and I fully expect our next legislative agenda to prioritize lobbying for a universal, single payer health care system at both the state and the federal levels, because that's we're going to be dealing with this problem year after year after year after year for the rest of our lives until we get straight on the upstream cost pressure. So that's where I'm at, folks.

Speaker: Thank you, councilor, councilor smith.

Speaker: Thank you, madam president. I want to say ditto. Ditto, ditto to you, councilor avalos, because I actually felt like saying that we need to be paying that \$4 million. We figure out ways in which to pay things. And like you, I've had some chronic illnesses that that require. But it's not necessarily about me. It's about the

people who have to pay this big jump. When I look at going from what was it, 2000 to 5000 in kaiser to 9000 for a family that that is not sustainable for our families. And I think that we need to do better and we need to find, you know, designated funds that we that we can meet the increase every year. And it's going to it's going to increase every year. And I do agree with you, councilor green. We need to be talking to our legislators and trying to figure out ways in which to cut off these health care companies who are gouging us every year. They're gouging us, and they know we need this stuff. And so the employee, the employers are left to the mercy, mercy of these, these health care groups. And that part right there is something that we need to really get a handle of. So I appreciate your words and I felt it. Thank you so much. Councilor zimmerman.

Speaker: Thanks. I have a question to the two amendments that were made. They were different amounts, I think. Right. But were they at first, councilor smith, did you make an amendment only to one of these packages.

Speaker: For 10%.

Speaker: But not for the police one.

Speaker: Councilor councilor canal did the ppa.

Speaker: But at a different rate.

Speaker: At a different rate.

Speaker: The two amendments on the table are an amendment to agenda item 11 to move to the 10% recommendation, which we saw in the slides. And on agenda item 12, move to the 11.9% recommendation that we saw on the slides. When I say recommendation, to be.

Speaker: Clear, i.

Speaker: Recommended packages at different levels.

Speaker: I guess councilor canal then, as I've heard a lot of it, sounds like some testimony is somewhat agreeable to the ten. I was just curious why you're recommending above that one versus making the same thing for lembke, or vice versa, or whomever.

Speaker: Yeah.

Speaker: I'll give the brief answer and then we might need. But effectively there were only two options that were presented in our recommendation. There was the 8%, which is actually a little lower than funding the reserves with the rollover, and then 11.9%. That does represent a 4.1% cut to the expected inflation of 16%. Notably, I don't know if there's anything.

Speaker: Yeah.

Speaker: I just.

Speaker: If I can aaron schmaltz president, Portland police association just to clarify, the starting point for the police was 16, and the starting point for the nbk was 13.4 and just obviously 6500 employees against like 800 or so. And so the move from 16 to 11.9 and the move from 13.4 to 10 is a different number. But it is in fact imperative as it relates to the actual structural changes to the plans. And so that actually was accidental but serendipitous.

Speaker: Thanks for that clarification for everybody. I've said this to a few members, and I have said this to some of the advocates in the room, i, I am nervous about a significant change to a kaiser plan. And I say that as a person who. Was hired by Multnomah County and was a member of asked me the year before the great recession, right. And I know sometimes and we just went through our own negotiations with our own unions this time. But unions make choices in terms of how they how they approach healthcare, how they approach their employees. And I and I benefited from that. And the greater good took a hit because of it. But they

preserved some, some jobs and some some impacts. And. And I am also an employee who, you know, when you're when you're young and you're making \$38,000 for a government and even \$50,000 for a government, those first line employees first jobs out health care, is that stability? And kaiser, is that stability. You give up some choice. And I think that we make choices that are appropriate, but we give up some choice to have predictable bills. And that's where I've really valued kaiser at one point in my life. Right. I don't make that choice anymore, and I'm privileged to be able to move off of that. So I'm cautious. But I also heard throughout the presentations, in other conversations that there was a desire or at least a willingness by the, the, the folks who sat on that decision making or that negotiating board that some give on the kaiser plan could be appropriate this time, because previously, maybe the moda plan had given up a lot. And so i'll be supportive of this. I think i'll be supportive of these amendments and recognizing that kaiser is not going to meet a need for our most, for our employees, most in need of the of the lowest cost, of the most predictable. I think some really important points have been made across the table, and I hope we just monitor that and that impact on our youngest employees, our newest employees, our lowest wage employees who still are going to have access to great health care even in this new plan, these new plans that are proposed. But. But that access to a predictable health care is going to be a little bit less after this proposal. And I just want to make sure and I hope that for all of our city administrators and others and our union presidents that are out there, is that we monitor that, because I think that predictability in your first five years in employee helps send a signal. If you become an employee with ten, 15 and 20 years under your belt. So I appreciate just the efforts there. I'll be supportive of these amendments as they come forward. And cautiously supporting this proposal. Overall.

Speaker: Councilor kanal can.

Speaker: I ask a question before I go in? What is the order? We're going to take these votes in between the two amendments and the two.

Speaker: So once debate is done, we will vote on the amendment that councilor smith has put forward to agenda item number 11. Since that is the next thing on our agenda, then we will vote on once we're done with amendments there, the underlying emergency ordinance, then we'll vote on the amendment. You have proposed to agenda item number 12 and then vote. Once we're through all of the amendments on the underlying emergency ordinance.

Speaker: Thank you. Yeah, I guess i'll i'll save some of this for the vote. But the really big picture, I think one of the things we talked about is maybe we need to have a narrower set of things that we do as a city, but that we're doing fully and that we're doing as well as we can. We've talked about this in a lot of different contexts, you know, over the course of the last few months. But basically, if we don't have the time to do it right, we don't have the time to do it. We don't have the people to do it right. We don't have the people to do it. And if we don't have the money to do it right, we don't have the money to do it. And I think that's a really important thing to look at. I'm very sympathetic to the argument here, and that that councilor avalos made about ensuring that we're not doing this on the back of our workers as it relates to the amendment. I think finding the place where there was some agreement is, at minimum, a positive step. It may not be sufficient. And I think that's that's perfectly valid. If not, but ensuring that what we what we do, we do well to me is really important. And that's where I'm kind of framing my thoughts on this. Thank you.

Speaker: Councilor. Seeing no one else in the queue. We do have a first and a second on the amendment to agenda item number 11, which is to replace the

current 8% proposal with the 10% proposal that we have seen. Keelan do you need anything more specific for us to move this amendment, or does that give you enough to get the right thing in the underlying ordinance?

Speaker: Yeah, I think we have enough. And we can confirm with the sponsor of the amendment to make sure we have everything.

Speaker: Okay.

Speaker: Could you please call the roll canal?

Speaker: I Ryan.

Speaker: I thank you.

Speaker: Sorry, there's a delay.

Speaker: Koyama lane I maria. I novick. I clark.

Speaker: I just want to say I really appreciate the testimony that we heard tonight, particularly about the impact on families. And I would just special appreciation to aaron schmitz for actually sharing information about your family. You know, I was what was once known as a childless cat lady. So I really I really appreciate hearing about your experience and really thinking through this. And we don't have a health care system at all. We don't have a system. In fact, we're paying probably 20% of our gdp is going to this nightmare. So we do need to work on that. Councilor green, I appreciate that and I thank you.

Speaker: Green zimmerman. I avalos. I dunphy. I smith. I pirtle-guiney. I the amendment is approved with 12 yes votes. Councilor kanal. Are you in the queue to discuss the amended ordinance?

Speaker: Legacy hand sorry.

Speaker: Okay.

Speaker: Seeing no one in the queue, do we need a motion? Okay, then can you please call the roll canal.

Speaker: Just to be clear, this is on the actual ordinance for the lmc.

Speaker: This is a vote on agenda item number 11. The ordinance on the lmc side, which has now been amended to the 10% proposal.

Speaker: Thank you. Yeah, I was uninsured or had insurance that I could not access for six years in my 20s. It's not something that I would wish on anyone, literally, because I also support universal health care and hope that ogle is listening when they develop the legislative agenda. I because of that, it's visceral for me too. I appreciate that term. Councilor avalos. Our city's core values include fiscal responsibility and also collaboration. And so given that collaboration occurred, I'm grateful to the labor partners on the lmc for coming to compromise at 10%. Grateful to bhr for doing the hard work and getting to that point. So I vote yes.

Speaker: Ryan.

Speaker: Yes. First of all, I just want to start off by saying I'm going to read my comments on this item and it'll be the same for both, so I won't make any comments on the next one. I will add to the fact that I have context. I think we all do. Healthcare is personal. At age 24, I found out I had hiv that was back in the dark ages. I was a working artist and it's really shaped my life and I become quite a health care advocate and activist ever since. And that was a few years ago. So I want to thank both councilor smith and councilor canal. These amendments got us to the sweet spot. After a year of building trust. The testimony by our labor leaders affirmed that point, and I appreciate hearing from all of you. This is a much better process than the one we that came before us last year. Some of you probably know that, and I'm very proud to sit here and see that through with you. Here's to shared responsibility and shared sacrifice together. We are one city team serving this very beautiful city. So in that in that spirit, on this lovely spring evening, I vote yea.

Speaker: Koyama lane.

Speaker: I'm really grateful for this amendment. And. While I'm glad we have come to found a compromise, I'm acknowledging that this is still tough and there going to be some changes to all of our health care that we will feel I vote yea.

Speaker: Mario.

Speaker: I want to thank all the folks that came and testified today and shared their experiences with us, and I am really grateful for councilor kanal and smith as well for bringing these amendments forward. I think they have really improved what we had in the negotiations and what we're ending up with, and we know that it's still a cost to city workers as far as not having the same level of care that they used to. And our workers are completely invaluable and irreplaceable. We know that health care costs are rising across the country, and now with tariffs and everything else going on, people are really struggling to afford to live in our city. The fact that 72.4% of people said that affordable housing is their top priority, these issues are just hitting people across the board. And so I really care about sustainability and equity, and I want to make sure that we create benefits and design systems across all bureaus that reflect fiscal responsibility and address the human and health needs of those serving our city. So with that, I vote.

Speaker: I novick.

Speaker: Although I join in the denunciation of health care companies, I also have to point out that in this country, a lot of doctors make too much money to particularly specialists. Radiologists make 488,000 a year, anesthesiologist makes 472,000 a year. So don't forget that i.

Speaker: Mark.

Speaker: I want to give a special shout out to michelle taylor and the team and everyone on the bcc. Great job. Thank you for all your work and I vote yea green.

Speaker: I just want to echo the appreciation for councilor smith and canal for bringing these amendments. I don't like the amended ordinance myself. I'm much closer to councilor avalos and I thank you for raising that sentiment. I think it puts us on notice. I think the work that we have ahead of us is to figure out how we build a city and a budget that takes care of our workers, and that's this is not going to go away. And I don't want I don't want this to be the first of many small cuts that bleed us out as a city, but i.

Speaker: Zimmerman, thanks.

Speaker: I'm just going to acknowledge that there is an aspect of shared sacrifice. That's not a term I love to say, but the workforce stepped up in a way that I want to acknowledge, and I appreciate that. We also that we did make a compromise here, because I think that more kids are likely to have access to sports next year because we have minimized in this a little bit of the budget gap, and there are thousands of employees who are giving up a little bit in this. And I am acknowledging that for the benefit also of our 600 plus thousand residents. So to everybody that participated in this shared sacrifice, I appreciate it. And I vote i.

Speaker: Avalos I will be voting no on this ordinance, not because I disagree with the health and wellness benefits being added, but because I believe the city should be covering the full cost of health care increases, not shifting that burden onto our employees. From the start, we should have offered the labor management benefits committee a real option where the city absorbs the full increase. Instead, we gave them a set of constrained choices that assumed workers would have to carry some of the load. That, to me is not a values neutral process. It is a policy decision and I believe it was the wrong one. We are talking about an increase in cost that is absorbable in the scale of our overall budget. We find money for a lot of things in the city. We could have found money to protect our workers from rising health care

costs. This proposal hits our frontline workers the hardest. The same people who are already underpaid, overextended and critical to the functioning of this city. Higher deductibles, increase out of pocket costs and coinsurance all add up. And those increases don't hit executives or higher wage employees the same way they hit a janitor, a 911 dispatcher, or a park ranger. To me, employee health and wellness isn't something that we should compromise on, especially in times like this. Our workers are stretched thin, they're doing more with less, and the last thing they need is to be asked to pay more for essential care. So while I appreciate the work of the Imc and the improvements to mental health and virtual access, all of that, I just cannot support a plan that shifts more costs to the very people who keep Portland running. I vote no.

Speaker: Dunphy.

Speaker: I just I hate that only in America are we able to have this conversation. There was literally a one of the best tv shows that ever existed, was about a man who had cancer and couldn't afford his health insurance, and turned to selling meth in the new mexico desert. So our American health care system is fundamentally broken. I spent the last five years working for the American cancer society, begging for incremental changes to cancer treatment to save lives and my own and health insurance didn't cover the policies that we were advocating for. I when I got this new job, I literally danced around because of the cost savings for my health insurance. I am an adult who is living with a well treated chronic illness. I am so lucky to have an incredibly healthy spouse and a healthy 13 year old daughter. And I know that that is luck more than anything else. These companies are not only gouging us, they are actively making the quality of our our health care worse, and it is leading to bad outcomes. And we are stuck in this same narrative, and it is heartbreaking and wrong. And this is the best of a bad situation. I'm glad we are

avoiding having to bargain by making bad choices. I am glad that this still makes us a competitive employer, but we need to acknowledge that this is making our health insurance worse. This is making it worse to be an employee in the city, and I appreciate the employees standing up and recognizing the moment of needed shared sacrifice. I hope that we don't have to continue this, and I just wanted to make sure to call that out, I vote i.

Speaker: Smith.

Speaker: I want to thank everybody who testified tonight. I want to thank our hr, lmc and the families that have to endure some of these these health emergencies. I was elected to Multnomah County commission in 2010, 11 months into my first year, I had a medical emergency and I had kaiser. I had a tumor, a grapefruit sized tumor in my head, had a brain tumor, and I was hemorrhaging. I was in Seattle driving home from my son's game at university of Washington. Didn't know. I just thought I had a headache. But ultimately I had something that was much, much more severe. And had I not had that, we had great health insurance at Multnomah County, and I had the ability to have two surgeons. Two anesthesiologists for three, what was supposed to be a two and a half to three hour surgery. I was in there for 6.5 hours and piece by piece by piece by piece, they took the tumor out of my head. Had I not had that, I would have been. That is just a an incident that will take you into bankruptcy. But because I worked for the public sector and fortunately for Multnomah County, my family didn't have to endure that. My son was on the health insurance as well. But I know what it's like when you have those kinds of health emergencies. The doctor said that it was a miracle, and so if I have a sense of urgency when I'm trying to do things, it's because I know that life is so, so precious. You can go just like this. Why god saved me to be here to save this lmc. But he did. And so that's why my sense of urgency is always urgent. Because I know what it's

like. And for folks who don't have what we have. I wish they did. I really wish they did. So I'm going to say, yes, I support this.

Speaker: Pirtle-guiney.

Speaker: There's a lot I could say, but there's also a lot that's been said and it's after 10:00. So I just want to thank the folks who are here on behalf of our city employees. You took the time to be here very late with us, to paint for us a broader picture of where our employees are, what the tradeoffs are for our employees, and what the balance is. That folks felt was as fair as we could get. I really appreciate your time, and I appreciate your members time in allowing you to generously be here on their behalf, I vote yes.

Speaker: The ordinance is passed as amended, with 11 yes votes and one no vote.

Speaker: Thank you. Keelan councilors, we have another agenda item open on the table with an open amendment agenda item 12 the Portland police association city employee benefits program. We have an amendment pro provided by councilor kanal and seconded by councilor smith to replace that agenda item with the 11.9% recommendations that were in the presentation. Keelan I'm assuming you're okay with that much information. Councilor smith, are you in the queue to discuss this amendment?

Speaker: No, ma'am.

Speaker: Seeing no one. Oh, councilor kanal, are you getting in the queue?

Speaker: Okay, i.

Speaker: Just vote first.

Speaker: Seeing no one in the queue now or Keelan. Can you call the roll.

Speaker: Canal?

Speaker: To clarify, we're voting on the amendment.

Speaker: We are voting. We are voting on the amendment that you presented. Yes.

Speaker: Yeah. I'm obviously going to vote. Yes. I want to say that it may be surprising that this amendment came from me. I want to speak to why I did, since I didn't speak to this before the public testimony. This amendment ensures that the city's police officers have a more comprehensive health plan than the 8% level, which is good for those officers as well as the broader public and our long term budgetary health. Speaking first to the officers, all these changes would restore the plan to that agreed to by the ppa. So as compared to the 8% one, at least we know that the ppa supports that to the to the health of the broader public, ensuring that pb sworn officers are more likely to pursue physical and mental health care and just be in better shape, physically and mentally, ensures that those officers are more well when they're out in community. Anytime an unwell city employee interacts with a community member, the community members experience is going to be worse than if that city employee was well at the time of the interaction. That disparity is particularly stark with police officers, where a bad interaction or a good one has a larger impact than with most other city employees. As long as the city is going to send armed employees out into the community, the city's obligation is to ensure those employees are best able to interact safely with members of the community. One fewer negative interactions speaking to the budgetary health would save the city the cost of the claim, lawsuit, award or settlement associated with that interaction. City Council has just dealt with two payouts related to police conduct of over \$1 million each. If paying 6000 \$638,650 avoids even a single wrongful death violation of rights, et cetera claim it will pay for itself. And we do need to figure out later where the money comes from. Those those who agree with me on the amendment, this ordinance may disagree as to where the money comes from, and that's okay. This doesn't necessarily have an impact on our overall budgetary priorities, but I don't want to dwell on potential future disagreements,

though, at the expense of focusing on an agreement in front of us today. So with that, I vote yes.

Speaker: Ryan. I am elaine.

Speaker: I.

Speaker: I.

Speaker: I just want to say that if I'd heard from councilor dunphy before the last vote, I might have voted to hold to the 8%, because he reminded me that if you can't afford your medical bills, you can show some initiative, like walter white, and sell meth. However, this might be particularly inappropriate to ask the police to sell meth. I'm going to vote.

Speaker: I.

Speaker: Clark,

Speaker: I.

Speaker: Green. I zimmerman.

Speaker: Right i.

Speaker: Avalos i.

Speaker: Dunphy. I.

Speaker: Smith i.

Speaker: Pirtle-guiney i.

Speaker: 12 yes votes. The amendment is approved.

Speaker: Seeing no one in the queue for comment. Going once, going twice.

Keelan can you please call the roll on the amended emergency ordinance agenda item number 12?

Speaker: No.

Speaker: Yes.

Speaker: Ryan.

Speaker: Hi. Koyama lane i. Morillo i.

Speaker: Novick i.

Speaker: Clark.

Speaker: I hi zimmerman.

Speaker: I'm just going to say, well, I reject the idea that all first responders are in deep need of mental health. And I think the comments that were made a minute ago are deeply inappropriate in many ways. I am supportive of this, I vote i.

Speaker: The comments I made on the last resolution are the same for this one, and so I vote no.

Speaker: Dunphy.

Speaker: Thank you colleagues, for all your hard work on getting to the defensible space. Thanks, I vote aye smith.

Speaker: I pirtle-guiney.

Speaker: I same comments aaron, to you as I made to our other labor representatives who are here tonight.

Speaker: I the ordinances passed as amended with 11 yes votes and one no vote.

Speaker: Thank you.

Speaker: Councilors, we are over time at 1020, but we checked with staff and can keep going for a little bit longer. If folks have the stamina to do so. We have three, four, four more agenda items. I don't believe we can get through all of them, but I'm hoping we can get through a little bit more. Our folks open to continuing.

Speaker: Does a little bit more mean. Like what's the timing.

Speaker: To table to the next council meeting?

Speaker: I think I have the floor right now and I'm what my question is, is did you allocate a specific amount of time, or did the staff tell us a specific amount of time we have left?

Speaker: Staff have not given us a hard stop for tonight. No. And I have not allocated a specific amount of time. My intent would be to ask this same question about our willingness to keep moving before each of the upcoming agenda items, and take them one at a time and see how folks are doing.

Speaker: Okay.

Speaker: Do we have it? Sounds like we have an objection to continuing moving.

Speaker: Yes.

Speaker: Take a councilor kanal you are in the queue. I'm sorry. I thought that was a legacy hand.

Speaker: Oh, that was a new one. My question for you, madam president, is if we were to not be able to get whatever number of items we can't get through tonight, are they, by necessity, going to the next council meeting, or is there the recess opportunity?

Speaker: Our normal recess time is Thursday afternoons, but we have a land use hearing scheduled for tomorrow that will take at least the entire three hours. It is possible the way we have committees scheduled, we do have Wednesday mornings and Thursday afternoons free on committee weeks. What I don't know, sitting here right now is whether our support staff can add another meeting to our busy committee weeks. But what I would do if we recess was work with staff to figure out if there is an available time to recess to between now and the next council meeting, and if not, they would go to the top of the next council meeting agenda, which I will note is also a very, very full agenda.

Speaker: Yeah. Then I would be supportive of pursuing a potential recess if for whatever we can't get to tonight, which would leave you the opportunity to find other time if it is available.

Speaker: See a sidebar happening with the folks who do have the next agenda item and the next two things on the agenda. We have been told it's important to do today if we can. Mike Jordan, do you have councilor? Koyama Lane?

Speaker: I was going.

Speaker: To say that I'm under the impression that for the next, I'm under the impression that for the next agenda item, there's a sense of urgency because of a timeline. But maybe that's for this, this commission.

Speaker: The excuse.

Speaker: Me.

Speaker: The change in the code is necessary as we move forward with appointments soon for the commission. And I know that that's been in the works for a long time. However, I do not think there's a drop dead date on this councilor.

Speaker: My suspicion is that the next agenda item won't be terribly controversial, but that there may be a lot of conversation about the three. After that, I would suggest that we at least get through the next agenda item, and then perhaps reevaluate and seeing nods from the vast majority of people. Okay, Keelan, could you please call agenda item 13.

Speaker: And sustainability and climate commission code?

Speaker: I believe we have a committee staff summary for this agenda item. And Vivian, we generally don't do presentations at council. So we're going to do the committee staff summary. And then if you want to stay up there in case we have questions for you, that's great. But we'll let our committee staff take it away. And Ashley, welcome. I think this is your first time doing a committee staff summary for us. Thank you for being here. If you could introduce yourself and then go right ahead.

Speaker: Thank you.

Speaker: Madam president.

Speaker: And councilors.

Speaker: For the record, my name is ashley hernandez and I serve as a staff to the governance committee. The ordinance before you document number 2025 118 was considered in the governance committee on April 7th, whereas what it was referred to the City Council, as amended, with a recommendation for the ordinance is passed and the ordinance adds city code chapter 3.136 related to the new sustainable sustainability and climate commission. Chapter 3.136. This describes the purpose, membership and terms, duties and procedures for the commission. The ordinance also amends city code chapter 3.3 to remove the sustainability and climate commission from the preview preview of the bureau of planning and sustainability. The committee adopted adopted amendments prior to prior to the moving to the full council. The effects of amendments on the original ordinance drafts are summarized in the committee staff summary. The full impact statement of this items includes a financial and budgetary impacts, an analysis, community impacts, and community involvement. One person testified during the committee meeting on March 31st, and the same individual individual submitted a written testimony. The testimony focused on alignment and aligning the new commission with the recommendation made by the government transition advisory committee regarding the clarify of scope of purpose of city advisory bodies.

Speaker: Thank you very much. Councilor koyama lane. You were the presiding chair for this meeting. Is there anything you'd like to add to the staff summary?

Speaker: Just that these hard working staff members have been have spent two years researching and engaging community to design the sustainability and climate commission. Thank you for your hard work. This item before us is to codify this commission in our new form of government. The governance committee saw this

item twice. Committee and public comment led to multiple amendments. Thank you for your work on those and their current recruitment process has been underway since November 2020. For the mayor's appointments will be seen by climate resilience and land use committee. After a robust recruitment and vetting process.

Speaker: Thank you councilors, I see some hands up and we do have a number of folks here who can answer questions. But first, Keelan is there any public testimony signed up for this agenda item? I don't believe there is. No.

Speaker: That's okay.

Speaker: I'm sorry. Will you repeat the question?

Speaker: Was there any public testimony signed up?

Speaker: No. Okay.

Speaker: Thank you. I'm sorry. Councilor zimmerman.

Speaker: Thanks. I think my question is probably to the committee chair. There's an amendment or a strikethrough, if you will, exhibit a, and it looks like the powers and duties paragraph originally had. It said the commission may and then listed a lot of duties. And it looks like you all changed it to the commission's powers and duties include, but are not limited to. And I'm wondering if you can speak to the purpose of that change. And I ask that question from a position of. I think that some commissions and advisory councils and you name it, type of committees have at times grown their own set of legs and run in a way that is a little bit rambunctious. And I'm curious about your thoughts here. And I say that also because there is another point where this commission will establish their own bylaws. So I was hoping you might be able to, if there was any discussion at committee about that amendment that was made to the document.

Speaker: I'm going to see. Would either of you like to respond? I know that a lot of the amendments were made based on the robust discussion had, and you all were part of that.

Speaker: Good evening.

Speaker: For the record. Vivian satterfield chief sustainability. Officer pardon this is usually not my best for my finest thinking to recall, to recall. The commission's.

Speaker: Powers and duties will be.

Speaker: The.

Speaker: Commission advises.

Speaker: The.

Speaker: Mayor, City Council and city administrator, but the agenda. Is ultimately.

Speaker: Set by. In working.

Speaker: With.

Speaker: Me.

Speaker: And so.

Speaker: To the question of the striking of the may.

Speaker: It's more to the point of adding but not limited to that is giving me concern, because I think that the best practice would be to define the role of the committees and not write a blank check. And so I'm trying to understand if there was a reason to this or if it was a politeness. In in our current form of english.

Speaker: I, i.

Speaker: Cannot recall precisely.

Speaker: Without looking at further notes from that time, I apologize.

Speaker: That's okay. I, I appreciate it because it kind of sounds like something we say, but we don't necessarily understand always what the meaning of it is, but it is giving me a little bit of pause chair. And I'm just if there are strong feelings about it,

I would welcome hearing those. But given the other one, and I'm not sure if this question will go to Robert Taylor and I'm saying his name so he knows I'm about to ask him a question. But do most of our commission's committees, advisory panels, etc. Write their own bylaws as members, or do we provide those to those organizations when we create them?

Speaker: Thank you, councilor, for the record, Robert Taylor, it's 1030 at night. It's past my bedtime. I agree. So it's going to I'm going to do my best to answer that question. They, they they do. The office of community and civic life has template bylaws that we give to them to try to help guide, but they have the ability, I think, usually to make adjustments to that to help guide their work.

Speaker: Okay.

Speaker: Thanks for that clarification. That was helpful.

Speaker: Councilor, if I may, Vivian Satterfield CSO looking back at the notes, this was a direct suggestion as a result of public comment, a member of the committee did offer public comment and suggested that the original language the commission may was a rather narrow reading, that that was all they could do and suggested that we add this additional language so it could reflect that the other duties could be vested by, and in this case it would be myself, since the commission would be directly attached to my position. So that's from a member of the public's.

Speaker: That's helpful. Thanks for looking it up on the fly. Not knowing that question was coming. You know, I think that this council is who best duties. And so I'm not particularly comfortable with that train of thought. And I think I understand where it looks like this kind of came from a tech side of things. But I just I do have a lot of concerns and how we use our volunteer commissions and keeping the scope of work within the scope of work, and not in a in a world where I think mission creep has, has really defined so much of Portland civic engagement. And so I, I'm

not a big fan of that first sentence. Powers and duties. And I think it would be good for us to actually ensure that only this body gives duties and powers to the to the groups who advise us and not not individual staff members. But that's it for my comments. Thank you.

Speaker: Councilor smith.

Speaker: I just want to say ditto, ditto, ditto to what councilor zimmerman just said. And let's take a vote.

Speaker: Councilor smith, are you calling the question or shall we continue with the discussion in the queue?

Speaker: We can finish with discussion people have.

Speaker: Okay.

Speaker: Councilor canal.

Speaker: First, I'd like to point out that in a previous agenda item, we were told that the people who weren't on the committee can't ask the questions. And evidently that's not going to be applied equally. And that's something concerning to me, because that that was told in an earlier item. Having said that, I actually agree with councilor zimmerman. I think we should be evaluating things here. I completely agree with all of your points, actually, on the on the question around the powers and duties, and I'm glad that we're having this conversation here. So with that said, I did propose an amendment to this and I will formally propose it here. It strikes three words a maximum of under 3.1360 to 0 members and terms part a first line. So we'll change it from the commission consists of a maximum of 20 active members to. The commission consists of 20 active members. And although I am proposing that one amendment, I'm very open. If there's any others that anyone would like to, I'm very happy to hear them and discuss them. That's our job and I'm very happy to do it.

Speaker: I believe that was a proposed amendment. Is there a second? Second? Okay. That moves us into discussion on the amendment? There are a number of hands in the queue. Councilor. Councilor smith, is your hand up from your previous comment? Okay. Councilor green, are you in the queue to speak to this amendment or for when we come back to the underlying ordinance?

Speaker: My point.

Speaker: Can straddle both of the items.

Speaker: Go right ahead.

Speaker: So i'll just i'll just speak to the amendment. I don't have an issue with the amendment. I think it's good to strike. Maximum makes it clear that we should try to target having a set number of active members. I want to speak to councilor zimmermann's concern. I actually think I actually think a committee is an extension of the administrative side of our government. And it this this committee report to the chief sustainability officer. And while we legislate by creating code changes and ordinances, what's left is to be established through administrative rule setting. And so I see this as a sort of this, this relationship between saying, here are the powers enumerated, duties enumerated, but they are not limited to provides discretion for the bylaws to be adaptable in relation to the chief sustainability officer. And I think that's entirely appropriate with the delegation of powers in our government. Thank you.

Speaker: Thank you, councilor. Councilor koyama lane.

Speaker: Yeah, I would like to speak to the amendment. I would also like to point everyone to number nine in the. Proposed ordinance. So it is clear that we need to work on these advisory bodies. You all know this is something that we're talking about in governance, and that is why we added as number nine that on March 31st, 2025, we actually had folks from the office of community and civic life come and

present to us about their the plan that we're working on with them. They're working on it, and they will be including us to align and streamline, modernize all of these bodies. Part of why I feel comfortable not having it say exactly 20 or they're being a little, it being a little bit squishy. And I hear what you're saying, councilor zimmermann, is because this specifically outlines that this commission will be subject to this project, which the point of it is to have some streamlining. And I've actually talked to these two people quite a bit and know that having 20 might be a stretch, that there's also a plan to have a lot of youth seats on here. And so there is some worry about having it say exactly 20, in case, you know, youth might be a little have have their lives in flux a little bit. And the desire to not be out of compliance just because a couple people are not on this commission is something that I heard from them about wanting to be realistic, so I will not be supporting this amendment.

Speaker: Thank you.

Speaker: Councilor. Councilor novick, are you in the queue to speak to the amendment?

Speaker: Yes, I actually was just going to say basically what the vice president just said, that I'd be worried that if we say exactly 20, that might be suggest that the commission can't meet unless it have exactly 20 people. But maybe I'm just being paranoid.

Speaker: Councilor Ryan, are you in the queue to speak to the amendment?

Speaker: Yes, I will, ditto being paranoid and that's why I supported the suggestion from gtac to make sure that we gave enough flexibility so they could start operating and move forward. And I'm really proud of how well they're doing on their recruitment, and it's going to be a great commission. I will not support the amendment.

Speaker: Councilor kanal, we are back to you.

Speaker: Thank you.

Speaker: So a couple things. First off, there are I found at least ten other groups that have volunteers on them in city code. This is required, by the way, we the City Council previous in 2017 passed resolution 37328, which says that the category of advisory groups that include all those required by city code, charter or state law have a set number of seats slash members. When I looked in the code, the citizen review committee, it says the committee will consist of 11 citizens. The code that creates the community board for police accountability. The cba shall consist of 21 members. Water quality advisory committee committee consists of nine members. Public utility board board will have 11 permanent members. The urban forestry commission consists of 11 members. The new Portland new Portlanders policy commission will consist of 25 voting members. There are vast majority of them have a set number. In none of those cases have they ever said, oh, it says 11 people on the citizen review committee. One seat is vacant. They can't meet. That has never been the interpretation, I think, robert, or actually, sorry, heidi, if you're still here to put you on the spot from the city attorney's office, but having read the entire public meetings manual and having brought 20 plus appointments to city of Portland advisory groups to this dais on that side, I know that it does not actually create that that concern. What I noticed when I read the notes and heard the conversation at governance is that originally this was proposed as setting the number between 10 and 20, and that the conversation there was to that that was too broad of a range. By removing the lower end that ten and saying a maximum of, although it does not say a minimum number in any way. There is actually, if you read the rest of that section, a minimum of eight, because it says for a reserve for youth that can overlap with the membership must include at least two individuals

from each of the city's four council districts. So it actually has created a broader range, changing from 10 to 20 to a maximum of 20. I can also say that recruiting youth if one focuses on it. And by the way, we're not talking about the resolution that's going to come forward, but I'll just preview my statement that they did such a fantastic job at recruitment for this. It rivals only the charter commission in terms of how well they did recruiting it. And as long as we are doing our job, there's 630,000 Portlanders out there. We can find 20, we can find a hell of a lot more than 20. And so I am not concerned that they will fail to meet this. I'm not concerned that anybody that actually has the necessary support to do this work would ever fail to meet a number as small as 20. And so that's that's the sort of clarification no other city code defined volunteer group has a maximum clause without a minimum clause. They either have a range they they have or they have a number. And the ranges there are only two that do. And they're very narrow ranges. I mentioned the resolution that that requires this, which is part of what establishes best practices for advisory committees. It allows for staff to predict the size and nature of their conversations. As we all know, a group of five is very different than a group of 12, and how the dynamics of that conversation go. As you can imagine, eight and 20 are very different from each other. And finally, it gives certainty to the public that there will be a dynamic representative scc because it shows that the city will commit to trying to achieve 20 and if it person resigns and there's 19, it can keep going. While we strive to achieve 20. And this is something we've done for hundreds of advisory groups. There are only the ones mentioned in city code that I went through, and I won't bore you with the rest, so I will stop here. Thanks.

Speaker: Councilor zimmerman.

Speaker: Minus four. After the amendment is voted on.

Speaker: Seeing no one else in the queue. Keelan could you please call the roll on the amendment?

Speaker: I.

Speaker: Brian no.

Speaker: Koyama lane.

Speaker: No.

Speaker: Morillo. No.

Speaker: Novick I appreciate counselor connell's knowledge and his solving my paranoia. I also have made a personal commitment that I will strive to vote with councilor kanal and against councilor zimmerman as often as they vote with councilor zimmerman and against councilor kanal, since they've already done the opposite. Today I vote yes.

Speaker: Clark.

Speaker: No.

Speaker: Green.

Speaker: Yes.

Speaker: Zimmerman.

Speaker: No.

Speaker: Avalos.

Speaker: My vote is yes. I'm actually kind of surprised. This seems pretty obvious of a change that we should make. So yeah.

Speaker: Dunphy.

Speaker: Yes.

Speaker: Smith.

Speaker: Yes.

Speaker: Pirtle-guiney.

Speaker: No.

Speaker: The amendment is a split vote and the motion fails.

Speaker: I was.

Speaker: Worried that's what was happening there again. Councilor zimmerman, you are in the queue for the underlying ordinance.

Speaker: So I was looking at the financial impact. Are you able to describe. So it looks like pcef funding is being used for staffing here and some commission work. What is that? What are you envisioning there? It looks like \$450,000. A piece of funds will be used for this program, I guess inside civic life or inside sustainability.

Speaker: Thank you for the question, counselor zimmerman. My position as a result of an ordinance that was passed by the prior City Council, moved me from the bureau of planning and sustainability to the city administrator's office myself. And this is elaine livingstone, the sustainability and climate commission coordinator. Those resources are for the two of our positions and our associated resources. The for the sustainability and for the, I'm sorry, sustainability climate commission. We have been proactive and actually secured some outside resources through some grant funding through my memorial trust for the first year of its operations. But the piece of funding specifically is for our two positions.

Speaker: Thanks. That's helpful. Mr. Jordan, off the top of your head, do you know how much of the city administrator's team is supported by psa funds?

Speaker: I don't off the top of my head, but I would.

Speaker: Say, is it more than just those two?

Speaker: I would suspect that it's not much more than just those two, if it's any more.

Speaker: Okay.

Speaker: Thanks. Yeah.

Speaker: Councilor kanal.

Speaker: I guess.

Speaker: My question I guess to two part and it's sort of rhetorical to all colleagues. One is there anything that we're trying to do with relation to clarifying around the powers and duties? And the second thing is, are we comfortable with it still being 8 to 20, even if it's not a hard number? Just to ask the question if anyone wants to comment on it. If not, I understand.

Speaker: Councilor smith, I saw that you were in the queue, but you're not now. Did you have comments to make?

Speaker: Well, yeah. I do.

Speaker: And I feel like we're in a constitutional crisis once again. And we really need to settle this because this is not going to this is not going to go away.

Speaker: Councilor smith, I briefly mentioned before that there had been some conversations about expanding upon what's written around the duties of the mayor to break tie votes. I think this could be an opportunity for us to look to the chair of our governance committee and ask that that be added to the list of things that governance takes up in the coming weeks. Is that a thumbs up?

Speaker: Two thumbs up.

Speaker: Okay.

Speaker: Councilor green.

Speaker: Thank you, madam president. I'm going to entertain the rhetorical question offered presented by councilor kanal. You know, I supported the amendment because I think it's better to specify the number and I think it's more consistent. The amendment failed. So in this situation, what I'm going to hope to lean on is that this did go through a pretty robust public process, that the bylaws section of this is an opportunity to clarify how we deal with our. You know,

prioritizing the work of the committee and also the chief sustainability officer and ensuring that we're always seeking to be as close as 20 as possible. So that's I don't know if that's satisfactory, but that's how I'm thinking about it right now.

Speaker: Councilor kanal would you like to respond?

Speaker: Yeah. Thank you. The latter is definitely satisfactory. There is a lot of research that's been done around and conversations, including at this dais, about why it's not a good idea to have it be clarified in the bylaws. Most notably, you fill it to 20 people. They amend the bylaws to make it 19 for someone to get kicked out. That has happened. So I'm not suggesting that would happen here. But I do think that having it be clarified outside of it and this kind of goes back to, I think, councilor zimmerman's original question around the sort of distinction between a committee charter, which can be the code and the bylaws. The distinction is effectively what we think should be within the realm of the members, the volunteers authority to change on their own versus not. And so i, I that's not a I definitely agree with the second part of that. And I know that in our conversations around this particular briefing that the cso and team are which, by the way, is this is the team, as I understand it, and we should fix that at some point. But the cso team wanting to and committing to achieving that number is something I do think is worth relying on, at least until we can figure this out in code. I will say that the advisory bodies restructuring project is something I served on last year. We're in a, I think the fifth iteration of it at this point, and it cannot change code. Only council can change code. So at some point we will be deciding on this again. And that's just an important thing for us all to keep in mind. Thank you.

Speaker: Councilors I don't see anybody else in the queue. We did have a few people hint at other changes they might want to make, so I'm just giving us a few seconds here in case anybody else wants to get in the queue to propose additional

amendments. Otherwise, Keelan, I think we could call the roll on the ordinance as introduced.

Speaker: Canal.

Speaker: Point of order.

Speaker: Is this a this is not a first reading.

Speaker: No reading.

Speaker: I you know what? We just went through so many emergency ordinances that I was just on a roll. I apologize.

Speaker: That is.

Speaker: My mistake.

Speaker: No problem.

Speaker: Thank you. Councilor canal. I got caught up in our roll with emergency ordinances. This is not an emergency ordinance. So this will move to the second reading calendar at our next council meeting. Councilors, we are nearing 11:00. Next agenda item, I suspect, is going to take a little bit more time. It was originally scheduled as a short agenda item, but since then we've had some folks raise concerns. Do you all want to keep going or should we let our staff go home?

Speaker: Let's go.

Speaker: Let's keep going.

Speaker: Hold on, councilor smith. I'm looking at some faces saying different things.

Speaker: Even spinal tap only went to 11.

Speaker: Can i? Can I get a thumbs? Well, actually, let me say this first. We can choose to continue our conversation at a special meeting. To schedule a special meeting, we need seven councilors to sign a request to the auditor for a date that has not been previously scheduled. I want to have time if we're going to move

things, to talk to the clerk about the best time to do that. So I would suggest that if we don't get through our whole agenda today, folks, allow me until Friday to get you a proposal for a special meeting for sometime next week. But that Friday, I would ask for an additional six of you to sign on to something with me to schedule that. So we do have a means to schedule something next week. Councilor Clark.

Speaker: Don't we have an extra week some time on the week of the 28th.

Speaker: We do. We have an extra week this month, so we could do that as well. And that might be easier for staff.

Speaker: Yes, but Councilor Clark, don't forget that week. A lot of us are going to be at that conference. The League of Cities conference. So just FYI, because I.

Speaker: Know I'll check.

Speaker: With I'll check with people's schedules and check with the clerk if we need to do that. Our folks in the queue to discuss this. Councilor Zimmerman.

Speaker: Madam President, I would move to suspend the remainder of this of this agenda to a future date. I would also move that this body start seriously considering meeting weekly. This is the fourth month in a row where we have something we're going to. These are important items that are coming up, very important items they deserve people who are engaged. It is 11:00. This is becoming deeply unserious. We continue to do this. This is the largest city in the city in the state of Oregon. We should be meeting. I do not care what Gtac or anybody said we should be meeting as a council every week, and nighttime meetings should be minimized to items that do not get protracted into long debates as this has. So again, I will move that we suspend the remainder of this agenda until a future meeting. So they get the time they deserve.

Speaker: Is there a second to that motion or not?

Speaker: I'll second it though. I don't agree with all the analysis, but I agree with all the proposals.

Speaker: Whereas is in there for us. Councilors. Any discussion or should we move to. Discussion? Councilor green.

Speaker: Are we going to take a vote?

Speaker: I will ask for unanimous consent once we get through discussion.

Speaker: Yes.

Speaker: Councilor green.

Speaker: Briefly, I'm going to agree that there is no way we can take up these items in any reasonable measure at this hour and beyond, but I and I agree that we need to have weekly council meetings. We just need to do what it takes to figure that out. And then finally, this this bonding ordinance. I'll just say this. This is probably going to create the need for an emergency ordinance that by by kicking this down the road. And I only say that because it's, it's a strategy for freeing up general fund resources that we're going to need to fund our, our programs in the next fiscal year. So that's what I'll say. I'm going to support tabling this councilor.

Speaker: I believe if we have an interim meeting, this would still be second read at the same meeting that it would be if we did it today. So we wouldn't need to move to an emergency ordinance. But if instead we bump things to the next agenda, you're right. We likely would. Councilor smith, are you in the queue there?

Speaker: Yeah, I am in the queue. I agree that we need to be in a. In a more in a more coherent kind of state. I mean, I can go as long as, as people can go, but I want people to be I think people have made their decisions on what they want to do to in that part. But I think that other folks want to have a conversation, a longer conversation, and I am for that longer conversation. But if we start this, we're we're probably not going to get finished until about 1:00 in the morning.

Speaker: Councilor that's.

Speaker: And I want to be assured that we're going to get this done within the next week, because this has been hanging for far too long.

Speaker: Thank you, councilor, I assure you that between the next two weeks, I will find us a time the next two weeks, because that still allows us to put things on the next council agenda for second reading. It won't slow down the final work on these councilors. We have a motion and a second, and I think we can do this by unanimous consent. Sure. What do our attorneys think? Are there any objections to I believe this would be. This is not are we ending the meeting and then scheduling a special meeting? I think it is. I think we would be adjourning the meeting to schedule a special meeting. Are there any objections? Okay, without objection, I will adjourn the meeting. And councilors, I will get you a proposal by Friday on an additional date to add a special meeting so that we can continue this work.

Portland City Council Meeting Closed Caption File

April 17, 2025 – 2:00 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: Welcome to today's Portland City Council meeting. It is April 17th at 2 p.m, and this is a land use hearing. Rebecca, could you please call the roll.

Speaker: Canal. Ryan.

Speaker: Yeah. Here. Sorry, I'm not in person. I'm nursing an injury. I'm happy to be in the meeting, though. Virtually. Thanks.

Speaker: Koyama lane here. Morillo. Here.

Speaker: Novick here.

Speaker: Clark here.

Speaker: Green here.

Speaker: Zimmerman. Here. Avalos.

Speaker: Dunphy here.

Speaker: Smith. Here.

Speaker: Pirtle-guiney here. Thank you. And who do we have? Linly, could you please make the announcements for today's meeting?

Speaker: So i'll be reading the rules of decorum. First, 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. Director Iannom. Agenda. Information on engaging with council can be found on the 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 other testimony or council deliberations will not be allowed. If you cause a disruption, a warning will be given. Further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally, council may take a short recess and reconvene virtually. Your testimony today should address the matter being considered. When testifying, state your name for the record. Your address is not necessary. If you are a lobbyist, identify the organization you represent and virtual testifiers should unmute themselves when the council clerk calls your name. Thank you.

Speaker: Thank you very much. Councilors. We have three types of declarations that we make before land use hearings. The first is for conflicts of interest.

Speaker: Pirtle-guiney pirtle-guiney I'm sorry, we need to read the item and then read the land use portion. I apologize for interrupting, right.

Speaker: That's just not written in here. Rebecca, could you please read the agenda item?

Speaker: Agenda item 17. Consider appeal by forest park neighborhood association and forest park conservancy against the hearings. Officers decision to approve with conditions an environmental review, conditional use review and two greenway greenway reviews for the upgrade and expansion of transmission lines in forest park.

Speaker: Thank you. And I will now read some council procedures for a land use hearing.

Speaker: Perfect.

Speaker: This is an on the record hearing. This means you must limit your testimony to material and issues in the record. We will begin with a staff report by

Portland permitting and development bureau staff for approximately ten minutes. Following the staff report, the council will hear from interested persons in the following order. The appellants will go first and have ten minutes to present their case following the appellant. Persons who support the appeal will go next. Each person will have three minutes to speak to counsel unless the presiding officer states otherwise. The applicant who is the principal opponent of the appeal, will have 15 minutes to address, counsel and rebut the appellants presentation. After the principal opponent, the applicant, the council will hear from persons who oppose the appeal. Again, each person will have three minutes unless otherwise stated by presiding officer. Finally, appellants will have five minutes to rebut the presentation of the opponents to the appeal. Council may then close the hearing, deliberate, and take a vote on the appeal. If the vote is attended to vote, the council will set a future date for the adoption of findings and a final vote on the appeal. I'd like to announce several guidelines for those who will be addressing council today. First, the evidentiary record is closed. This is not this is an on the record hearing. The hearing is only to decide if the hearings officer made the correct decision based on the evidence that was presented to them. This means you must limit your remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence that was previously submitted to the hearings officer. You may not submit new evidence today that was not submitted to the hearings officer. If your argument includes new evidence or issues, you may be interrupted and reminded. You must limit your testimony to the record. The council will not consider new information and it will be rejected in the City Council's final written decision. Second, if you believe a person who addressed council today improperly presented new evidence or issues or presented a legal argument that relies on evidence not in the record, you may object to that argument. Finally, the applicant

must identify constitutional challenges to conditions of approval. Today, if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval, with enough specificity to allow the council to respond, the applicant will be precluded from bringing an action for damages in circuit court. Thank you president.

Speaker: Thank you very much, counselors. Now we'll go through the three types of information that have to be disclosed. Do any counselors have conflicts of interest that they need to declare? Councilor kanal.

Speaker: Thank you, madam president. I have close family friends that work for pge. My relationship with them does not meet the statutory definition of a conflict of interest. But as you may know, culturally we refer to people as uncles sometimes or aunts sometimes, even if they're not. So I just want to make sure I declare those relationships exist. For the record, even though they don't statutorily meet that definition. I'd also like to note I've not communicated with any of them about this project at any point.

Speaker: Thank you. Counselors, do any members have ex parte conflicts to declare? Councilor kanal. Sorry, are you out of the queue?

Speaker: Legacy.

Speaker: Okay, counselor green.

Speaker: Yes, madam president. So I have received a number of communications for parties interested in this case. That should be declared as ex parte communications. On November 15th, I received an email from maria pope at Portland general electric, which I did not respond to. On December 18th, I forwarded that email to my city email to put it in the record. February 24th, I received an email from a staffer at pge reminding me that the offer for a meeting was on the still good. And then on March 27th, I received an email from another

pge representative asking for a meeting, which I declined by stating I am not taking meetings with parties with pge at this time. I also received direct communications from parties opposing ppg, and these were in the form of mass emails. Generally, I just saw the subject line and didn't read them and filed them away. In a few instances. My chief of staff may have responded to those, and at no time did I also know that a number of communications came through zendesk, which I have not seen because I don't access zendesk directly. So those are all that's the nature of my ex parte communications that I'd like to disclose.

Speaker: Thank you. Councilor councilor koyama lane.

Speaker: Since January of this year, my office has received a high volume of emails and letters from members of our community advocating for the protection of the old growth and habitats of forest park. I responded to many of these members sharing that due to ex-party rules, I could not discuss the situation. I'm prepared to make a decision based on the evidence in the record and the testimony presented today.

Speaker: Madam president, I did forget one.

Speaker: Councilor green, go ahead.

Speaker: So I did, before I understood the nature of the ex parte boundary on this case. I did take a one hour meeting with forest park conservancy and coalition members who briefed me on this, this issue. So that should be disclosed. And I'm prepared to make a decision today based upon the evidence in the record.

Speaker: Thank you. Councilor morillo.

Speaker: Thank you, madam president. Like most of my colleagues, I've received hundreds of emails to our councilor office inbox from community members that are concerned about this. I have not personally reviewed any of those emails. They have gone to my staff and they have been the ones to review them. I did not meet

with any advocates on this issue either. Maria pope from pge contacted my campaign email on November 15th, 2024, before I was in office. I did not respond to that or to a meeting. And additionally, I've been tagged in some instagram posts from 350 pdx yesterday. I did not look at any of the information there as well, and I'm prepared to make sure that any judgment that I come to today is based on the evidence that is listed on the record. Thanks.

Speaker: Councilor novick.

Speaker: In and thank you, madam president, before taking office. And I confess, I don't know the exact dates. I at some point or another, I received a call from personal friend mark wiener, who said something generally supportive of the project, and another personal friend, angus duncan, who said something generally supportive of pge. Extremely limited conversations that did not subsequently meet with either of them. On December 24th, I got an email in opposition to the project from mike lindberg, another friend. I did that, read that email, made various points expressing concern about the about the project. He requested a meeting. I elected not to have a meeting. Other than that, I've had a large number of emails presumably opposing the project, headlined forest park. I have not. Other than noting that they related to the topic, I have not read those emails, and I'm prepared to make a decision based on the record before us.

Speaker: Thank you. Councilor dunphy.

Speaker: Like my colleagues, I've received a few hundred emails. I have also had a briefing on this from pge and a conversation with the bird alliance of Oregon about this. I am, however, as my colleagues also said, I feel prepared to make a decision based on the record.

Speaker: Councilor zimmerman.

Speaker: Very similar context as all of my colleagues. I think that we have been reached out to since the results of the election. I also have preexisting work based relationships with a number of people who have reached out on this, including pge. I haven't taken a meeting on pge on this topic. I was in a meeting that was referenced earlier with the forest park conservancy, and have received hundreds, if not more, emails, generally titled pge harberton either for or against. And have met with some labor partners who in the scope of many topics. This was one topic that came up and we essentially deferred this topic. Given all that, and even in some of the emails where I had responded, thank you for your information. I'm prepared to hear the record and vote accordingly.

Speaker: Thank you. Councilor avalos.

Speaker: Between January 15th and April 17th, 2025, my office received 49 emails from community members expressing opposition to the reliability project. The primary reasons for opposition include the project's conflict with the forest park natural resources management plan, concerns about ecological damage from cutting nearly 400 trees, threats to sensitive species and wetlands, inadequacy of proposed mitigation measures, and the existence of viable alternative routes outside of forest park. Many also raised concerns about the precedent this project could set for future development. I briefly reviewed a few of these emails before directing staff not to forward additional messages on this topic to me. Additionally, I met with kristen sheeran, nancy bennett, and randy franks from Portland general electric on March 19th, where I received a briefing on the project and had the opportunity to ask questions. I also met with michael meskell from the bird alliance of Oregon on April 15th, where we discussed the community impact of this proposal. I am prepared to make a decision based on the evidence in the record and the testimony presented today. Thank you.

Speaker: Thank you. Councilor canal.

Speaker: Thank you, madam president. I have three ex-parte disclosures. First, like many others, my office has received emails and other communications from community members interested in this appeal due to ex parte rules. I did not read the emails and directed staff not to forward them to me. I did inadvertently see one communication from a person named m o s t e r s a n d s today, encouraging me to oppose this project. I will be basing my decision on the evidence in the record and the testimony today. And third, I was on the parks board Portland parks and recreation board from June to December 2024. My first meeting I was not yet. My term had not yet started, but I attended it and I recall a conversation in that very first meeting about this proposal in June. The parks board was establishing a work group to develop a position to take in a draft letter. I participated to ask for more information related to pj's modeling of power needs, expressing that I'd seen other models unrelated to pge of power consumption over time. I also volunteered to work to join a workgroup of the parks board to draft a position for the parks board to take. I never ended up joining that work group. When the work group reported back to the full parks board in September, they noted who was on the work group, briefed the full parks board on the draft position, and the parks board voted to approve a letter on this project. However, I was not present at the September meeting, so I never heard the work groups report back. Did not vote on the parks board. Park board's draft letter and did not read it. To summarize, I did not participate or vote in any position the parks board may have taken in support or opposition to the proposal, and I'm prepared to make a fair and impartial decision based on the criteria and evidence in the record. And just before I note stop for transparency, I will be stepping out of this hearing and joining virtually for the remainder of it near the end. Thanks.

Speaker: Thank you. Councilor councilor Ryan.

Speaker: Yes, thank you, madam president. Yes. In my role as parks commissioner from January 2023 to June of 2024, I did have meetings with both pge and with parks bureau about this issue. It was pre it was pre permitting and I wanted to put that into the record. And like everyone else. Our office has received a lot of communication and they've wisely not forwarded them to me. And so I will make a decision based on the facts in the record. And I look forward to the hearing. Thanks.

Speaker: Thank you, councilor clark.

Speaker: Thank you, madam president. Prior to my knowledge of City Council's role in the quasi judicial land use review, in this case, I participated in a meeting with the members of the coalition to protect forest park on January 10th, 2025. The same meeting, I believe that councilors zimmerman and green were in my office, has received many emails from community members interested in the appeal due to ex parte rules. I did not read the emails and directed staff not to forward them to me. I will be basing my decision on the evidence in the record and the testimony presented today.

Speaker: Thank you. Councilor smith.

Speaker: Thank you, madam president. I just want to let you know that I had some ex parte communication with folks who have emailed my office. I have not looked at those and or answered any of those emails. And I also want to say that I talked to the pge. Government relations person a couple weeks ago at a town hall meeting.

Speaker: Thank you councilor. I also have a few things to declare. I have received the same emails that my colleagues have referred to, encouraging me to oppose the project that's before us today. In December, before being seated on the City Council, I had a conversation with government relations staff from Portland general electric. Broadly not specific to this topic, but this topic did come up and they

mentioned that they did not believe there were other viable routes. Other than that, we did not discuss this topic at all. And I also sat on the parks board. I was on the parks board until may of 2024, so I was not part of the process to decide to write a letter. However, I was vice chair of the parks board, so I was involved in conversations about whether or not the parks board should consider weighing in. Through that process, I was not privy to additional information about this project and did not form an opinion on what the nature of the opinion of the parks board should be. I also have had pge reach out numerous times to try to schedule a meeting with maria pope and myself, and my office has informed pge that we would take that meeting after we were done with this proceeding, and not beforehand, so that there was not a risk of additional ex parte communication. With that, I think we've now heard from all councilors. Linly did you have something to add?

Speaker: Yes, just really quickly. In a land use proceeding, we need to give people the opportunity to ask questions or rebut. So it would be appropriate at this time if you're to ask if members of the public or the council have questions about either the conflicts of interest disclosures or ex parte contacts.

Speaker: Okay.

Speaker: Thank you. So are there folks present in the chambers who would like to ask any questions about the declarations that have been made? Okay. Moving on. Councilors. Has anybody made any visits to the site involved in today's matter? Councilors. Novick and smith, are you still in the queue from previously? Yes.

Speaker: Okay.

Speaker: Councilor. Novick.

Speaker: No.

Speaker: Okay. Councilor Ryan?

Speaker: Yeah. I've lived here for much of my life, so I've definitely been in that area. And then in my previous role, staff member went on a tour of the site and did report back to me. And that was in the summer of 2023, I believe. Yeah.

Speaker: Thank you, councilor Ryan.

Speaker: That wasn't either.

Speaker: Councilor morillo does this mean like, have we visited forest park ever?

Speaker: I believe this is referring to the part of forest park that these lines would run through.

Speaker: Okay. I'm not. Yes, probably. I go to forest park a lot.

Speaker: Thank you. Does anybody in the council chambers today have questions for either of our councilors, who have made declarations related to visiting the site?

Speaker: Linly I'd note we are in two overflow rooms at this point. And so if there are people in the overflow rooms who wish to raise a question during their testimony when they're in the room, that would not be precluded. So just making sure people have the access.

Speaker: Okay. Seeing no hands in this room and nobody running in from the overflow rooms, I think we will continue. And as our attorney mentioned, if there are folks who do have questions, please make sure that you are signed up to testify and you can ask those questions at that time. We're moving into the hearing now, which begins with a ten minute staff report. I see that we have our staff here and ready. So I will turn the floor over to you.

Speaker: Thank you, madam president. Good afternoon. Councilors. Mayor wilson. For the record, my name is david kuntz, and I'm the interim director of Portland permitting and development. I'm joined today by morgan steele, senior planner within the land use division in Portland, permitting and development. Morgan was the planner assigned to the environmental greenway and conditional use reviews

included in the land use case for the pge project, which proposes an upgrade and expansion of transmission lines in forest park. Today, morgan will provide a brief presentation on the hearings officer, report the appeal of that decision, and discuss alternatives for council to consider. And with that, i'll pass it over to morgan.

Speaker: Thank you. Thank you. Councilors. Madam president. My name is morgan steele. I was the planner assigned the environmental and greenway reviews for this case. And what follows is my presentation to City Council.

Speaker: We were told council clerk would run the presentation. I'm.

Speaker: You have to give us a second to pull that up.

Speaker: Okay. Sorry about that.

Speaker: This. All right. Thank you.

Speaker: Thank you.

Speaker: Thank you. Rebecca. Perfect. So today we will look at an overview of the proposal. We will explore the existing conditions on site. We will address the applicable approval criteria. And we will go over the hearings. Officers decision in the appeals process. Next slide. So to give a brief summary of the proposal. The applicant requested approval to improve and expand utility infrastructure within forest park and harberton substation, including the upgrade of an existing utility line and the installation of a new 1400 foot long segment, including two new poles specifically within the park. The portion of the project within forest park is in the city's environmental, conservation and environmental protection overlay zones within the city's forest park natural resources management plan. The proposal was considered an exception to this plan, and was thus required to go through a type three greenway review. Pardon me type three environmental review. The work at harberton substation is in the city's greenway overlay zones and alterations to development within these zones are required to go through a type two greenway

review. Further, the applicant is requesting to alter conditions of approval tied to past 2018 greenway review for resource enhancement activities at the harberton site. A portion of the work was removed from the scope and in order to be in conformance with the approval, the conditions must be altered. Lastly, a conditional use review was required to place a utility corridor. Use in the open space base zone within forest park. The environmental review is the subject of the appeal before you today.

Speaker: Can I ask that you lean a little bit closer to the microphone? I want to make sure folks in the overflow rooms can pick up the audio.

Speaker: Thank you.

Speaker: I know there are slightly awkward distance depending on your height.

Speaker: Next slide. Thanks. So here we have an overview of the zoning at the site. The area where the majority of the work is occurring that is subject of the appeal includes the open space base zone. The environmental zones, including the forest park natural resources management plan and the northwest hills plan district and the forest park sub district. Next slide. And here we see an aerial view of the site, which gives an idea of the project area within forest park as well as harberton substation. Next slide. And this shows the work from a little bit different perspective. The existing built transmission lines and configurations are shown in red and blue. On the left and on the right is the proposed project. The blue and yellow lines are the upgrade of the existing line, including. Shifting pole two 999 to the south and adding new lines, and the orange and yellow line show the new 1400 lineal foot corridor, including two new poles. Both lines will then connect to the three new poles proposed in front of harberton substation. This work will result in significant impacts to 4.7 acres of natural resources and forest park, including the removal of 397 trees and permanent impacts to two streams and two wetlands.

Next slide. This shows the existing conditions on site and just a few things to call out here about the proposed project area. The forest is a second growth mature forest with stratified vegetation consisting mostly of native species. Two wetlands and two streams have been identified within the project area. The proposed area project area also provides many and important ecosystem services to the people and to the city of Portland. The area surrounding the proposed project area is heavily impacted, with existing built transmission corridors, lines and towers. Next slide. So now we'll take a look at some photos of the site. These photos here show the project area and current built transmission line from Harberton substation, looking west across highway 30. Next slide. And a few of the existing mature oaks on the site that may be impacted by construction activities. Next slide. The photo on the left was taken standing in front of wetland a facing northwest, and the photo on the right was taken of wetland b facing southwest. Next slide. And these two photos here show stream one at two different locations within the project area. Next slide. And just to give some idea of the bird species that use this section of forest on the left, here is a tree proposed for removal that has sapsucker feeding wells. And on the right, another tree proposed for removal that has pileated woodpecker holes. Next slide. These photos are showing the interior of the forest area. Just to give an idea of the makeup of the forests, which in this case, as mentioned previous, is second growth mixed stratified forest with Douglas fir and big leaf maples being the dominant trees. The understory and forest floor is mostly native and heavily vegetated. Next slide. Just a couple photos here of the forest floor showing the detritus of the forest. Forest that's so important to the natural ecosystem of the forest. Next slide. And lastly, this photo is looking at an existing transmission tower within an existing utility corridor showing the type of vegetation that is typically present within these corridors. This particular site here is

most invasive blackberry. Next slide. And for any land use to be reviewed to be approved, the all applicable approval criteria that is relevant to the proposal must be met by the application. The approval criteria which are relevant to the appeal are from the forest park natural resources management plan, specifically, approval criteria for exceptions to the plan and folded in these criteria, and which also must be met, are the approval criteria for minor amendments to the plan. Next slide. And also the northwest hills plan district forest park sub district approval criteria. And I have given copies of these to the councilors for ease of reference during the hearing. Next slide. The hearings officers decision included approval of all four reviews with conditions. Next slide. Two organizations appealed the hearings Officer's decision. The forest park neighborhood association and the forest park conservancy. Their submitted appeal summaries were similar and focused mainly on the approval of the environmental review specifically, but not limited to that the applicant failed to meet forest park natural resources management plan approval criteria, including alternatives analysis, mitigation for impacts to resources, and consistency with the forest park natural resources plans. Conservation goal number one of growing an ancient forest. Next slide. Counsel has three alternatives for this case today. You can deny the appeals and uphold the hearings officer's decision and conditions of approval with revised findings. Deny the appeals and uphold the hearings officer's decision but with revised conditions and findings. Grant the appeal and overturn the hearings officer's decision to approve the application with revised findings. And if the hearings officer decision is upheld, staff request conditions that would ensure compliance with both construction management and mitigation. Next slide. This is an on the record hearing, meaning that evidence and testimony must only address items already in the record. No new evidence can be submitted. Next slide. Now to address the timeline. State law states that the city

must issue a final decision on an application within 120 days of the application being deemed complete. For this case, since the applicant has only issued extensions totaling 76 days, the council must then make a final decision on this case by may 20th. Next slide. Thank you. Happy to answer any questions you may have.

Speaker: Thank you. And. Is it appropriate for us to ask clarifying questions now or do we move directly into the appellant's presentation?

Speaker: It is up to council how you wish to proceed. Great.

Speaker: Are there questions, counselor zimmerman?

Speaker: Thanks, steph. You noted in your picture of the current corridor. That the vegetation there was, I think you said mowed invasive blackberry. Can you tell us why is that the vegetation that is present in a place like that? Because I think what I'm gathering from your inclusion of it is that that would be expected in other corridors.

Speaker: Yes, that's that's correct. And I would also. Think that pg probably has some good input on this as well. However, beneath power lines there's maintenance required maintenance that must be done for safety regulations. And like I said, I'm sure they can expand on that. And that maintenance is done regularly. And I'm assuming it's more cost effective to maintain those power lines by mowing them and keeping the vegetation down to whatever the regulations say they have to be, instead of planting trees and planting trees or shrubs, native native trees or shrubs.

Speaker: Okay.

Speaker: So I'm taking that as because of a lack of the native species, that other invasive species kind of takes over is how that looked and sounded in the presentation.

Speaker: Yeah, the disturbed nature of power line corridors really lets in a lot of aggressive invasive species. Blackberries, scotch broom mainly was present out there, some thistle.

Speaker: Okay. And then my last question, the picture you showed that showed the two line the current and the existing. You had I think red and blue or blue and yellow and red and something and those show some distance. What was hard to determine from this, from that photo anyway, was if that would turn into just a larger corridor or between those two lines, if there are still vegetation, natural trees that are in between. And I was hoping you could clarify what that photo meant in that. Are we about to see one bigger corridor or two similar corridors that have a break in the middle?

Speaker: Yeah. So within that area that the general area of those two lines, the different colors you saw is approximately the five acres of disturbance that will occur. And those trees will will come down. Those will be the 400 trees that go away. And there is a restoration plan that includes restoring the area with shorter stature plants. However, that would be the general area where those 400 trees are going away.

Speaker: Okay. Where they kind of blends together the two corridor or the idea of blends to a bigger corridor?

Speaker: Yeah, I think pg would have to maintain whatever distance from the those towers that the regulations state and any tree within those and any other considerations they have to make, such as windthrow.

Speaker: What was that word?

Speaker: Windthrow. So when trees are removed, it opens up other trees to vulnerability. So while those trees might not be in proximity to the lines that they

would need to remove them, once you remove all the other surrounding trees, it opens them up to windthrow to a danger to the power lines. Now.

Speaker: I'm familiar with the idea, just not the word that makes. Thank you for clarifying. Yeah. Okay, that's all my questions. Thanks, madam president.

Speaker: Thank you. Councilors. Any other questions? Councilor green?

Speaker: I may have a question, but I want to clarify. Am I limited to asking my questions based just on the slides we just saw, or based upon the hearing officer's reaction to the staff report?

Speaker: You're limited to the evidence in the record, which would include the hearings officer's decision.

Speaker: Thank you. While we have you up here, I read the hearing officer's report, and I'm hoping that you can clarify. On the approval criteria for minor amendment a, there is a demonstrated need for the proposal. The hearing officer said that staff. Inappropriately. I think the I think the language was. Conclusion reached by staff was confounding and inconsistent with the approval criteria. But I read the staff report and you were arguing from what seemed like a holistic standpoint of all the phases of the project. So I'm wondering if you can clarify what what the staff intent was in reaching that judgment.

Speaker: Sure. Yeah. I'll speak solely to the staff intent. So when trying to analyze the need for project, you want to look at what the project is, presumably, right? Well, in this case, this is part of what is a five phase project. It's called the harberton reliability project. It's five phases. This is phase three, phases four and five, based on the applicant's narrative, will be within forest park. However, what's not clear to staff and what I reiterated in my staff report is that if phase three is placed in forest park, do phases four and five have no place else to go? In other words, if they come in for an environmental review for phases four and five and they respond to the

alternatives analysis approval criteria saying, well, it can't go anywhere else because phase three is here now. So if that is the case, it would be one project.

Speaker: Thank you. That's enlightening. And then was the multi phase project proposed based upon analysis of a projected need presented to staff.

Speaker: Well I don't have details about phases four and five.

Speaker: But you do on phase three.

Speaker: Yes.

Speaker: And for phase three was that based upon projected need for the system as they stated in their.

Speaker: As what they stated in their application materials? They gave me it was to at a very high level. Relieve a bottleneck of sorts in their system.

Speaker: So when you say at a high level, what is what does that mean? What type of analysis does that look like?

Speaker: Yeah. And this I pg can probably go into better detail here. However, what that means is that there is, according to pge, there is some issues with the current configuration and how power gets from one place to the other. So to relieve those issues. They implemented the harberton reliability project phases one, two, three, four and five. This is phase three of that project.

Speaker: So but I mean at a high level. Did they did they provide you what kind of models and data were presented.

Speaker: They provided information about why the system had an issue and what type of increase they were expecting and what sort of issues could arise in 2028 if this project wasn't completed.

Speaker: Okay, okay.

Speaker: Thank you. I may have more questions later, but i'll just i'll yield to my colleagues in case there's interest. Thanks.

Speaker: Councilor. Zimmerman, we're back to you.

Speaker: Thank you. I am curious what the. You know, we have a lot of professions in the city of Portland, and we have a lot of volunteers at the city of Portland. Can you help me understand when I hear the term hearings, officer, what the professional qualifications or volunteer qualifications are before a person is named as a hearings officer? And what I'm trying to understand is the there are some qualitative statements that are in this report, and I am trying to be able to understand with what depth this was made from a land use experience or a general legal experience, and I was hoping that somebody could enlighten me to how you become a hearings officer.

Speaker: Thank you.

Speaker: So, counselor zimmerman, I am concerned that that is outside the scope of the record. The evidence that we have, I think I can say, because it's a matter of public record, that the hearings officers are generally members of the bar. But other than that, I don't think there's information in the record about about the nature of the hearings officer's qualifications.

Speaker: Okay. Fair enough.

Speaker: I apologize, we can't answer that.

Speaker: That's okay. That's that's why you're here. Linly.

Speaker: Thank you.

Speaker: That's all.

Speaker: Counselors. Any other questions for our staff on the staff presentation before we move on? Counselor green.

Speaker: Thank you. For approval criteria for approval. Criteria for exceptions be. The proposal is a park related development or no alternative locations exist outside

of forest park for the proposal. Which of the alternatives did staff evaluate in arriving at this determination? Can you briefly describe those?

Speaker: Sure. I evaluated everything that was provided to me in the application. So there were three different documents that included information about alternatives. The narrative had a section addressing it, like the general narrative. Pg provided a standalone. Their own standalone. Document that addressed solely the alternatives. And then they provided a report called the toth report, which was an independent study from, I believe, an engineering firm that also analyzed alternatives outside of forest park.

Speaker: Thank you. And how many of those alternatives were there in total?

Speaker: 20.

Speaker: Okay. And how many alternatives did the applicant present to the case?

Speaker: Well, they provided information on all on all 20. Okay. Yeah.

Speaker: Yeah.

Speaker: During in arriving at a decision for the staff report, did you engage with any, any, any groups besides the applicant?

Speaker: No.

Speaker: Okay.

Speaker: Well. I'm sorry. Can I there there was information in there given to me for the record that I used. Utilized.

Speaker: So in terms of the record, were was any of that information related to or responsive to the alternatives?

Speaker: Yeah, I received a lot of information about that. Yeah. Okay. Yeah. Quite a bit.

Speaker: Was there a discussion about alternatives outside the park that were technically feasible?

Speaker: Yes. It includes information on those in the toth report.

Speaker: Thank you.

Speaker: So there just a there were technically feasible alternatives in the toth report outside of the park?

Speaker: Yes. Toth report has two alternatives. Alternatives four and eight, which the applicant refers to in their documents as the northwest marina way.

Alternatives. The toth report says that given mitigation of impediments, which is possible, that these alternatives are viable.

Speaker: Okay. In the applicant's summary, they present, I think, eight alternatives. And one of the alternatives was a generation and batteries solution. Did did staff consider that alternative in arriving at the conclusions of the case?

Speaker: I considered everything. It's that was given to me and all like all the alternatives that were given to me.

Speaker: Were you given what level of detail were you given on the generation and batteries? Alternative analysis?

Speaker: I would say the same level that was given to me as the other information, or as, pardon me, as the other alternatives. So. Yeah, an explanation of what that means. A cost analysis. Timing analysis.

Speaker: So it's okay. And then you documented that in the report. Those are all documented in your staff report. There wasn't anything presented that you didn't didn't consider and write up in the report.

Speaker: So I took what pge deemed as the five most viable options. So I used their words. I or I use their information about determining what was they took from the toth report. Like the five most viable or from their own analysis, the five most viable options, and examine them in a little bit greater detail.

Speaker: Okay.

Speaker: Yeah.

Speaker: Thank you.

Speaker: Councilor kanal.

Speaker: Thank you. I'll just follow on a line from that. In the toth report and this is reading from the staff report. So I think we're okay to do that. It says alternative eight is shorter in distance than alternative four traverses fewer parcels, which creates less potential to impact the community. Skipping a sentence here. How? However, alternative eight requires clearing trees that may be objectionable to landowners with either. Alternative four. Alternative eight. Additional analysis to determine if feasible 115 route corridor or alternative construction method may be needed. So my two questions here. First, did you or did staff analyze the maybe needed portion of that and have any additional piece to that that you'd like to share or could share with us?

Speaker: You mean the maybe about the tree clearing?

Speaker: Additional analysis to determine another root corridor or alternative construction method?

Speaker: Oh I see. So in my staff report I do touch on that insofar as that the toth report does say that these are viable with further study. However, that further study was outside the scope of the toth report. That information doesn't go any further than that.

Speaker: And then the other question I had is the only that's the maybe part, the preceding sentence identifies one potential drawback in your analysis. Did you find any other reasons for alternative eight not being viable outside of what the toth report said, which was, quote, alternative eight requires clearing trees that may be objectionable to landowners, end quote.

Speaker: No.

Speaker: Thank you.

Speaker: Counselor zimmerman.

Speaker: Thanks. On page 21, the hearings officer report, I see the hearing officer agrees that the forest park nature natural resources management plan serves to offer guidance, but does not prevent development. I am, I guess, trying to understand how. The staff in this situation, how you're interpreting that and what you would have said, the forest park natural resource management plan.

Speaker: Does the forest park natural resources management plan is not guidance, it's law. It is an ordinance.

Speaker: So then on the two pages later, excuse me, three pages later on page 24. The hearings officer in about the middle of the page says, what is clear is that alternatives outside of forest park do exist, but those alternatives have been fully evaluated and determined to be impractical. And so my struggle here is trying to understand if staff is saying that this is law, not just guidance, and the hearings officer is saying there is an alternative that does exist, is there is there a information that was provided by the hearings officer that qualifies their interpretation of what impracticable means in this situation?

Speaker: Not that I read in the statute and the hearings officers decision. No.

Speaker: Okay. Thank you.

Speaker: Counselors, we will have time for full discussion where we can get back to some of these issues later. But I do want to make sure that we get through our full presentation. So. Seeing no other hands in the queue, I think we are going to move to the appellants. Thank you very much for being here.

Speaker: Thank you. Okay. So to be here.

Speaker: With us today. You are ready. It looks like we have a presentation that we need to get up. So as you get that presentation going, if you could introduce yourselves for the record, please, we'd appreciate it.

Speaker: Yes. My name is scott fogerty, and I am executive director with forest park conservancy.

Speaker: I don't know how to do this. Oh, carol.

Speaker: Forest park neighborhood association.

Speaker: Thank you.

Speaker: As soon as you're ready, you are welcome to jump right in.

Speaker: Okay. Thank you, madam president. Mayor and City Council. Forest park conservancy fully supports the Portland permitting and development report. By the staff who are experts in this field. And their findings to reject pg's permit for expansion in forest park. We completely disagree with the hearing officer who misinterprets the forest park natural resources management plan, which has guided the park use for over 30 years and falls under title 33 of the zoning code. This is a law that must be complied with, not used as guidance for review for zoning criteria. Further, pge failed to meet their burden of proof that this project was necessary and had adequate mitigation plan and conformed with the management plan, which has a long term goal of forest park returning to an old growth forest ecosystem. Forest park conservancy is a 28 year old nonprofit organization with the mission to be the stewards and advocates and watchdog organization for the most iconic park in the pacific northwest, and we help inspire thousands of users of the park to understand the significance and uniqueness of this gem. It can't be lost on us that this painting sitting right above me is from forest park. The hearings officer states that the destroying five acres of this project is an acceptable loss to us. It simply is not. It's the largest urban forest park in the nation, and sits in a

community that is trying to desperately fight the loss of our urban forest canopy and beef up our climate resilience in the face of a warming planet. This is just unacceptable to us and the community, and the critters and plants that depend on us to say no cutting trees, building roads, bulldozing, filling in wetlands and streams and saying this is good for climate resilience. We don't agree with that. This is not what the plan or the community envisions for the future of forest park. Unchecked industrialization and consumerism can lead to the destruction of our natural world, and we must care about that to protect our environment for future generations. For us today, yes, but for seven generations to come. More importantly, except within the protected natural areas of the region which we live in most, which lie mostly outside of our urban areas, there are very, very few healthy 100 plus year old stands of douglas fir that sequester enormous amounts of carbon, provide habitat to species of importance in the region, host wetlands and streams, and provide solace, recreation and a sense of place to our greater community. It's not about what is today, but it's about what it could become. And this is the point of the plan to ensure this park matures and grows into an old growth forest with the vision of the leaders of many decades ago who recognize the needs of green spaces and to protect and preserve tree species and wildlife species in our urban setting. The people of Portland, through their governments, have worked hard to protect these threatened landscapes. Every big tree we remove diminishes the value of habitat. The larger the size of the removal, the greater the negative impact on the diversity and the ecosystem services of the region. The area's cut create an edge effect that dries out adjacent forested lands and, as we heard, opens up the area to invasive plants, insects and diseases. The proposed mitigation plan doesn't even begin to address the loss compared to what is present now. We must consider what pge is proposing to replace this healthy, mature forest with

shrub grasses, juvenile hardwoods and other plants which pose a greater fire risk in the dry summer months, and especially not with only two years of establishment. 400 young oak trees in forest park is not mitigation. Experts in an oak savanna have weighed in with us and stating that ecologically, 100 100 oaks per acre is not doable. The majority of these trees will not survive. The proposal not only chips away at this irreplaceable ecosystem, but puts the healthy, adjacent forest at risk. We cannot fail to remind people that this is just phase three of a larger, five phase project that we have not been privy to seeing the details of these projects build on the permitting of the previous phases. Our fear is a slippery slope. It's five acres acceptable. Is 20 acres acceptable? Where do we draw the line? One could argue losing just one 100 year old tree is unacceptable, let alone five acres in the age of climate resilience, this project flies in the face of retaining carbon suckers in a region that is seeing increased impacts from climate change, including potential fire danger. And we question the need for this project. Rolling blackouts. I ask, when has this happened in Portland? Other authorities and experts we spoke with dispute this assertion.

Speaker: 13 seconds.

Speaker: 13 seconds. Oh, goodness. I'll close now. The hearings officer misinterpreted and misapplied the standards, and she stated in her report, this project will have a significant impact and it will. We believe the city staff report correctly analyzes pge's plan and recommends denying an environmental review on the grounds that pge does not meet the criteria of the management plan. Our children are watching. History is watching. Please let set the right tone on the legacy of our iconic park and reject this proposal. Many thanks.

Speaker: Good afternoon council. I'm carol cheswick, forest park neighborhood land use chair. Pge must prove this project satisfies all 16 approval criteria. If it does

not meet even one, it must be denied. The staff report, based on years of experience and expert testimony, found that pge application did not meet any of the 16 approval criteria and recommended rejecting pge application. We agree the forest park management plan has simple goals protecting the natural resources in the park and growing an ancient forest. It is impossible for this project to comply. The plan is explicit that utility corridors are to be minimized, reforested, or eliminated when possible because they fragment the canopy and are perfect hosts for invasive species. I went to visit this site last year. I was stunned to see how pristine this piece of forest is. Pge wants to cut down 4.7 acres of forest harm. Two streams, fill two wetlands, build three concrete pads, and install monopoles in the park. The on site mitigation is seedling trees replacing 150 year old trees with seedlings and shrubs. Pge plans to come back to the same area twice in the next few years to do more work. I found this list of logging equipment in pge application and my gut twisted. I could see and hear what this project would mean for the park. Imagine standing in the park watching 15 chainsaws tear into those big trees for caterpillar processors, 640 ton log trailers. That list doesn't include the construction equipment, bulldozers, drilling dump trucks, concrete trucks, concrete pumpers, cranes to lift monopole sections into place. Big equipment in the park for carol.

Speaker: Carol, I apologize, I need to interrupt. Are you intending for your slideshow to be playing right now?

Speaker: Yes.

Speaker: Okay, we stopped your time because I just want to make.

Speaker: Sure.

Speaker: It's up now.

Speaker: Okay.

Speaker: Okay, I just want please continue. I just it wasn't up for a long time, and I want to make sure you wanted it up instead of your face.

Speaker: I'm sorry. I'm looking at my screen, and it was up on the screen and.

Speaker: Okay.

Speaker: All right.

Speaker: Thank you.

Speaker: It was up for councilors.

Speaker: It just was not up for the folks who are online or in.

Speaker: The room.

Speaker: Okay. Okay.

Speaker: All right. Thank you.

Speaker: If you could just note when you want to advance to the next slide, then we can get it going.

Speaker: Okay. So the. All right. Big equipment in the park for two consecutive summers. Overlapping nesting season for birds. And when there are lots of baby animals in the park. Next slide. This project does not protect the resources in the park and grow an ancient forest. Planting seedlings and trees and shrubs can't compensate for this damage. Trees in this area. Next slide are 150 years old. The management plans goal is to have old growth approaching ancient forests by 21. 95 seedlings planted now will be just 170 years old then. But the current forest would meet that goal if we preserve it. The decision? Rewrite city code and makes many mistakes. The hearings officer set aside expert testimony and detailed analysis by staff to rely on pge representation. The decision makes several significant errors. The hearings officer added words to two approval criteria. Invented four new standards not in the management plan, ignored the plain language of the code. Failed to explain to decisions, failed to find the project consistent with the criterion,

but decided the circumstances were rare and unusual. The hearings officer decision for one approval criteria is based solely on a frog mitigation project that is not in pj's final application. We disagree with the hearings officer in the staff report on one issue, the fee in lieu option that pge wants to use to mitigate the damage. According to the ordinance, it is to be applied only in the north unit that's harmed by this project. Next slide. These are photos taken on northwest marina way, the best alternate route in the toth report. Pge claims that using this route would result in more environmental damage than building in the park.

Speaker: Pge did not.

Speaker: I'm going to pause you for a minute. I need to remind folks that jazz hands thumbs up, thumbs down. All fine, but we need reactions to be silent so that our presentations can continue. Thank you.

Speaker: Okay.

Speaker: This option and others were eliminated because pge can't complete them by 2028. They say. They say that there's a we'll have rolling blackouts across the region. If we don't have this project done by 2028. If there is a 2028 problem, it is pge problem. And the city should not rewrite our code and remove protections from the park to fix it for them. If 28 was 2028 was a real problem. Bpa and others idaho power pacific corp would be testifying that this project is needed. We have not heard from them. There is no independent evidence this project is needed or urgent. Your staff decided this project does not meet any of these 16 criteria. If you uphold the hearings officer's decision, you will reject 30 years of staff experience and precedents, allowing the hearings officer to rewrite the management plan. Not only would you adopt seriously flawed, flawed findings in the decision, development in the park will become much easier and standards for protection protection will drop dramatically. The goal of the management plan is clear protect

the resources in the park and grow an ancient forest. Pge proposal is directly opposed. To go back and just pick up. Pge did not evaluate other alternatives that we've described elsewhere, including non wire solutions such as grid enhancing technologies. Past councils have worked hard to expand and protect the park. This decision will be your legacy. Luba is likely to depend on your judgment as elected officials. Your decision is probably going to be decisive. We hope that you will protect the park and uphold these goals. We'll be happy to answer your questions now or later.

Speaker: Thank you.

Speaker: Thank you. And counselors, we do have a significant number of people signed up, many in support, which is the next section. If there are some clarifying questions we need to ask first, let's get those in. And then let's hear from other folks who support the appeal. Councilor green.

Speaker: Thank you, madam president. That last thing you said, first of all, thanks for your presentation. The last thing you said about non wire solutions that piqued my interest. Can you can you say a little bit more? About what. What you mean there.

Speaker: So there are a set of I think at least four non wire solutions that the federal energy department is recommending be explored in, in more broad ways and implemented across the country to try and save these kinds of problems. The one of them that I find the easiest to explain puts sensors on existing wires so that they can better monitor remotely the temperature that the wire is at. When this when the system gets too hot, they have to reduce the amount of power in the system to protect things from burning out and bad things happening. So installing these sensors on the wire and then doing monitor remote monitoring allows the system to be adjusted and actually use more of the capacity, because you

understand just how hot that wire is. Otherwise you're estimating. And when you're estimating, you have to then allow for some some some error, right. So if you think the capacity is here but you're not sure because you don't have a direct measurement, you have to downgrade it and say, okay, we better operate here to be safe. If you know for sure how much room you have, you can operate at a higher level and get more power on the same lines. We haven't seen evidence that pge has explored using these kinds of grid enhancing technologies to solve this problem. They're not they're probably things that they might have to apply across a broader part of the system, and not just in this one little location. But we haven't, as I said, we haven't seen evidence that they have explored these other technologies.

Speaker: Clarifying councilor clark.

Speaker: Thank you, madam president. I have a couple of questions for scott. I didn't catch your last name.

Speaker: Fogerty.

Speaker: Fogerty.

Speaker: Fogerty. Yes.

Speaker: I have a question for you. You. About the mitigation plan. You raised a couple of issues there. You said that you consulted and linly helped me. If this is out of order. You said you consulted an oak savanna expert.

Speaker: That's correct.

Speaker: And you mentioned that the density that they're proposing of the oaks means that the oaks would not survive. Can you talk a little bit more about that?

Speaker: Sure. From my conversations, and I should also say that i, I have some background in urban forestry and in arboreal hair. And so the folks I talked to actually grow oaks and recover oaks from projects by pbot and odot and plant them and regrow them on their property. And the density of oaks across the

landscape is thinned. Oaks grow more when they have when there's there are less oaks in a dense growing area. And so having 100 oaks in an acre is, is a really dense oak forest, and many of which I've been told will not survive because of the competition for both water and the fact that they just don't grow in that way in terms of an oak forest. And so the proposal to plant 400 oaks on 4.7 acres is, you know, I mean, approaching 100 oaks per acre, which we don't feel makes up for the loss of the loss of d.b.h. In in douglas fir and western hemlock and western red cedar. So, so that's that's where I was coming from with that.

Speaker: Thank you. I have just two quick questions. You mentioned what's a carbon sucker.

Speaker: You mentioned a tree.

Speaker: A sequester. Yeah, a tree, a sequester. And old, old doug, firs sequester a lot more carbon than young white oaks do. And there are calculations that can be established that will show that factoid.

Speaker: Okay. Thanks. And one last question. There's a frog involved in the mitigation plan. And, I don't know, it's maybe endangered, but.

Speaker: It's a species in decline. Yes.

Speaker: The mitigation plan recommends creating a pond for them. I don't know if that's in lieu of the wetlands. Can you address that at all? I don't know if you're a frog expert, but.

Speaker: I'm not an amphibian expert. But I've had some interaction with amphibian experts and have loved them for a long time. It's my understanding that, yes, that wetlands are the preferable habitat for the red legged frog, and they migrate. And so there's actually a frog taxi volunteer group that helps take them across highway 30 to the other side in linton during their migration period. And so I'm just not sure that a pond would would suffice as a mitigation to a wetland,

which is the habitat that they are used to and especially in the proximity of the area that they are living in now. And so I think that would need deeper scientific study on whether that is an appropriate mitigation plan.

Speaker: Thank you. Thank you, madam chair.

Speaker: Thank you. Seeing no other questions, I appreciate you being here with your presentation today and we will move to testimony from supporters of your appeal. Thank you. And for folks who are in our overflow rooms, please, when you hear your name, make your way to council chambers. Or if you are further down on the list, or if you are here to testify later in the presentation. I should have noted previously that we do have an overflow room with remote testimony set up in the Portland building, as well as the opportunity to testify in person in city hall.

Rebecca, can you call our first testifiers?

Speaker: First, we have micah meskill. Rachel felice, and catherine thompson.

Speaker: Madam president, councilors and the mayor. My name is micah meskill, and I'm representing the bird alliance of Oregon. I'm representing our organization, the history of advocacy on this issue. And our 10,000 plus current members in Portland who care deeply about protecting our city's cherished parks and natural resources. Forest park being one of the most revered. We strongly disagree or we degree sorry. We disagree strongly with the hearings officer's initial decision to approve pj's proposal, as it did a disservice to the city expert analysis and important land use codes, and instead gave deference to the arguments of a profit seeking corporation. We ask you today to accept the appeal of forest park conservancy and forest park neighborhood association and direct the city attorney to draft a decision based off the staff report's recommendation of denial for the project. You'll hear the sentiment, passionately echoed by dozens of groups testifying today in the several thousands of comments submitted to the hearings officer and to your

offices over the last six months. And the overwhelming majority of Portlanders who cherish our public spaces like forest park. And this passion for protecting forest park, is bolstered by the strong legal and technical argument for denial of this proposal, based on the key review criteria that this project is required to be measured against laid out by the appellants, the extensive written record, including our comments and testimony you'll hear today. Pj's project is squarely in conflict with key components of the forest park natural resource management plan, and accordingly should have been denied. These arguments are demonstrated extensively in the city. Staff report, expert testimony from city bureaus and other agencies, dozens of community organizations, and by over 1000 individual comments in the written record. The mitigation plan clearly does not meet requirements of the management plan or support its goal of growing an ancient forest. Hundreds hundreds of oak seedlings do not come close to replacing the ecosystem services. Hundreds, hundreds of existing and maturing trees that shelter nearly five acres of native understory and two seasonal streams and a wetland. The alternative routes for the project exist, even with pge artificially impeding these alternatives. They are still clear routes outside the park that are viable alternatives. And lastly, future phases of the proposal should be factored into the decision. This phase is directly connected and related to future phases that have been planned by pge, which would have more significant impact on the park and those impacts should be weighed. Now, City Council has the opportunity to reverse the mistake of the hearings officer and lift up the city's own staff expertise and uphold the protections of the management plan. We urge you to accept the appeal and direct the city attorney to draft a decision based on the staff report. The decision to deny the proposal will become the next legacy moment for forest park, and the

opportunity for this council to cement itself in the history books as a protector of one of the city's most significant public resources. Thank you.

Speaker: Thank you. Go right ahead.

Speaker: All right. Good afternoon.

Speaker: Mayor Wilson. Madam President, Councilors, thank you for the.

Speaker: Opportunity to speak. My name is Rachel Felice, and I'm testifying today as the owner's representative on behalf of Portland Parks and Recreation. Portland Parks and Recreation staff have spent substantial time inspecting the site and reviewing this application to understand its implications for Forest Park. A public easement over land managed by Parks requires the public to comply with all applicable laws and regulations, including local land use regulations. PR has significant concerns and does not support the project as proposed, because it will have significant detrimental impacts to the park. Consistent with the submitted appeals and the robust staff report that you've seen, PR does not believe the proposal meets the applicable approval criteria. The applicant proposes to impact 4.7 acres of Forest Park, including removing 397 trees, clearing understory vegetation, excavating and leveling slopes, building new roads and permanent structures, and filling two wetlands. This would be a significant detrimental impact to plant and animal communities. Soil and water resources in the park. The area the public proposes to permanently impact is a forest ecosystem of Douglas fir, bigleaf maple, cedar, and Oregon white oak, many of which are over 100 years old, with a dense understory of native plants like vine maple, salmonberry, Oregon grape, sword fern, and trillium. Numerous wildlife communities rely on this habitat. Species such as deer, pileated woodpecker, salamanders, red-legged frogs, and Douglas squirrel. A small tributary stream flows through the site from its headwaters in Forest Park. The stream supports water quality in the lower Willamette River and should be

prioritized for protection. The site is within the environmental protection overlay zone, and has been awarded the highest rank available for special habitat area, riparian corridor habitat, wildlife habitat and habitat conservation area. Ppr believes there are several approval criteria that were not met by this proposal, but due to time, i'll focus on consistency with the forest park natural resource management plan goals and strategies as it is a required criteria that any approved project must meet. Conservation goal one in the management plan requires projects to protect forest parks, native plant and animal communities, soil and water resources while managing the ecosystem to grow a self-sustaining ancient forest for the enjoyment and benefit of future generations. This proposal would remove hundreds of large existing trees and clear forest understory vegetation, excavate and fill slopes and wetlands, and impact soil and water resources, resulting in the permanent loss of habitat. The removal of 4.7 acres of forest would also diminish the scenic values of forest park, and would impact the user experience for visitors to the park. Allowing these impacts to go forward would not protect the park's resources as required by the approval criteria, and is not consistent with the natural resource management plan. Thank you for the opportunity to testify today.

Speaker: Thank you. Go right ahead.

Speaker: Hello. Good afternoon. My name is catherine thompson. I'm a retired pediatrician, and I thank you all for the commitment you've made to our city. I've heard some of you speak at the hands off rally downtown. I get a number of your newsletters, and I like the way you brought fresh ideas and fresh eyes to some existing policies. And I trust that you will do the same for this proposal. I was trained as a scientist, and I asked to use the scientific method to look at the data to resolve contradictory testimony in the record. I heard a lot of that at the hearing. So

afterwards I entered several documents into the record from reputable, impartial scientific sources. And you can see them. I've referred to them in my written testimony. I will refer today to the robust Washington department of fish and wildlife plan for establishing an oak forest using best practices. It's a little different than what scott fogarty said, but I'm quoting from the record. So according to that record, into the best practices, a forester following those practices would actually plant 500 oak saplings per acre. And for 4.7 acres, that would be 2350 oaks, because very many of them will not survive. The forester from pge will plant 386 oaks, and for the first two years, both foresters are following best practices removing invasives, protecting saplings from foraging and watering if necessary. But at five years things are really different. The best practices forester is using a metric of 100% survival of her seedlings, and there are 2350 oak seedlings still there. Forester pge is now just monitoring 5% of their forest. Their metric is 70% survival of woody cover and 30% of those trees are oak. At best, there are only 270 oaks left, and they're tiny, but they are not even counting them anymore. And going forward, having met their metric, they will resume their regular practice as required by the pcu code. Puc code, which is simply to keep the vegetation off the wires. Meanwhile, the best practices forester is meeting the ten year metric of 75% survival, the 20 year metric, and she and her and that forester will continue to manage that forest in perpetuity. That's what's required. So based on this data, I think you should conclude that, as the staff did and career scientists and a forester, pam hayes, who has put in written testimony, she raises oak forests. The pge oak woodland plan is implausible. It will not produce the ancient oak woodland. They really like to talk about. If the mitigation plan will fail, the stipulations of the forest park natural resources management plan will not be met. Whatever you decide on

all the other criteria, we. I ask you to demand a legitimate, plausible mitigation plan. If you're going to approve this plan, and I beg that you side with the appeal.

Speaker: And thank you very much for being here. Could you call our next three people, please?

Speaker: Next we have ali berman, jim and john thompson.

Speaker: Thank god for you.

Speaker: Ali, go ahead as we wait for others to make their way.

Speaker: You're right. It is far away. Good afternoon, madam president. Mayor wilson, council members, my name is ali berman, and I'm the vice chair of the Portland parks and recreation board. Although today i'll be speaking to you on my own behalf as a district two constituent, please listen for testimony from the parks board. A little later in the hearing, I want to start by talking about the land and the wildlife who depend on it. I'm one of the fortunate people who have done the red legged frog taxi. I've shuttled frogs in the rain, including pregnant females. They're super juicy to touch. It's wonderful to their breeding grounds across highway 30. The red legged frog is a sensitive species here in Oregon, and our Portland populations have a lot to overcome, especially in this area that has already suffered severe habitat fragmentation. When pge proposed the site for expansion, I went there. I wanted to see for myself what was at stake. There isn't a trail directly and you have to bushwhack. It's a it's quite a thing. It's not as touched by people as other parts of the park. I walked the land and found mature forest habitat, hundreds of trees, many 150 years or older, thousands of native shrubs and ground cover plants, as well as perennial streams. It's magnificent and will only get better with age, but we have to give it that chance. And approving pge harberton project would set this part of the forest back several hundred years, and set a dangerous precedent that puts other parts of the forest at risk. Pge harbored and

project is squarely in conflict with the city's values and the local law that manages this cherished public resource, the forest park natural resource management plan. And there are other options. Pge could pursue that don't require cutting down over 300, nearly 400 trees. I'm here today to ask City Council to support the appeals of forest park conservancy and the forest park neighborhood association. The city's own staff report recommended the rejection of pge proposal. Over a thousand Portlanders have asked you to do the same. This council is young and so is our new form of government. Please don't set the precedent of rejecting your own staff's expertise and the will of the people for a profit seeking corporation, and instead start your legacy as protectors of the city's public good. Thank you.

Speaker: Thank you. Go right ahead.

Speaker: I think I'm number six on the list as opposed to number five.

Speaker: We have. Sorry, we have jim next. And jim's online.

Speaker: Thank you, madam chair. Excuse me. And members of the City Council. My name is jim and my wife, cheryl, and I live on 53rd drive northwest at the end of forest lane, which of course becomes fire trail one. We also speak in support of the of the city staff and against the hearings officer's decision. There are a lot of ways, of course, to look at the data, a lot of data to get through. I don't envy you the work, but it is important and we certainly appreciate your taking it so carefully. I would like to. And the red legged frog seems to be getting a lot of, of mention and I think, I think deservedly so. It's an example of the hearings officer's report and, and how it treated the evidence. The Oregon department of fish and wildlife talked about the red legged frog as an important species. And it's a it's not listed. It's a species in decline. Excuse me. That's the rung right before a species which is threatened and gets listed. Odf said land use changes such as forest fragmentation and development are among the most significant contributors to the declining

populations of the northern red legged frog. This project would reduce the quantity and quality of the frogs non-breeding habitat in the forest, they said. The proposed project is located within a priority wildlife connectivity area, and here we're talking about getting those frogs across across the road. The project would fill in the two existing ponds on the property, which is where the habitat for the northern red legged frog. And so what did pge have to say about that? What did they know about the red legged frog? Page 17 of their mitigation plan. The presence and density of northern red legged frogs and the project site is unknown. What did the hearings officer do with that? The hearings officer said of the mitigation plan. The mitigation plan thoroughly and extensively addresses goals of improving water quality and aquatic habitat. I think, as has been remarked and will be remarked further, the hearings officer's job here. Was was not done carefully. Again, it's a big record. It's a big job, but it was not done in detail. Specific evidence was not was not addressed. I would like to ask a question, and I would like this not to count against my time, but as to conflicts of interest. The mayor's chief of staff is married to mark weiner, who is a lobbyist, I believe for pge currently certainly has. In the past. I would I'd like to pose the question, was that part of the conflict analysis that was done at the beginning of the hearing? Mr. If not, could that be addressed?

Speaker: Mr. Kuhn the mayor did not make declarations of conflicts because we don't yet know if the mayor will be voting on this item. If he does end up needing to vote, we will have him make his conflicts declarations.

Speaker: Then could I ask whether the mayor has had conversations with any of the council members on this issue?

Speaker: I'm I'm sorry, but that's not part of the agenda where we are right now.

Speaker: My time is up.

Speaker: Go right ahead.

Speaker: Yes. Good afternoon. My name is John Thompson. I'm a retired physician, and in recent years have enjoyed Forest Park. I'm an avid naturalist. I worked with Marcy Cottrell Houle to help create the new Forest Park Hike Book that just came out and did some of the research for that. I came here today to ask you to reject PJ's proposal and to uphold this appeal, because PGE is not in compliance with the relevant ordinance. PGE would like to use Ordinance 191314 to make in-lieu payments rather than develop their own mitigation plan. I've submitted a detailed analysis that if you can refer to it, that demonstrates why they're not in compliance, but in a brief summary, the Bureau of Developmental Services is responsible for making that determination and part of that process you've heard about is for Portland Parks and Recreation to do a study and to make a determination. As you've heard, they have not approved this plan, in part also because mitigation needs to take place in the unit that's impacted. And so none of those things are possible. The report basically states that mitigation of this magnitude can't take place within that unit. So basically with that being said, Ordinance 191314 really can't be used because it's not got approval from BDS. So in the hearing process, clearly there was a lot of material and undoubtedly some was just looked over. But I ask you today to correct what I think of as an error in that determination, because I don't believe that this ordinance can be used given BDS's determination. So thank you very much. I appreciate the opportunity to talk to you today.

Speaker: Thank you very much.

Speaker: Next we have Paul Matchcoat, Marcy Hull, and Ellen Mendoza. Paul is online.

Speaker: Go right ahead.

Speaker: Paul, you're good to go if you want to unmute.

Speaker: Are we able. Oh, go right ahead, Paul.

Speaker: My name is paul mic check. After 30 years at bpa, I retired as deputy general counsel in 2014. The hearing officers accepted pgs representation that it had not decided whether to build phases four and five when it decided to make an independent review of phase three. On the other hand, pge has claimed in its own application in its that its 2024 pge transmission plan includes phases three and four as needed to maintain compliance with standards. Pge is committed to build phase five in its 2024 transmission plan. Pg would like you to believe both that phases four and five might never be built, and that bpa and other utilities depend on the projects included in their official transmission plans, and these plans call for completion by 2030 of all three phases. In addition, the hearing officer erred in doing the conclusion that due to rolling blackouts, that pge had demonstrated the need for the proposal as required by the management plan because it demonstrated an increase in energy demand is projected to exceed the current system capacity. This is wrong. Mike hoffman, an expert witness in this proceeding, testified that pj's claim of imminent blackouts by 2028 lacked detailed support from their power supply models and load forecasts. The data showed load growth, but not at the level that would outpace existing and planned transmission capacity by 2028. What is missing from the plan are the details and other utilities ability to absorb load. Pge dismissed other alternatives like demand side management, distributed generation and upgrading existing infrastructure outside forest park. Without sufficient analysis, pge has not presented any transmission analysis by the puc. The Oregon department of energy, the northern grid, bpa or other utilities confirming the urgency of or need for pge specific design or route. In fact, as shown in my testimony in the proceeding, bpa's actions continue to improve the resilience of the grid in the Portland area. Pge has failed to account for bpa plans or service upgrades by 2028 and beyond. In bpa's final 2024 transmission plan. This is in the

record of this proceeding. The burden of proof in this proceeding is on pge to show a demonstrable need for its segmented phase three proposal. It has failed to meet that burden. Thank you.

Speaker: Thank you. Go right ahead.

Speaker: Hi.

Speaker: I'm marcy.

Speaker: Cottrell poole.

Speaker: I'm a wildlife biologist, and I've studied forest park for four decades. I know that dates me and I've written several books about it. So today I just want to say, how did we come to have this wondrous place in our city? Well, really, it's a miracle. And it began 122 years ago when frederick olmsted came to Portland to do a park planning study. In his 1903 report, he said, if these woods are preserved, they will surely come to be regarded as marvelously beautiful. But its preservation didn't happen right away. In fact, just the opposite. In 1912, the mayor of Portland disagreed with olmsted. He made it firmly known he did not need parks in his city, and olmsted's vision was dismissed. And in place of a park, speculators platted out massive subdivisions for these forested hills, and they built an expensive 11 mile road, which we now know as leif ericson drive. But something happened then, and that winter there was a deluge, and the repairs of the road were expensive, and the property owners were assessed well. One by one they defaulted. Well, things looked pretty grim for forest park through all these years, though there remained a few advocates who still held onto the hope of the olmsted vision. One in particular was the president of standard insurance, garnett ding cannon, and he came up with an amazing plan of action. In 1945, cannon organized 50 different organizations called and called it the forest park committee of 50. They came up with a plan to amass all those defaulted properties and create a4000 acre park. They took this

idea to city hall and council was unanimous. 77 years ago, forest park was adopted by the City Council of Portland to become its largest crown jewel park. Well, that was this council's first legacy. The second legacy came in 1995, a collaboration of citizen scientists and a technical advisory committees had been working for three years to draft the forest park natural resources management plan. This is the document, the latest central strategies to protect the park, and they took it to council in 1995, who adopted it unanimously. And the big point is they made it law. So that was council's second legacy. So now for the past 30 years, city staff have faithfully followed the high standards set forth in the management plan. It's the reason we have such a magnificent world class park today. Well, so today we face the council's third legacy. So I ask you, will you continue to faithfully uphold the law to protect Portland's crown jewel for future generations? Or will you approve pge permits to establish new precedents approved by the hearing officer to with lower standards that will dramatically reduce the vision for the park, a vision that's been in place for 122 years. What will be your legacy? Thank you.

Speaker: We have ellen mendoza. Ellen is in the Portland building.

Speaker: Hi. Yes, I am ellen mendoza. I support the appeal and ask that you reject the hearings. Officer. Decision. As we face climate change, we will need parks more and more for shade, watershed protection and connection to the natural world that is struggling to adapt. The council should protect the parks we have, and pge can find another way to put in yet another park electric line. Now I'm going to read a poem that I wrote about the topic, the choice. Why put a power line in a park? Because it is easy. The ground is soft. Only trees are in the way because other towers already spoil the illusion of nature. It is not the forest primeval because we need their charged electrons, enabling our leisurely lifestyle, storing our memories and creations. Because. Because corporations run toward money. And this one can

see over the hill where data centers are sprouting. Is there another way we ask, why can't the power line go along the roads already strung with wire? Isn't it the law that this park should remain as forest unless there is no other option, and any harm is completely mitigated, but the corporation is murmuring. What about your refrigerators, heat pumps, electric cars, televisions, computers, washing machines, light bulbs and phones? Don't blame us if there is a blackout. What's a few trees? Frogs. Birds? Deer? Snakes? Coyotes in the face of electrical insecurity. Because when we made the park, we chose the forest. We meant it then. We mean it now. Thank you.

Speaker: Thank you, and thank.

Speaker: You to folks in the room for remembering silent support.

Speaker: Next we have thomas cunningham, jeremy smith, and kai mcmurtry.

Speaker: Miss yourself and go ahead and begin testimony.

Speaker: Are you ready? Good afternoon. My name is tom cunningham. I'm a lawyer, and I've been practicing law in Portland for the last 36 years. I'm also a member of the coalition for the protection of forest park. We are a we are not volunteers devoted to the compliance. Seeing the compliance and the enforcement of the forest park natural resources management plan, which is an ordinance. And I come before the council today to oppose the granting in support of the appeal, because pgi's proposal violates the plan. And I ask this a couple of things of this council. First of all, I would request that they support the staff, report the staff, report the staff. Your staff are the experts. And by unhesitatingly, they denied a recommend denial of bgs report. The second thing I want to ask of you is to make a finding that there are. Alternative locations outside of forest park for that they exist for pj's proposal. That's important because in the management plan on page 217, you find the approval criteria, and in exception b, you find the clause that the pgs

proposal must be denied. If there is an alternate location outside of forest park for pj's proposal exists, keep in mind this is plain description, an alternate location. It isn't adorned with any kind of qualifiers. Your search for this finding is made easy by the hearing officer's decision on page 21. On page 21, she notes that pge has already identified different alternative locations, and that should have ended her discussion. At that point, she should have simply denied the application, but she didn't. She wanted to bring it around so that pj's proposal could be granted. And I think here, in my opinion, she made an error of law because she tried to graft on this idea of practicability onto the ordinance by saying that an alternative is. Anyway, that's in violation of s 174 010. She can't amend the ordinance. So I'm asking you to disregard this practicability ordinance. Find that there are these alternative locations outside of forest park and grant the appeal. Thank you.

Speaker: Thank you.

Speaker: Jeremy, I believe you're next.

Speaker: Good afternoon, councilors and mayor wilson. My name is jeremy smith. I live in district four, just a few miles from forest park. Before I consider moving to Portland, I knew about forest park. Its reputation precedes the city itself. Forest park was one of the main factors influencing my decision to move here, work here, buy a home here and start a family here. Its proximity to the urban center and world class hikes are unparalleled in any major u.s. City. Forest park is the product of over a century of advocacy by the indigenous community, environmentalists and nature lovers. It is a privilege to have such a large urban forest within our city, and we must honor the advocacy of those who came before us. I'm not against expanding and updating our power grid to improve resilience and accommodate population growth. Updating our electrical distribution capabilities is a crucial part of converting to a renewable energy economy. What I am against is

approving a project that would destroy five acres of mature trees, streams and wetlands in a in Portland's most beloved park a park that we are legally bound by the forest park natural resources management plan to grow and protect as we aid it in becoming an ancient, self-sustaining forest. Resetting the clock on a forest. Moving towards ancient status is not how we create climate resilience. The mitigation plan put forth by pge does not come close to offsetting the impact this will have on the ecology and air quality of the region. Pge's mitigation plan touts the pavement of the Portland parks and recreations in lieu of fee as a key element. Paying a fee will not bring back the streams and wetland habitats that will be irreparably destroyed by this project, pge says they'll come back out for routine maintenance for two years, but what happens after that? And what exactly is pge's maintenance plan? How can we trust the pge will even exist to steward these trees to adulthood? Taking down a mature tree and replacing it with a sapling is not comparable. I've seen pge's mitigation work in my own neighborhood of lair hill, where they've cleared mature douglas firs to expand electrical distribution capabilities for the new ohsu facility. Pge replaced mature trees with shade plants that are frying in the direct sunlight. Pge has created a new biome by removing the shade cover that the trees used to provide, and the sapling and the saplings that they've put in the Oregon grape. It's already dying. Not to mention that they left trash in our neighborhood and they made the soil barren. I'm not impressed with what they did. I and I don't trust or have confidence in their ability to steward the land that they would destroy in this project. You've been lied to. That the forest park is the only option for this project. We need a third party report, not one completed by a pge consultant that explores additional options. Options that do not impact forest park. The people of Portland deserve a better project. If you scroll through the public testimony record, you will find over 1000 written testimonies

urging you to approve this appeal. It is almost impossible to find a testimony against it. That is a mandate from the people of Portland.

Speaker: Thank you very much. Go right ahead.

Speaker: Good afternoon, councilors and mayor Wilson, thank you so much to all my fellow community members who are here with us today. My name is Kai McMurtry. I am an Oregon Sierra Club organizer in Portland, and I'm here to speak in support of the appeals of both Forest Park Conservancy and the Forest Park Neighborhood Association, and to ask this council to reverse the hearings officer's decision. I also urge you to direct the city attorney's office to write a new decision based on the city staff report, which laid out a comprehensive, fact-based and well-informed argument for denial of this PGE land use request across many review criteria. Since that staff report and the submitted appeal documentation and the vast majority of testimony you will hear today illuminates clearly why the appeals should be affirmed. I will instead focus my remarks on highlighting the Portlanders who aren't able to be here today, but who nonetheless have shared their wholehearted support of the park. To be clear, I am not speaking for them. They have already spoken to start Portland permitting, and development staff received nearly 1200 comments as they compiled their recommendation. Approximately a half dozen were supportive of PGE's proposal and the remaining 1200 opposed. Next, when the proposal moved to hearing, more than 900 comments were submitted to the hearings officer, of which approximately 100 were supportive of Harberton, more than 800 opposed. When I arrived here this morning, this appeal had received more than 1100 comments submitted to this council, virtually all in support of the appeal in front of you and in opposition to the project as it is opposed. Additionally, let me read a list of agencies who recommend denial of PGE Forest Park Deforestation Plan, Portland Urban Forestry, the Portland Parks Board,

west Multnomah soil and water conservation district, Oregon department of fish and wildlife, Portland parks and recreation, community based organizations in opposition include the forest park neighborhood association, forest park conservancy, Oregon, sierra club, bird alliance of Oregon, Portland dsa 350 pdx to alton riverkeepers defend them all, save helvetia, mosquito fleet pdx intertwine alliance. Willamette riverkeeper, access for all and human access project. My friends and colleagues, alongside Portland city staff, are illustrating why pge's proposal is unsound. Thousands of Portlanders are standing up to ask you to validate that their vision of a just and sustainable clean energy future matters to this. Council has the opportunity that the hearings officer declined to center public interest when interpreting the law, that we need. Upgraded energy transmission alone is not enough. We must also consider how and where and why we need it and say yes only when the plan centers our community and ecology and humanity. Thank you.

Speaker: Very much.

Speaker: Rebecca.

Speaker: Mike. Mike. Lindberg. Damon. Damon. Monts. Story. Damon. Monts. Story. And. Carl. Anita and mike is online.

Speaker: Yes. Here we go. Council president, members of the City Council. My name is mike lindberg. I have the honor of being a Portland city commissioner for 17 years. I lived in four different neighborhoods as a renter and homeowner. Forest park was my go to place for hiking and absorbing the beauty and spirit of nature. I was parks commissioner for about five years and immersed myself in the health of forest park and celebrate the role it played in defining who we are as a city. I was also on the City Council when we adopted the forest park natural resources management plan in 1995. My judgment is that pgs application violates the plan in

many ways. First, the application is inconsistent with the two primary conservation goals of the plan. The first of those requires a city to protect forest, parks, native plant and animal communities, and its soil and water resources while managing the forest ecosystem in order to grow a self-sustaining ancient forest for the enjoyment of future generations. As the city staff report concluded, if pge's proposal were approved, pge would destroy, not protect, native plant and animal communities and soil and water resources. The second conservation goal is to manage forest park with 4 in 4 ways one. Maintain and enhance regional biodiversity to provide wildlife habitat and migration opportunities. And we did designate forest park as a wildlife corridor to go from Portland toward the coast. Improve water quality and aquatic habitat. And four repair damaged and fragmented natural systems. Once again, pge application is squarely inconsistent with each of these requirements. Pge's application also shows that there are alternative routes for power lines. The routes may be more expensive than running lines through the park, but a developer does not gain the right to use the park simply because it would be cheaper to do so. In conclusion, if the City Council were to approve this application, it would involve clear cutting the equivalent in size of about one and a half football fields. And if you account for the later phases of the project, it would be up to get up to about four and a half. Football fields of clearcutting. I hope you recognize and embrace the opportunity before you today, and vote to protect one of Portland's national natural treasures, forest park. Thank you very much.

Speaker: Thank you.

Speaker: Daymon.

Speaker: Good afternoon, madam council president, mayor wilson and Portland City Council, thank you for the opportunity to comment on this land use appeal today. For the record, my name is damon monastery, and I serve as the Oregon state

director of the sierra club. Our mission is to explore, enjoy, and protect the planet. We have 58,000 members and supporters across Oregon working to defend public lands and forests, protect clean air, clean water and wildlife, and advance a just transition to 100% renewable energy. Speaking of that energy transition, we appreciate the need for upgrades to our energy infrastructure. We will need to be able to move clean power from generation to consumption more efficiently and responsibly, especially in the face of increasing climate change and extreme weather. But if and only if we truly need a new power line, we shouldn't make climate change worse by saying we have no choice but to mow down carbon dense forests for that power line because of climate change doesn't make sense, especially when independent study shows there are alternative routes that can be made viable for the power lines. Now, sierra club has partnered with pge often in the past on our shared goals, such as clean power and energy affordability for low income Oregonians. And pge has known about the need for power upgrades in this area since 2015 and now claims to not have time for alternate routes. There is no need for us to be on opposing sides of this issue, and I call on pge to abandon this ill advised forest park pathway and work together with community groups and environmentalists instead of against us. We should, as a city, hold an extremely high bar for what deserves taking up more of our public forests. The value of these trees is immense from habitat for sensitive species, cooling and summer heat, and highly effective carbon sequestration, recreation and public enjoyment. There is no credible way you could convince me that planting seedling trees would acceptably mitigate the loss of hundreds of years old trees, which take decades upon decades, to reach maturity. If there are other ways to solve our electricity needs, we owe it to all of the previous generations who advocated to protect this place, as well as our kids and grandkids, to find another way and protect this precious ancient forest.

Oregon has already lost so much of its ancient forests since the arrival of white settlers and the timber industry. Even taking just a few a few more acres of healthy forests is an incalculable loss. That would also set an unacceptable precedent. Today, it's 4.7 acres, but the next phase and the next phase after that, and other proposals yet to be seen, will continue to point back to the decision made here today. So instead, let's defend Portland's crown jewel park and find a different pathway. Thank you for the opportunity to comment in support of the appeal today, and I urge you to just really take a moment to settle in and remember what you felt like when you first went to forest park and how that how that impressed upon you. The only reason we have it is because we've made choices to protect it. And so we have the opportunity to make those good choices today. And I appreciate very much for taking this this so seriously.

Speaker: Thank you carl. Go right ahead.

Speaker: Madam president, members.

Speaker: Of.

Speaker: The council.

Speaker: Mayor.

Speaker: My name is carl anuta. I'm a lawyer.

Speaker: I've been practicing. Environmental law in Portland for over 35 years. I'm presenting.

Speaker: Today as an individual.

Speaker: I presented.

Speaker: Written testimony.

Speaker: To the hearings officer, which she ignored. That prior testimony focused on how legally and factually, it is improper for pge to try to pretend that phases four and five of the harberton project are not something that is relevant to phase

three. Even though phase three's location dictates whether phase five will be in or outside of the park. I'm presenting today, however, on two different issues. Things I would want to know if I was sitting in your shoes. One is the scope and nature of the review you're conducting, and the other is the burden of proof in this quasi judicial proceeding on the scope of review issue. Your review here today is what's called de novo review. That means you look at all the facts and all the testimony, and you put on fresh eyes, and you decide what you think. Those facts actually show. In doing that review, you are not required to, nor are you legally allowed to give significant deference to the hearings officer's decision. In fact, if you do that, you're probably going to be reversed. There's a land use case called *Lawrence v Clackamas County*, where the Oregon court of appeals did just that. They reversed a local government quasi judicial appeal decision, specifically because the local government gave considerable deference to a hearings officer's decision. The court held that, quote, that is not de novo review. So look at the record yourself and make your own decisions about what it shows. There are other cases affirming the *Lawrence* holding. However, since I'm going to be short of time, you'll have to look at my written testimony or ask me questions afterwards if you want to get those or the citations. The city code here is clear. The City Council quote. The City Council may adopt the review body's decision report, modify it, or reject it based on the information presented at the hearing and in the record. The code makes no reference to deferring to the hearings officer. If you disagree, you and you want to follow the expert recommendations of your staff and the well researched and well supported appeals of the forest park neighborhood association and the forest park conservancy. You simply have to tell your staff that's where you want to go and ask them to write findings to support that. Let's look at the burden of proof for just a moment. The law here is also very clear. The quote the applicant retains the burden

of proof throughout the local process to demonstrate compliance with all applicable approval criteria. That's from a case called rockland versus Multnomah County. In other words, it is pge who has to convince you that they've proved they comply.

Speaker: I'm sorry. Your time is up.

Speaker: Happy to answer any questions if anyone has any.

Speaker: Thank you.

Speaker: I think we will call up our next testifiers.

Speaker: Next we have matt schipke swinhoe and nikki grimm.

Speaker: Go right ahead.

Speaker: Good afternoon. Councilors. My name is matt schipke, and I'm here with my colleague swinhoe. We are both members of the Portland parks and recreation board, and we will be representing the board's position today. We urge you to support the appeal and to say no to ppg's proposal to remove almost five acres of important natural habitat in forest park. In doing so, we are also lifting up the recommendations of your city staff and the more than 1000 Portlanders who have asked the city to safeguard the unique and special resource that is forest park. The Portland parks and recreation board cares deeply about building and sustaining holistic communities. Our park system is an essential contributor to our quality of life. By providing spaces for residents and visitors to gather, play and build community. By providing habitat for wildlife, by cooling down our neighborhoods, and by making our city more climate resilient. Today, we stand in solidarity with forest park conservancy and the friends of forest park to defend one of Portland's most valuable assets, forest park. Pge has proposed removing approximately five acres of second growth mixed coniferous deciduous forest, which would require the removal of approximately 397 trees and two wetlands, as well as the

degradation of two perennial streams. These are complex, high value natural resources within forest park, which would be permanently lost and which cannot be replicated through mitigation. Susan will now continue the board's testimony.

Speaker: Good afternoon. My name is swen ho. I serve on the Portland parks and recreation board. The board firmly believes pge plan stands in direct opposition to conservation goals one and two. In the 1995 forest park management plan that was adopted by City Council by ordinance, severely disrupting biodiversity, habitat and the forest ecosystem. Conservation goal one states the city will protect forest parks, native plant and animal communities, its soil and its water resources while managing the ecosystem in order to grow a self-sustaining ancient forest for the enjoyment and benefit of future generations. Removing close to five acres of forest is squarely counter to those goals. In addition, this section of forest is important habitat for the red legged frog listed as a sensitive species in Oregon. The removal of habitat and degradation of this perennial streams will inhibit the species ability to use this pathway on its migration to and from its breeding habitat. The board is aware that as the city's demand for more energy has grown, however, we do not believe that strengthening the energy grid must come at the expense of our public forest lands. Pge has identified 16 alternative locations that exist outside of forest park. By selecting an alternative site, we can both grow our power grid and ensure the section of forest park remains a public resource for years to come. We ask the City Council to support alternatives for creating a stronger, more modern power grid. Thank you for your consideration and your help stewarding our city's natural areas. Thank you.

Speaker: Thank you. Thank you. Online.

Speaker: Nikki. Grimm.

Speaker: I'm not seeing anyone here or going up to the mic in the overflow room.

Speaker: Next we have linda talbot. Susan andrews and matt morrissey. And linda.
Excuse me. Susan is online.

Speaker: Susan, go right ahead while we wait to see if linda joins us.

Speaker: Susan andrews, you're good to unmute and start your testimony.

Speaker: Hello. Is my audio on now?

Speaker: It is.

Speaker: Great. Hi. My name is susan andrews. I appreciate your time listening to our testimony today. I am a resident in the forest park neighborhood, and I feel a great sense of gratitude for the chance to live next to such amazing natural resource and living next to forest park. I'm also able to speak today about the value of an existing second growth forest, and explained my opinion that the mitigation plans that pge has proposed will not actually make up for the damage that this proposal would create. So I am speaking in support of the forest park neighborhood association and the forest park conservancy, and the staff's reasoning for countering this proposal from pge. I just would like you to stop and think for a minute about the way it looks when you drive out to the coast on highway 26 and you see the areas where they've logged the tillamook state forest and the number of years. As you drive out there, as I have done, and try to watch how that forest tries to regrow after it's been planted, and there's really nothing similar about it ten, 20 years later. It actually takes that white oak that they cut down 20 years to make its first acorn. The, you know, people who grow christmas trees in our area are aware that it's ten years before you get a tree to put in your living room after they've planted that seedling in their farm. So if you imagine that and compare it to the existing habitat that those trees have, you know, done growing 150 years there or even 50 years there, and then imagine replanting seedlings somewhere and the amount of time it will take to create some kind of

habitat out of those. There's no chance for the wildlife. We've heard a lot about the red legged frog, but we have elk in the area. We have pileated woodpeckers. We have a lot of wonderful wildlife. People see black bear in forest park. Where are those going to go? While this area attempts to recover. So the idea of mitigation by replanting or building a new pond. It really is not a, I think, a feasible idea. And this is such a precious resource in this area. I'd like to ask you to protect the park that the forest park management plan contractually requires you to protect and help us in our ability to maintain this resource for our city.

Speaker: Thank you very much.

Speaker: For the chance to testify.

Speaker: Thank you.

Speaker: Next we have rosie sherrod, thomas giza, bob weinstein.

Speaker: Rebecca, did matt have an opportunity?

Speaker: Matt does not appear to have joined us. Okay.

Speaker: Is rosie with us? Okay. Thomas.

Speaker: Am I on? I think you're there were two ahead of me.

Speaker: So we have thomas here. We have thomas online.

Speaker: My name is thomas giza. I'm testifying to. Uphold the support, the appeal that the hearings. Officer on the appeal of the hearings officer's findings. Most of the points that I was going to make have already been made far more articulately than than I will be able to do. I, I bring a large amount of experience and education to this, as I'm a natural resource biologist and environmental ecologist. I wrote a thesis on the effects of power lines on forest ecosystems. I've worked on all sorts of things in the forest management area for the last 60 years that I've been here. So I bring expertise to this. I'm not going to give you all of the stuff about the dangers to red legged frogs, which is large, but nonetheless the point I want, the remaining

point that I would like to make is that if the council chooses to not accept the hearings officer's findings and directs city staff, presumably to put together something else, that in any agreement that you make with pge in this case, but think also in future cases you you need to add conditions that are enforceable because when in this kind of situation, we are now left with red legged frogs, the only mitigation that remains in the in the hearings officers findings is that pge will talk with Portland parks and rec about maybe helping to put in some additional ponds. Maybe we've already seen pge back out of a proposed mitigation thing, which, incidentally, the hearings officer didn't recognize, and pge equally could without any enforceable. Conditions on the on the thing. They could talk to Portland parks and rec, for example, and decide that's too much trouble. We don't want to get our bulldozers dirty in there making ponds so and walk away. Put enforceable conditions on any agreements. Thank you. Thank you. And the rest of my testimony is already in the record.

Speaker: Thank you. Rosie.

Speaker: Hello. Members of the council, mayor wilson. My name is rosie sherrard. I'm a resident of district three and an outdoor enthusiast. And I am here to ask you to support the appeals of both the forest park conservancy and the forest park neighborhood association. I urge you to reject the hearings officer's decision and support the city staff recommendation and deny pge's request. Forest park is one of the largest urban forests in the country. It's beloved by our community members, and it's necessary for the life of the animals and the insects in the frogs that live there. Pg is going to come up here and insist that this is the only way for them to have a power line. They're going to minimize the impact of this project. And as we've seen by the habitat that's currently under those power lines, we cannot rely on them. Pge, a company driven by corporate profit, to actually do what's best

for the environment and best for the community. The insects, the frogs, the plants, they all depend on this land. Once lost, these ecosystems cannot be mitigated or recreated elsewhere in our lifetimes. We know that pge has more plans for development that could cause further destruction of this environment, and approving this project, since a dangerous precedent to this ecological treasure. This is a critical moment of choice, one which you will be known for. Are you going to treat forest park as a permanent protected ecological treasure required by the forest park? Natural management natural resources management plan? Or are you going to allow it to be used as a convenient land grant grab for profit driven motives? I urge you to support the appeal, deny pge's proposal, and stand with us in protecting forest park for the red legged frogs, for the trees, for the wildlife, and for generations to come. Thank you.

Speaker: Thank you bob.

Speaker: Thank you. Good afternoon, mayor and council members. My name is bob weinstein. I live in northwest Portland. I'm a frequent user of forest park. I urge you to support the appeal of the hearing officer's decision, allowing pge to move forward with their destructive clearcutting plan in forest park. This decision was flawed both in process and in substance, and it sets a dangerous precedent for how we value our public lands and natural spaces. The hearing officer made a critical mistake by prioritizing pge's financial concerns over environmental protection. Let's be clear. Other feasible alternatives existed. The hearing officer dismissed these alternatives primarily on the basis of cost. That's not a sufficient or appropriate justification for selecting a plan that would result in the clearcutting of one of the city's most precious natural resources. Forest park is not pge's property. It's clear cut that it belongs to the public and should be treated as such. What's more disturbing is the hearing officer's clear cut refusal to consider the full scope of the

project. The decision focused only on one phase of the transmission line buildout, but it's clear cut that this project does not end with this phase. The piecemeal approach taken here is misleading and, frankly, irresponsible. It's my understanding that a future phase in the works involves clearcutting at least another ten acres. If we only consider the first slice of a clear cut, we ignore the devastation that follows forest fragmentation, erosion, loss of habitat. These are not problems for just this phase. These are clear cut, full project problems and they must be evaluated as such. If you allow if you allow this initial clear cut to proceed based on an incomplete review, you are effectively approving the entire project without appropriate scrutiny. If this project was on federal land, nepa would require all project phases to be considered in an eis. So should you. Let me put this another way. If you're a fan of the zenith permit approval process, it's clear cut that you should support the hearing officer. That's how bad this decision is. Like with zenith, we are watching the city potentially endorse environmental degradation under the guise of procedural correctness and cost efficiency. That's not leadership. The city must stand up for its values. Your own permitting and development office recommended that the hearing officer reject the project due to noncompliance with environmental standards. It's clear cut that this was ignored by the hearing officer. Clear cutting through forest park is not in alignment with our climate goals. Our environmental justice goals and commitments, or our responsibility to future generations. It's clear cut that you have the authority and the duty to reject this flawed decision and require pge to pursue alternatives that preserve our invaluable forest ecosystem, rather than an unnecessary clear cut. Thank you for your time, your consideration.

Speaker: Councilors. We have about 45 more minutes of testimony in support of the appeal. Then we will hear from the applicant, supporters of the applicant, and

then a rebuttal from the appellants. We've had staff sitting for a little over two hours, so I'd like for us to take a 15 minute break to give our staff an opportunity to stretch their legs and then come back and pick up where we left off. Does that work for everybody? Okay. We are going to take a 15 minute break. It is 412. We will pick back up in the testimony where we left off at 427. For folks who are in overflow rooms, when we come back together, I'll note that there are some seats available in the gallery upstairs from council chambers.

Speaker: Yes, I am. I am.

Speaker: Quorum. We have councilor Ryan online and six in the room. If everybody could take a seat, and as soon as it's perfect. Rebecca, could you call up our next folks who have signed up for comment, please?

Speaker: Next we have brenna bell, christine bugas and rachel who?

Speaker: Go right ahead.

Speaker: Hi. My name is brenna bell, and I'm the forest climate director. For 350 pdx and a district.

Speaker: Four resident.

Speaker: And I've.

Speaker: Spoken to.

Speaker: Many of you advocating for Portland's urban forests from my position as a community organizer for the shade equity coalition. And I don't know if you know, but I'm also an environmental attorney. And as you move into being moving from policymakers to the judicial body, I thought I'd move from being an organizer to a lawyer. As I talked to you today in reviewing the hearing officer's decision, I knew what the result would be when I read the phrase, this case is about facts, not feelings. That's the kind of thing that people say when they know they're doing the wrong thing, but they're do it anyway. It's in the same family as my hands are tied,

and I'm only following orders. But if there's anything I've learned from 20 years in the legal field, there is no dispassionate application of the law. The law is always interpreted within the broader social context, and that's why interpretations of the same law can change as culture changes. There's always a lot of wiggle room to reach a new conclusion. So you heard that the hearings officer interpreted the forest park plan as a guidance, rather than as binding city code. This interpretation allowed her to bypass city staff's finding that pj's project does not comply with the forest park plan. This interpretation is neither a fact nor a feeling. It's the approach that she needed to support her conclusion. And as carla noted earlier, you are not bound by that interpretation. So I encourage you to affirm that the forest park plan is binding city code. You do not have to just rely on facts or feelings. Luckily, you can rely on the law as written, which allows you to give the greatest strength to its content and the greatest deference to the city staff. The most benefit to the public interest and the best legacy. As a new City Council, enacting your role as a judicial judicial body. So I know you're listening to a lot of us. I thank you for your patience and for all of the questions that you've asked, will ask, and all of the consideration you give to supporting the city staff in this. Thank you.

Speaker: Thank you very much.

Speaker: Rachel who is online? Rachel. You can unmute and begin.

Speaker: Hi, my name is rachel, who I'm a constituent of district two and a member of sunrise pdx. There has been a lot of information that's been thrown around, so I'm just going to give kind of my experience with forest park and of course, just to, you know, urge you to support the appeal against the hearing officer's decision. I came here for college, I'm from hawaii, and forest park was the first experience I've had that in a forest that's not hawaii, and probably the first time I've seen an oak tree, I'm not going to lie. So I have lots of strong feelings for it. It

was a great place for a broke college kid to go and hike and experience Portland's unique nature in that regard, and I've seen so many other places in my hometown that has gotten overrun by invasive species. And I've heard and seen plants and animals that have gone extinct because of colonization and things like this. So I just urge you to please think about this beloved city gem. And I'm not asking that for pg and e not to expand, just not in forest park. I'm also concerned about the phases that was brought up a little bit earlier. We don't know what is coming next, and I just want to make sure that it's here for my kids and anyone else who's here to enjoy it. Thank you.

Speaker: Thank you.

Speaker: Next we have arianna, scipione. Judas graves and albert kaufman. Ariana's online.

Speaker: Ariana, please unmute and go ahead.

Speaker: Hi. Can you hear me?

Speaker: Yes we can.

Speaker: Good afternoon, madam president. Mayor and members of the council. My name is arianna scipione. I'm a wildlife biologist. I'm speaking on behalf of west Multnomah soil and water conservation district, where I'm their urban conservationist. We are a special district governed by elected officials, and our mission is to support soil health, clean water and habitat on both natural and agricultural lands. I'm here to express our support of the appeals by forest park conservancy and forest park nature neighborhood association. I am part of an ongoing study of northern red legged frogs with usgs to understand population demography, which is population size and age structure in forest park. I collect frogs that are crushed by cars on highway 30, just below the proposed area. This area is within documented non-breeding upland habitat of the northern red legged

frog, which is a federal species of concern, a state sensitive species, and a conservation strategy. Species in need of protection. Forest park has very few wetlands that are appropriate for northern red legged frog breeding. This year I participated in breeding surveys at pgs harberton wetland a directly adjacent to their substation, and we found over 1700 egg masses of northern red legged frog. Most of the historic riparian wetlands and uplands along the banks of the willamette river have been developed. This area has been mapped by the Oregon department of fish and wildlife as a priority wildlife connectivity area, and a conservation opportunity area. It's not just another green space. It is a high value ecological corridor for many species. It's critically important to understand how this project aligns with other energy proposals in the region, such as the cascade renewable project, currently in permitting with us army corps. It proposes to bring power from the dalles to the harberton substation and has the potential to impact future needs for transmission infrastructure that may impact future phases of this project. Finally, we're deeply concerned that pge's proposed mitigation plan does not meet the requirements of no net loss of functions and values, including the loss of mature forests that provide so many things carbon storage, water filtration and slope stability. These functional values cannot be replaced elsewhere or mitigated in this area. Pge would also need to meet mitigation requirements for wetland impacts through dsp and possible other habitat impacts through odf and w. We recognize the need for reliable energy infrastructure and support the transition to renewable energy. However, it's impossible to do so without sacrificing Portland's most important natural areas. We respectfully urge council to accept the appeal and overturn the hearings officer's decision, and require a full evaluation of future phases of this project. Thank you very much.

Speaker: Thank you. Go right ahead.

Speaker: Oh, sorry. Hi. Hello. Can everyone hear me? All right. Perfect. Hello. City Council. Madam president and mayor Wilson. My name is Judith Graves. I'm a resident of Southeast Portland. And I'm here today to vehemently oppose PG&E's proposal to turn Forest Park's old growth and wetlands into a vast expanse of power lines that will inevitably, inevitably be neglected. And I'm also here to throw my full support behind the Forest Park Conservatory and Appeals of Forest Park Neighborhood Association. Just a few facts. 200-year-old trees and centuries of biodiversity are not replaceable. There is no mitigation that can replace those lost resources. This cannot be fixed. It cannot be undone. Once this decision is made. And there is no contingency plan for the carbon offsets. And numerous alternate plans have been made available. With PG&E raking in \$2.48 billion in 2024 alone. I think they're cries of a little too expensive. Might be a little overdramatic, to say the very least. I desperately urge City Council to uphold the aforementioned appeals and respect the values of our community. Values rooted in protecting and preserving what makes the Pacific Northwest one of the most visually stunning features on the face of planet Earth. And not just that, but a visually stunning feature that is also capable of sustaining life. We've already seen 1000 1000 comments opposing these flagrantly obvious contradictions to the Forest Park Natural Resource Management Plan. Prior to the hearing officer's frankly inexplicable choice of approving such a wildly dangerous precedent. Nationwide, the plunder of our national parks, protected and sacred lands has been thrown into hyperdrive, and as self-appointed stewards, it is our charge as a community to ensure that what is currently in our care continues to clean the air and filter the water, and provide habitat for an innumerable measure of flora and fauna for generations to come. Forgive my. Forgive my train of thought. We can't keep Portland weird if we don't keep Portland green. Short and sweet. And I'll wrap up

here by saying oppose pge and direct the city attorney to write a decision based on the city staff report. Recommendation of denial. Thank you very much.

Speaker: We appreciate you being here.

Speaker: Albert kaufman. Albert is online. You can unmute and begin.

Speaker: Hello, everyone.

Speaker: It's albert kaufman.

Speaker: I'm part of district three. I'm also the founder.

Speaker: Of we.

Speaker: Keep trees standing, which.

Speaker: Is.

Speaker: A online facebook group.

Speaker: Of about 800.

Speaker: People who.

Speaker: Are tree.

Speaker: Lovers here in Portland. We started out 5.

Speaker: Or 6 years ago, trying to.

Speaker: Oppose some developers.

Speaker: Who wanted.

Speaker: To cut down.

Speaker: Trees in.

Speaker: Our.

Speaker: Neighborhood.

Speaker: And we.

Speaker: Were able to save some of them. And so we. Continue to.

Speaker: Try to. Keep trees standing.

Speaker: And I'm also part of the shade. Equity coalition. And I also I'm just very thrilled to be here today. Speaking in front of the City Council with its new format, which I worked somewhat to help make happen, and I'm. Very excited about ranked choice voting and the fact that you're all there. Many some of you have been hearing from me for years, and some maybe it's your first time being introduced to me, but I wanted.

Speaker: To.

Speaker: Just call in previous activist bob salinger. Oftentimes, he and I would.

Speaker: Be sitting.

Speaker: At.

Speaker: A table testifying in front of you, and I know that in his heart of hearts, where he here today with us. He would be adamantly, you know, echoing the comments that you've been hearing for the last couple of hours. We don't really have all that much time left to preserve, you know, the trees that are being threatened. And so any future cutting really should be off the table. I just noticed that trees have come down along cesar chavez in front of the belmont library. Trees were cut down recently by odot to do some road expansion along powell. This is all just wrong thinking. Every time a tree gets cut, it's a shonda. It's a it's a mistake on our part. And so everything that we can do as a community to keep trees standing and to plant new trees. It would be a recommended, you know, anything we can do to keep this place cooler, to keep the oxygen flowing in a valley that has some of the worst air pollution in the country. You know, benefits us. So pge can figure out another way to build transmission lines. There's now solar power that can be put on top of buildings, for instance. So I just want to say thank you very much for hearing all of us. And I do really appreciate the process of this. And I do imagine that you're going to do the right thing in this case, because a lot of us are watching,

thousands of us are watching, and we want to preserve forest park, and we want to keep trees standing. Thank you.

Speaker: Thank you very much.

Speaker: Next we have charlie, michelle, wesley. Lucilia cejas and robin glenn.

Speaker: Charlie, go right ahead.

Speaker: I have to get my glasses on.

Speaker: Okay.

Speaker: I am charlie, michelle. Wesley. I'm a tribal member of multiple tribes of this land.

Speaker: Which we are deeply.

Speaker: My people are deeply.

Speaker: Connected to.

Speaker: Grounded by. Guided by. The wisdom of nature and our land. And I just have to ask, is there anything sacred.

Speaker: That this city won't destroy by perceived. Progress or profits, this land that you now have the privilege to reside on? On the backs of thousands of my people's lives. And yet you are now contributing to the destruction of our sacred forest. Despite overwhelming community opposition, of destruction of healthy trees that provide clean oxygen, risk to health and safety of wildlife, beautiful green spaces that are quickly disappearing for profit. A decision that lacks the Portland core city value of anti-racism because environmental justice is racial justice to my people and others. And this sacred land and a threat to our environment and Portlanders healthy recreational lives. This reveals your integrity. This decision that you make, you discriminate against your people on behalf of corporations. So if this decision was made, despite it being a horrific action, it's time to review the core city values, which should be values of this city's to uphold and perceive reputation of

green Portland and should be the lens you hold dear to all your decisions, your concern about more energy to provide more air conditioning due to climate change is nothing but exploitive capitalism. How about addressing the issue of climate change by saving trees and the poor? Excuse that alternative paths wouldn't work because it would include personal property? How about the hundreds of thousands of us community members that say no to the destruction of our beloved forest? This also disregards core city fiscal value dedicated to climate action. This brings me to a summary of the city's land acknowledgment. This city acknowledges and commits to honoring and learning, working towards a more equitable and sustainable future for our lower willamette river. You all committed to that and commit to seeking solutions to harm done to these lands and water. We the people want to trust you all. So quit legitimizing harm to our sacred forest. Reject pj's forest destruction. Support the appeal. Denying this horrific act of destruction is how to take action against climate change, and instead contributing to it. What you do to our land, you do to yourselves, to us, and to our future generations. So do the right thing. Thank you.

Speaker: Thank you. Sheila.

Speaker: Thank you.

Speaker: My name is lucila cejas. I grew up in the other side of the world, in a loud, dense city of 13 million people, where every single tree was planted by the sign. When I moved to Portland 20 years ago, I fell in love. I had never experienced something like forest park and its through forest park that I learned to respect and care for nature in a way that changed me forever. I've raised my children among these trees and now in district four, I live with that forest in my backyard. That's why I'm here to voice my full support for the appeals filed by the forest park conservancy and the forest park neighborhood association, and to urge you to

reject the hearing officer's decision to approve pj's harbor reliability project. This plan would clear nearly five acres of forest park to run power lines in direct conflict with the forest park natural resource management plan and Portland's own environmental goals. City staff recommended denial. Over a thousand Portlanders submitted comments, and in opposition. The most in city history. And yet the plan was approved. I understand that we need utility safety, but a project of this scale in one of the largest urban forests in the country demands far more public oversight and environmental accountability. Because we're not just talking about vegetation, we're talking about old growth trees that have stood here long before all of us were here. We're talking about habitat corridors, native species, and a park that defines our city's ecological identity. People call us tree huggers. And honestly, I am proud of that because it means we know what is worth protecting. I live in this forest for 15 years. I've watched trees fall, wildlife disappear, and the landscape thinned out. Damage of this scale can't be mitigated, and non-park alternatives do exist. If we move this forward, it sets a dangerous precedent that corporate convenience can outweigh the public good. Science and law. This plan was approved without a full environmental review, and I believe that that alone should be enough to stop it. At the very least, it demands much more scrutiny and public accountability. So please support the appeal. Please stop this plan because once this is done, there is no one doing it. Thank you for this opportunity.

Speaker: Thank you.

Speaker: Robin glenn is online. Robin, you can unmute and begin.

Speaker: Hi.

Speaker: I hope you can hear me.

Speaker: You've heard many.

Speaker: Strong reasons now. Why not to destroy the five acres in forest park, which I strongly agree with? Pge is, of course using the shortest.

Speaker: Easiest and.

Speaker: Least expensive route to increase the power supply. But I think if we give in to letting them destroy these acres, the next phase of this project will destroy even more. And it still, it still won't be enough. Pge they have no transparency about the next phases, which we can't ignore. But if they are worried about rolling blackouts in 2028, these are happening in states with massive data centers. That means to me, they are trying to power the current and soon to be massive data centers in hillsboro data center. Energy needs are endless and massive. Thus, more forest park will definitely be sacrificed in the future. I think the data center issues and use of resources is another serious issue that needs to be dealt with, with laws and applied to it. I'm hoping we can obey our laws and protect this space and forest park for its future and for ours. I have hiked there for years. I love it. Thanks.

Speaker: Thank you.

Speaker: Next we have matthew cooper, I and emily weinberg. Elizondo.

Speaker: Is matthew online?

Speaker: Okay.

Speaker: Please go ahead.

Speaker: Good afternoon.

Speaker: My name is I.

Speaker: I'm a member of rose.

Speaker: City indivisible.

Speaker: And I have with me a stack of 26 letters written by community members.

Speaker: Who want to.

Speaker: Protect forest park.

Speaker: From pge's destructive plan. And I'm just going to read the text of the letters. I'm speaking to you as a deeply concerned community member, to demand that the city take immediate action to stop pge's harberton reliability project from moving forward in forest park. This project will cut down nearly 400 trees across 4.7 acres of Portland's largest natural area that provide critical habitat, absorb carbon, reduce wildfire risk and protect the health of our ecosystem. Pge claims they will replant, but a few saplings are not a replacement for a mature, functioning forest. Portland parks and rec, as well as environmental advocates, have already voiced opposition. Yet the city still approved the permit. And this is a blatant example of prioritizing corporate interests over our environment. We urge that you one revoke approval of the harbor ten reliability project and explore alternative routes that do not destroy one of Portland's last remaining ecosystems. Two enforce stricter protections for forest park and other critical ecosystems to prevent future destruction. And three hold pge accountable to real environmental stewardship, not just empty pr promises. Portland cannot call itself a leader in sustainability while actively allowing corporate destruction of its most important natural areas. This decision must be reversed. Thank you.

Speaker: Thank you.

Speaker: Next we have katherine peters, michelle dresnok, and amy. Lestat. And katherine's online. You can unmute him again.

Speaker: Hi, my name is katherine peters. I'm an er doctor in this community. I came here today in support of the appeal and to protect the trees of forest park. I live where I live because of forest park. I fell in love with the park the first time I ran on its trails. I have run every single mile of that park over and over, but I still find myself smiling when I come around a curve and see an enormous doug fir, or stand in the silence of the redwood grove in hoyt, or take refuge in a place that allows me

peace and solitude within city limits. I endlessly marvel at a city that had the foresight to create something so amazing. Over the years, I researched the history of forest park. I learned that it was not created in one go. It took years to piece together using donated land properties that had been foreclosed and other spaces the city slowly acquired. In fact, it was the Portland City Council who first voted to protect this land as a park in 1947 and again in 1995. Today, we benefit from the foresight to have preserved this land. We get to live amongst the backdrop of a wilderness of doug firs, red cedars, hemlocks and more. I'm here today because the past residents of Portland trusted us to continue to preserve and protect the park they worked so hard to create. Forest park is an unparalleled treasure for this city. There is no excuse to put progress over preservation when the states are losing our city's greatest wild space. Removing even one single tree in this park is to forget the reasons that it was created in the first place. It would be to forget that the trees are one of our greatest allies in the fight to keep our environment safe, and to promote the health of the people who live near them. Trees protect us from climate extremes. They cool our neighborhoods. They filter the air we breathe. They provide places of refuge. They soothe our mental health. And they help build our communities. We owe the future generations of Portland the opportunity to enjoy the park we have been afforded to live in a city where they have a wilderness at their doorstep. I'm proud to live in a city that recognizes the value of wild spaces and nature. I hope that the future residents of Portland get to experience the forest park that I know and love. To quote robert olmstead, who did get an earlier shout out, it is true that some people look upon such woods merely as a troublesome encumbrance, standing in the way of more profitable use. But future generations will not feel so, and will bless the men who are wise enough to get such woods preserved for the City Council today. I urge you to remember that the Portland city

ordinance 168509 states that the primary goal for forest park is the health and preservation of its natural resources. Forest park is one of a kind. Please remember that in your vote and thank you for the time today.

Speaker: Thank you.

Speaker: Next is michelle. Michelle is online.

Speaker: Hey, can you hear me?

Speaker: Yes we can.

Speaker: Thank you. Hi. Thank you for all you do for Portland and Oregon and for letting me speak today. I'm a resident of concordia in northeast Portland, and I volunteer with the forest park conservancy. And I'm an arborist in training at pcc. Thank you for all the follow up questions you had for the hearing officer, and for taking the situation seriously. Beginning of this session gave me a lot of hope. You understand that your people need you to deny pge this permit. Pge's current proposal of one time actions. One time throwing of some native wildflower seeds, one time planting of oak trees, and one time maybe putting in a pond. Or alternatively, their one lump sum of money to Portland parks and rec. None can adequately mitigate their past disturbances to native ecosystems and forest parks, nor their future destruction plan in the space that phase across particularly vital and rare ecosystems. For there to be adequate mitigation, there needs to be continual funds for at least 20 years plus to steward the area under and surrounding the power lines that already are and the ones that are being built. Areas under the surrounding sorry areas under and surrounding the bpa and pge's current power lines, or where the epicenter of invasive plants like himalayan blackberry and english ivy are coming from in forest park right now. It is excessively obvious to anyone who hikes the bpa trail. Pge and bpa should be held responsible for their past inadequate mitigation actions, as well as accountable to all future

actions. However, these power companies cannot be capable of being the ones responsible for these ecological goals. And that's okay. We need experts in Portland has them. Pge should be responsible for continual, substantial funds that feeds every year into Portland parks and rec, Oregon bird alliance, the forest park conservancy, and the confederated tribes of grand ronde natural resources department. These are the experts in this area that can steward this drastically disturbed area of the forest. Back to health and beauty. If they have the funds, this fund should be enforced. Even if pge gets bought out or sneakily changed his name to. This is important because people move to Portland because they can work here and access to nature here. People can just move to san francisco if they need a safe place to be, but just want european esque curated grass and trees, you know, green spaces. Portland has something unique to offer. The people like me move from across the country and world to live near and learn from established native plants and mossy old growth forests. As an arborist in training, I wanted to call attention to a few things if I have time. First, old, old growth forests take much less maintenance time and money for the city and state parks that are green spaces but not forests. Take continual maintenance and money. You all will need to hire a lot of arborists, and it sounds like pge is sneakily having y'all foot the bill for future care. The more disturbance to the forester is, the more upkeep and money will be needed to steward the area. Also, established native plants are plants that do not need excess water or structure. But this takes time much more than is mentioned.

Speaker: Thank you very much for being with us today. Thank you.

Speaker: Thank you.

Speaker: Then we have caitlin geary, daniel eisner, and desiree mariscal. It doesn't appear that they are joining us. And that concludes testimony.

Speaker: Thank you. Rebecca. Councilors. The next portion of did we have somebody standing up?

Speaker: We have one.

Speaker: Okay. One second.

Speaker: Apologies.

Speaker: Thank you. Go ahead and introduce yourself.

Speaker: Hi.

Speaker: Thank you.

Speaker: Members of. Commission.

Speaker: Commissioners.

Speaker: Mayor.

Speaker: My name is.

Speaker: Desiree mariscal.

Speaker: I'm here to.

Speaker: Support the appeal from forest park. Neighborhood association and forest.

Speaker: Park conservancy against the hearings. Officer decision.

Speaker: To approve the land for pge, for.

Speaker: The reliability project.

Speaker: I have also sent.

Speaker: In my written comment.

Speaker: There is so much evidence that. This project is very unnecessary and utterly.

Speaker: Destructive to our. Beloved forest park.

Speaker: This decision goes against the city's own investigations and requests to deny land use.

Speaker: Permit to pge.

Speaker: Based on the various inconsistencies in the plan and the lack of.

Speaker: Transparency in.

Speaker: Regards to the amount of land in use. With so many of the faces discrimination discrepancies. This is not just my opinion and not my feelings. There is enough scientific evidence to support the fact that this project will cause severe devastation to wildlife in our community. This project is in clear violation with forest park natural resource management plan in our city. Council should honor that plan to its full extent. There is absolutely no need to expand the corridor which is already exist, or to cut down massive amounts of old growth trees to appease financial needs of a multi-billion dollar corporation. The extensive damages of this project will cause cannot be mitigated or offset by a meager mitigation proposal that the pge is offering. Pge's team is also proposing to use various toxic herbicides in large areas that are being cut down. These areas being cut down will not only cause large amounts of runoff, but also will bring down toxic runoff from the herbicides being proposed to use. I am very dubious also at the lack of transparency from the hearings office department, especially especially since I overheard the hearings officer mentioned that our video comments would not be included on the call of January 29th, 2025. Her mic was still on and the officer was not aware, but it was very clear what was heard. The hearings officer continuously interrupted myself and many others who were testifying on the zoom call that day, cutting out our time short. I am convinced that our testimony and the actual scientific facts are not being considered and heard by the hearings office. As a Portland resident for over 20 years, I urge you to please appeal this decision and to grant the to not grant the land use permit to pge to pollute our beloved forest park. I came here to Portland because I fell in love with this area. Especially because of

forest park. This park is very, very special to me, and I really urge you to deny the land use for pge. Thank you so much for your time.

Speaker: Thank you.

Speaker: Thank you.

Speaker: We have one more person. Maybe.

Speaker: We have lauren bright.

Speaker: Hello, everyone. My name is lauren bright.

Speaker: I stand here before you as a humble settler of this land.

Speaker: Not only.

Speaker: To represent what is now.

Speaker: And for over a decade, my.

Speaker: Home.

Speaker: Community of.

Speaker: Northwest Portland. But to speak.

Speaker: On behalf. Of all of the humans and more than human life forms of the forest, which cannot, for a variety of reasons, have the privilege of standing here before you today. I stand here not just as a concerned resident, but as someone who believes in ecological truth, legal integrity and collective responsibility. And we are here to oppose pge harberton project, support the appeal spoken of today, and direct the attorney to draft a decision of denial based on the direction of the city staff. Report guided by the book hospicing modernity. It is in the spirit of maturity, sobriety, discernment and accountability that I say the following things. We often characterize humans as the pinnacle of sentience and ingenuity, placing ourselves in times of need or desire above all others, and creating a distinct divide between what we theorize is and is not nature. I'm sure some of you have heard this before, but we are not apart from nature. Our existence is solely dependent upon complex

and ongoing relationships of food webs, nutrient flows, and co-evolved resource allocation. I don't have the time to tell you all the science today. You've heard a lot of it already, but we are subject to the chemical and biological realities of kinetic dynamic systems, of which this proposal is of grave threat. Pj's proposal would carve a nearly five acre utility corridor through one of the last intact low elevation forests in the willamette valley, a quarter of destruction clearing mature native forests along with wetlands and streams, bisecting habitat and disrupting the ecological memory of the land. Forest park is not merely a collection of trees. It is a complex, interconnected ecosystem that plays a vital role in our region's environmental health. The proposal would not only disrupt wildlife habitats, but also compromise the park's ability to filter air, regulate temperature, manage storm water, and store carbon. These ecosystem services are irreplaceable and cannot be adequately mitigated through replanting or restoration efforts. Behind pj's language of reliability and behind the clean blue bullet points and strategic maps lies the same old story of extraction disguised as progress of colonization, cloaked in bureaucracy, of sacrifice zones drawn through living ecosystems. But as scholar max lebaron reminds us in their book, pollution is colonialism. When institutions call harm unavoidable, what they're really saying is we have already decided who will pay the price. As I'm running out of time here, I'm going to skip to the end and just say that pge may say, in this case, that we cannot see the forest for the trees, but with what we know now about forest ecosystem services, dynamic ecological function and critical habitat, we counter that with there cannot be a forest with just trees. They want us to get caught up in the semantics when they say the forest isn't ancient, while ignoring its potential to be so. Like excusing the impacts of past colonial exploits and ripping away indigenous stewards from their land.

Speaker: Thank you so much for being here. We appreciate your testimony.

Speaker: To continue the practice of.

Speaker: I'm sorry to cut you off there. We have to give everybody equal time, though. Otherwise it's not an unbiased, fair hearing.

Speaker: That concludes testimony.

Speaker: Thank you. Rebecca. Counselors, the next part of our hearing is a 15 minute presentation from the applicant, pge.

Speaker: You all.

Speaker: Introduce yourselves as you get your presentation going. That'd be fantastic.

Speaker: Sure. Hi, everyone.

Speaker: Thanks for having us today.

Speaker: My name is noah herlocker. I'm an.

Speaker: Ecologist working.

Speaker: With david evans and associates.

Speaker: Yeah. Could you move a little closer to the mic?

Speaker: Yes. Yeah. And I've been. I'm an ecologist with david evans and associates. My name is noah herlocker, and I've been working with pge on this land use application, specifically on the habitat mitigation plan.

Speaker: Thank you.

Speaker: My name.

Speaker: Is david peterson. I'm a partner with the law firm of tonkin thorpe llp.

Speaker: Thank you.

Speaker: Good afternoon.

Speaker: Madam president.

Speaker: Council.

Speaker: Mayor wilson, my. Name is. Randy franks. I'm a senior.

Speaker: Project manager.

Speaker: With Portland general electric.

Speaker: Thank you. And we have the presentation on our screens, but not up on the screen for everybody else. I know this happened before as well. Are you hoping to have it up for everybody or just for councilors?

Speaker: I've shared.

Speaker: It via zoom.

Speaker: Does that work in the room?

Speaker: Once you start referencing it, it'll be right. Perfect. Here we go.

Speaker: Okay. Wonderful.

Speaker: Thank you.

Speaker: There's a utility corridor at the extreme northern end of forest park. It contains several electric transmission.

Speaker: Lines and is an important geographic location. For our city's energy supply.

Speaker: You can see it by the arrow on the far right.

Speaker: Of this image. And if you.

Speaker: Look very closely, you can see a thin.

Speaker: Line showing the project area within it.

Speaker: This project upgrades existing pge.

Speaker: Transmission lines in that corridor, and constructs a new.

Speaker: Short segment.

Speaker: Of line. All this. Infrastructure is. Within an easement granted by the city of Portland in 1971 for pge to build and operate transmission lines here.

Speaker: Here's the established corridor in more detail. It's a steep hillside.

Speaker: And you can see many existing transmission lines crossing this area. This project.

Speaker: Will replace.

Speaker: One pole and install advanced conductor or wire on one section of existing line, shown here with blue dashes. The orange dashes represent two new poles and a 1400 foot segment of new line. Also using advanced conductor. For reference, 1400 feet is about one quarter of a mile or one lap around a high school track. What's less apparent from this photograph is that this this area is neither old growth nor ancient forest. It's also considered edge forest habitat as compared to the more sensitive interior habitat, a bottleneck for Portland's electric power exists here in this yellow circle, and this project is the only feasible option to solve it. This bottleneck was identified in 2025 2015. Excuse me. And it threatens the reliability of our electric service, as our need for reliable power has only grown. Alleviating this choke point is important because our experts predict that as early as 2028, there is the risk of outages during times of peak demand, most likely during the kind of extreme heat and cold that occurs with increasing frequency. The impact of unreliable electricity is felt widely, but also acutely by the most sensitive users. Think about the hottest part of the day during an ongoing heat wave, with no fans and no air conditioning. By replacing by replacing equipment and adding more connectivity to the grid, we will improve system resiliency and safety, including risk from wildfires. It allows more energy to flow from the north, east and south, and means we will have greater access to the least costly available energy at any given time. I'll describe what these improvements mean for Portlanders in a moment, but we should also acknowledge that if we are serious about combating climate change, we simply have to improve the grid, keep it reliable, and increase transmission capacity. Even while opponents say they agree with improving the

grid, at least conceptually. It's important to discuss what is at stake here, specifically because a reliable transmission grid is fundamental to many things. First and foremost, it supplies reliable power for Portland homes and businesses. For this project, that means these areas north and northwest Portland. These are the areas where our experts can foresee overloaded electrical equipment during times of peak usage, such as hot summer afternoons. We also need reliable power to sustain and grow family wage jobs here in Portland. Please read the statements of the electricians, operating engineers, laborers, ironworkers, the Columbia Pacific Building Trades Council, and other skilled tradespeople, hundreds of them who wrote to the hearings officer in support and many of whom are out in the field working today and unable to attend in person. These family wage jobs are critical to the vitality of our community. The evidence, as judged by a legally trained and impartial hearings officer, agrees that the need for the project is real. The evidence also shows that our project to resolve the bottleneck in Forest Park creates the least significant detrimental environmental impacts and is the best practicable option. The approval process is the result of this transparent and public process, stretching back nearly three years, with more than 1200 comments to staff, 850 evidentiary exhibits, and five hours of oral testimony. The evidence showed that PGE examined all alternatives, more than 20 of them. This project was approved to move forward because the evidence shows there are no alternatives outside Forest Park that resolve the bottleneck, and that this project has the smallest possible impact within Forest Park. These impacts are fully mitigated. The hearings officer found, because the evidence shows the project, quote, protects Forest Park's native plant and animal communities that it improves water quality and aquatic habitat. And this project accomplishes this with a mitigation plan that is extensive and robust. My colleague will share details with this plan in a few minutes, but first, we'd like to

explain the regulatory framework, why we talk about need alternatives, consistency and mitigation. Dave.

Speaker: Thank you randy. Thank you council members. So an informed evaluation of this appeal requires an understanding of the history of utility infrastructure in forest park. For over 75 years, the city has expressly acknowledged that utility corridors exist in the park and will be maintained and improved over time, not frozen forever in their current condition. As you can see from this timeline, electricity transmission facilities in the park predate the park's formation in 1948. In 1971, the city and pge expressly negotiated, and the city granted pge an easement for transmission facilities in the very corridor where this project will take place, which included express rights to maintain, repair and rebuild those lines over time and to maintain vegetation within the corridor. In 1995, 50 years after power lines first existed in the park, the City Council adopted the natural resources management plan. That plan expressly acknowledges the existence of utility corridors and the need to maintain and upgrade them over time. It does this by expressly allowing exceptions to the plan when work is needed, that disturbs over 10,000ft² like this project. From the outset of the plan, the city has contemplated utility upgrades in forest park as long as the criteria are met. This understanding of the natural resources management plan is bolstered by the letter from then commissioners blumenauer and hales, which defined as an appendix to pge application, in which they describe the council's intention in adopting the plan not to ban development, but rather to foster cooperation and provide guidance to ongoing for ongoing utility corridor management, which is precisely what has occurred in this project. Next slide. So turning now to those express approval criteria from the plan. I don't have time to go through them one by one, but they broadly fall into four categories as shown here. The hearings officers decision

correctly recognizes the evidence in the record is conclusive and overwhelming that this project meets all of the criteria. Specifically, she found, based on substantial evidence in the record, that there is a demonstrated need for the project. There's an increase in demand. There's an existing bottleneck, and there's an obligation on pge park to meet transmission reliability standards. There's a lack of alternatives. Over 20 alternatives were reviewed by pge and by staff and the hearings officer. And after reviewing all that evidence, she determined that this proposal has the least significant detrimental impacts of all the practicable, practicable alternatives. The project is consistent with the nmp goals and strategies and the environmental and northwest hills plan district regulations. I go into that in greater detail in the testimony I submitted, written testimony I submitted this morning, and I'd ask that you look that over. Importantly, the hearings officer also found that the project helps meet other city goals regional, state and federal goals and regulations. And lastly, with respect to the adequacy of the proposed mitigation, the hearings officer reviewed the mitigation plan and the associated plans attached to the application found the mitigation to be extensive and robust, and we note that this project includes \$2.5 million of in lieu fees, which are not just fees being paid and never going to be spent, but are in fact are going to fund mitigation work specific to this project to be performed by Portland parks and recreation. So to talk a little bit more about the mitigation, I'm going to turn it over to noah.

Speaker: Hi everyone. I hope that you have the chance to review our presentation of the hearing officer, wherein we provided a detailed accounting of resources affected and a multifaceted mitigation strategy designed to fully compensate for each affected resource. With my limited time today, I'll focus on how pgw proposes to fully and robustly mitigate for the proposed habitat impacts. The Portland zoning code encourages flexibility and innovation in how mitigation is approached. The

city's guidance for environmental review applicants provides a mitigation sequence that says, first, replace resource impacts on site and in kind when you're able to. But when this isn't possible, which is often the case, the guidance moves to the next step in the mitigation sequencing, which is try to replace those resources on site with a different resource. So with this project, there aren't many degraded open areas in the north management unit that can be restored to douglas fir big leaf maple habitat in a like or like manner. So following the city's guidance, we must look at other restoration priorities to determine suitable mitigation. Ppg's proposed mitigation includes a suite of habitat restoration and enhancement measures, but I want to focus on a few here that are the major components of the plan. Within portions of the disturbance area. Ppg plans to expand an existing patch of Oregon white oak by planting and maintaining nearly 400 oak trees. Oregon white oak habitat is highly imperiled in Oregon. It's an Oregon conservation strategy. Habitat. It's associated with over 200 native species, meaning that it's highly biodiverse and it happens to exist already in this vicinity of the project area. This mitigation action would take one of the last remaining stands of oak woodland in forest park and double it in area, and because oaks are shorter than conifers, the management of the power line corridor is conducive to long term protection of oaks, as it prevents the taller conifers from shading out the oaks, which is a common cause for oak habitat decline. Secondly, the mitigation strategy includes at least 25 acres of forest understory enhancement and noxious weed slash ladder fuel. Wildfire reduction. Wildfire hazard reduction in the north management unit of forest park. This would include the removal of ladder fuels like english ivy, that allow small ground fires to climb up trees and spread into the tree canopy, resulting in much larger fires and tree mortalities. This work would be funded or could be funded via the in lieu fee mitigation, totaling nearly \$2.5 million. This is more than enough to implement the

proposed habitat enhancement and wildfire risk reduction, and would allow for effective ongoing maintenance and monitoring of these areas for several years after initial treatments to ensure success. This would expand a noxious weed ladder fuel removal effort that Portland parks and recreation is already managing in forest park near linton, so logistics are well known and qualified contractors are already trained and experienced to take on this work. Following on the hearing officer advice to coordinate with Portland parks and recreation on a suitable in lieu fee. We've been in discussions with staff and it sounds like they're ready to move forward with this. We need to just confirm and fine tune the in lieu fee amount. That work is ongoing. There is no standard for determining what constitutes sufficient mitigation for selective tree removal and mature douglas fir big leaf maple forest habitat. However, there are examples of mitigation frameworks established for protecting highly regulated resources such as wetlands and floodplain forests. To demonstrate a robust mitigation, pg is proposing almost eight acres of habitat enhancement or restoration for each one acre of selected tree removal in the north management unit of forest park. This very high mitigation ratio is comparable to mitigation required for highly regulated resources. In summary, pg developed its mitigation strategy in coordination with city staff and following the city's environmental zoning code. Consistent with the natural resource management plans priorities, the city's restore forest park initiative and other state and regional restoration priorities for forest park. Those are those out of kind mitigation approaches. By enhancing and restoring over 34 acres of habitat in the north management unit of forest park, expanding an extremely limited, imperiled habitat type to replace the loss of the most common habitat type in forest park, and by documenting how each affected resource will be mitigated. Pg

habitat mitigation plan will fully and robustly compensate for the 4.7 acres of proposed habitat alteration.

Speaker: Thanks, noah. We talked about the need, the alternatives, the mitigation and consistency with city code. But even still, I want to address several recurrent themes. There is no slippery slope here. Addressing the bottleneck in forest park does not make different potential needs any more or less likely to come about. Building this project does not determine where future projects to address those needs would be located. This project does not fill any streams and has never proposed to do so. We are replacing a failing culvert that's leading to hillside erosion. The impacted wetlands are low spots on an access road that is used routinely. You can see one circled here in the photo they formed because the road was built here. Our funding of priority improvements to wetlands elsewhere in northern forest forest park creates a net benefit for this habitat type. Northwest marina way is not feasible because pge does not own the land or easements for a transmission line of this magnitude. Opponents provided well-meaning attempts to fashion new permutations of these routes and novel legal theories about land rights, but they are not credible. They also do not grapple with the very real and new environmental impacts such a route would create, nor impacts to the scenic greenway view shed, and they often repeat the opposite of what's true. What's true is that these routes still require impacting trees and wetlands and forest park. Finally, if all these infeasibility were overcome, it wouldn't be in time, not before the projected risk of outages. We'd like to thank the council for your time. Thank you for the opportunity to present and for your attention. Thank you also to the many city staff for their hard work over these several months. And thank you to the city hearings officer, marissa childs, for her diligent review of the extensive evidence in this matter. Finally, we would like to thank everyone who has testified on either side

of this issue. We treasure forest park. We do not take this necessary work lightly and we have worked hard to provide substantial mitigation, including expanding our longstanding commitment to improving Portland's tree canopy. These are the facts. The need this project addresses is undisputed even by its opponents. The city code clearly permits the type of exception and robust mitigation our project contains. And to quote the hearings officer's decision, there are no practicable alternative locations outside of forest park. We respectfully ask the City Council to uphold the hearings officer's decision, with amended conditions and findings, so that we can maintain reliable electric service, support family wage jobs, and advance our collective efforts to meet Portland's and Oregon's clean energy goals. Thank you.

Speaker: Councilors, as we did with the appellants, if there are some clarifying questions that need to be asked before we move to supporters testimony, now would be the time. Councilor morillo.

Speaker: Madam president, thank you all for being here today and giving us more information on this really important matter to all Portlanders. I have a few questions, but i'll try to keep it brief because I'm sure everybody does. I am curious if you've been able to quantify how much improved electricity transmission reliability facilitates a reduction in fossil fuel use.

Speaker: Wow.

Speaker: Thanks for the question, councilor. If I understand it right, you're asking about improvements in reliability and how that relates to reduced fossil fuel usage. Yep. Yeah, I'm not sure I have an answer for that. And I don't believe that's part of the record that we provided.

Speaker: I believe you claim it's a benefit in the record that you provided.

Speaker: The reliability of the transmission system is not a problem that Portland currently has. And so it's not one that we want to allow to become into existence. The reliability of that grid is something we all take for granted. And as our society moves towards electrifying energy uses is that depends upon fundamentally the reliability of the transmission grid.

Speaker: So listed in the document? I think on page 26 it says climate resilience. The applicant argues that the removal of 397 trees and other significant permanent impacts to the existing forest ecosystem for the purpose, for the purposes of transmission grid upgrades and expansion, supports climate change abatement goals, and thus is a key strategy for protecting forest park's environmental resources. In their own words, the applicant says, in short, ensuring reliable electrical transmission supports climate change abatement goals and is a key strategy for protecting forest park's environmental resources with improved electricity transmission reliability, the region will have better access to clean energy to facilitate a reduction in fossil fuel use, and therefore enhance support for a reduction in the trend of increasing drought and tree mortality. So it is directly cited. So I guess, you know, I would want to know if you were able to quantify again how much improved electricity transmission reliability directly facilitates a reduction in fossil fuel use, and if so, how that compares to maintaining the current state of forest park. But it sounds like you do not have an answer for that.

Speaker: Well, what I can say is if you look at, say, house bill 2021, which is Oregon's clean energy goals, that's based upon electrifying energy uses and then decarbonizing the grid assumed in there is that the grid is reliable and able to serve that load. And so, as Mr. Peterson referenced, exceptions that support local, state, federal goals, that's where that relationship comes in.

Speaker: But you didn't quantify it or you don't have data to back that.

Speaker: The data we do have is related to tree mortality. We have our wildfire department looks at and predicts tree mortality and then goes out and measures that to see how that lined up with their predictions. This is in appendix h to our application. And what it showed is that trees in the west hills are dying at a higher rate than our predictions, and that's related to drought and higher temperatures in the summer, which are, you know, associated with climate change. And so to protect those resources, we need to combat climate change. And electrification is a key part of that strategy for our state.

Speaker: So how is your work protecting it?

Speaker: Well, one way it's protecting it is by allowing for the decreased use of fossil fuels in other in other situations. So for example, if you are able to electrify the grid with a reliable and robust system, you're going to be able to power more electric vehicles, reducing carbon use in fossil fuel vehicles. You're also going to be able to deliver power from far away, renewable sources in a reliable manner, and not have to build and rely on fossil fuel generation sources close to the load, which is what you would do if you had an unreliable power system. So if you can't bring the renewable power from the from the gorge, you got to build a natural gas plant in hillsboro.

Speaker: Right? And I think these are excellent claims. I guess I'm just curious if there's any quantification of these claims backed by research or evidence.

Speaker: I'd point the council to exhibit. 859 in the hearings, officer record, one of the elements that we talk about in there is the ongoing transmission planning process, how that works. There are several other exhibits in the record that are annual transmission plans. And these integrate these processes, integrate and overlap with each other to support not just the grid reliability, but those clean energy goals, the clean energy resource plan.

Speaker: Okay, I can I can take a look at that exhibit. I'm I'm also curious, in your presentation, you discussed that this plan particularly has the least detrimental impacts. And earlier in the presentation you said that it was also the least costly as one of those impacts. So I guess I want to ask least detrimental on what specifically. And if there's any more information on the needs analysis, because that part was fairly brief. And I'm just curious if there's a real justification that there is absolutely no alternative spot that we could possibly do this in.

Speaker: Well, let me let me answer the question first about detrimental impacts. That's quoting from the hearings officer's decision. And I believe it's in a section that's comparing options within forest park, because the natural resources management plan says of your options in forest park, select the one with the least detrimental impacts. And the initial proposal that we brought forward in 2022 was to build two new power lines up that hillside. What's actually been proposed through that ongoing process of design, refinement of impact, minimization of alternatives. Analysis is a smaller footprint. That's the least amount of impact necessary to meet the need.

Speaker: Thank you.

Speaker: And the needs analysis.

Speaker: The needs analysis. Again i'll point you to exhibit 859 or that that ongoing transmission planning process is described in some detail. Our experts are looking out five years, ten years, in some cases 20 years. And this happens on an annual basis where there are reliability issues in the grid or capacity issues in the grid. Those models identify that initiate projects to address those needs. And that's done on an ongoing basis. And that is the process by which the need for this project is identified. So, you know, specifically those analyzes as far back as 2015 are saying this location in the grid poses a bottleneck. That's a problem. We need a project to

fix it. And that's what this project is. The. The need is also described in the beginning of our application narrative. That's a pretty extensive section that describes that as, again, as I say in exhibit eight, 59 gets into a lot more of the granular detail behind that with some more evidence that's in the record. Moving beyond that, though, the alternatives analysis is a is a very robust document that's also in the application is exhibit exhibit c. Yeah. Thanks, dave.

Speaker: Okay. Thank you. No further questions.

Speaker: Councilor novick.

Speaker: So actually my questions are somewhat similar. I am willing to believe that if we're facing bottlenecks in 2028, and if none of the alternatives address that in time, then that's a climate problem, because we do need to transition away from fossil fuels and towards electricity. And if we don't have reliable electricity, then people aren't going to be shifting to electric cars, and they're not going to be shifting from natural gas to electricity. And that's that's a problem. But. I. I confess, I don't think I've read 859, but I also didn't see it referenced in your primary documents. I'm looking at the application itself and the alternatives analysis. And what I was seeing was a few somewhat conclusory statements saying, we're going to be looking at blackouts in 2028, and then here's how long it's going to take. More than three years to do the marine way alternative. So I apologize to be asking this now because but I would I'm concerned cerned that I kind of expected there'd be like extensive discussion in the application about why we think there's going to be blackouts in 2028. And if there had been a reference in the application to extensive details in this document, I would have read it. So but now I feel like I'm kind of disadvantaged because you say that it is all spelled out in 859, but I confess I haven't read 859.

Speaker: So thank you for the question. Let me let me address the, the, the issue of exhibit 859 and then i'll let randy talk about the evidence of need because he knows it better than me. So exhibit 859 is our final rebuttal in the hearings officer process. So the pge submitted an application. There was a hearing. There was a lot of testimony from opponents suggesting various ways, alternatives that they thought might work or ways that the alternatives analysis was poor. And also, you know, addressing some of the other issues like need and consistency with the plan and so forth. So exhibit 859 is our comprehensive rebuttal to a lot of the factual assertions that were made below. So that's why you don't see it referenced in the application.

Speaker: Okay, I have read that and I didn't realize it was 859, but again, it didn't seem to me to contain a whole mess of like detail on the projections for 2028. And if you wouldn't mind, like to be honest, I neglected to bring that with me, although I had it in my office, if you wouldn't mind. You know, quoting some of the salient paragraphs with details of why we expect blackouts in 2028.

Speaker: Yeah, absolutely. Councilor novick I have a copy of the application and I can I can point you to page 14. The project objectives, especially number four, speak to some of the federal reliability standards that those planning studies are addressing and looking to resolve. And then section a3 on the next page. Describes what the what those implications are, why those planning studies are showing that the need exists. It does not describe in detail how the planning studies are done. It does not share the models of the grid and its system. That's that's critical infrastructure protected information. But it does describe generally how that process works and where the need is, is coming from.

Speaker: I notice I think there was a reference to a article by somebody named moore that said that, yes, the you know, grid reliability is going to be a problem, but

I don't think that that article was incorporated either. And I should also say that to me, the time issues are critical because there's this question of whether the absence of the word practicable in exception be and its presence in exception c means something. And to me it does mean something. If earl blumenauer on charlie haes practical ability to apply to both, they would have said it in both. So arguments about cost in particular seem to me to be undermined by the absence of the word practicable. However, arguments about time I think, are still relevant because the issue is whether there's an alternative location outside of forest park for the proposal. And if you take the proposal as something that addresses a bottleneck, that's going to be a huge problem in 2028 than something that takes six years. Isn't going to address that. But I'm just feeling, you know, based on what I've read, I'm uncomfortable with the level of detail as to supporting the statements that we're going to have blackouts in 2028. And it's going to take six years to do the greenway proposal.

Speaker: Well, councilor, I'm glad you brought up cost. I wanted to answer that earlier. And let me circle back to that, please. None of these alternatives were selected based on cost. Most of the alternatives don't actually fix the bottleneck. They are very large projects. Some of them are smaller, but they don't actually resolve the need. So they're not a project that's practical because they don't do what our grid needs it to do. Some of them have very large price tags, but that's not why they are eliminated. They're they're they're estimated for purposes of comparison there. The project that we have proposed is the least cost option that we evaluated. But this is not where we started. This is actually getting the causality backwards. Best practices for designing and siting transmission infrastructure, including endorsements by national environmental groups, or to upgrade the infrastructure you have as the first pass. Locate new infrastructure next to where it

currently exists as the second, and then thirdly, build new infrastructure elsewhere. It should not come as a surprise that following those best practices and co-locating new equipment and existing rights of way that have already been acquired also becomes the least cost option. It should also not be surprising that having to overcome infeasibility or build mega projects is more expensive.

Speaker: I mean, would it be possible for you to go back? And obviously you can't do it right now and deliver reams of documents that demonstrating that we've got blackouts coming in 2028?

Speaker: I'm going to take a peek at exhibit 859 for a second, because it also references several other documents that are in that exhibit that may that, I think, do what you are asking for. I'll just give you those references directly here. Thank you for the question.

Speaker: While he's doing that, do you want me to take on the practicability issue?

Speaker: No, thanks.

Speaker: Well, it's answered in our materials and some of the legal analysis that we submitted.

Speaker: So there's about 40 exhibits from 180 to 220 in the hearings officer record. These are Portland general electric and bpa transmission plans, as well as studies from northern grid and the western energy coordinating council. I'll also note in that discussion, we provide a rebuttal to some things we've heard here today about where is some other party saying this is a problem? Why isn't the puc saying something? Why don't we have Bonneville power administration saying something? And as is explained there, that's just not the way the system works. Each of us are independent utilities with with responsibilities under the federal power act to operate our grids reliably, to identify issues with it and to propose solutions, and then to implement them. So that just misunderstands that that there

is not a third party entity out there reading and endorsing all these plans. What there is, is an interconnected process where that information is shared through regional bodies, and it's looked at by the experts at the at the other utilities and incorporated into their plans. And so, you know, one way to think about it is that we are all solving for a stable grid. And if one party has an error in that data, there's this peer checking function of that. And so as described there, that interconnected planning process is endorsing the needs that we are finding in those transmission plans, the projects we're proposing to solve them.

Speaker: I.

Speaker: And again.

Speaker: I don't. I know that I should have, you know, read every, every page of all of the exhibits carefully, but I didn't. But I'm curious. Either I missed something or I didn't see in the application where you said, here's all of the documents that demonstrate that we've got a serious reliability problem in 2028.

Speaker: I believe the transmission plan documents that I referenced earlier provide that in some detail. The application itself describes what that need is, explains where it comes from and, and names several of the regulations that we're complying with. We don't have a detailed description of how exactly we do that, and all the processes that are, that are followed in order to do that.

Speaker: Okay. Thank you.

Speaker: Noah, would you also mind talking about the transmission expert that we brought in for the independent conference?

Speaker: Yeah, I'm an ecologist, so I wasn't privy to talk about transmission planning, but we hired an independent transmission planner to come in and really look and see if there was an alternative outside of forest park that we could pursue that would meet the project needs. And that transmission planner had been

working for 30 years in the field and had been doing system studies, and initially came to the same conclusion that there was a little bit of a shortage of data to make his decisions. And because protected data is not released. So he had to coordinate with the planners to run models on various scenarios. And basically those models, they they take the existing grid system and they, they run load projected loads through them. And the models identify where the weak points are. And that's kind of how the plans come together and identify those parts that need to be fixed and inform the plans for fixing those. So in this case, what they were finding was that year over year, those models being run were coming into even more and more sharp need for a repair in this area because the loads, those peak loads were increasing. Each, each year. So that independent transportation planner did look at over 20 different alternatives and pushed pretty hard. I will say, to really provide data and to look at some alternatives. In the park and outside the park, west of forest park and along marina way, and that person's expertise came to the conclusion that's in the alternatives analysis, which is appendix c to the land use application. Basically, that there really wasn't a feasible alternative that would meet the project need. As randy was describing.

Speaker: The first the first seven pages of that alternatives analysis also talks a little bit more about about purpose and need. It's sort of framed in here's how a transmission planner is going to look at this. And then that sets up what follows in terms of those those analyzes that they perform.

Speaker: Councilor green.

Speaker: My question is very brief. Thank you for your presentation today. In the alternatives analysis that you submitted, section one describes the purpose and need. And first paragraph it says figure one shows 2023 forecasting data conducted by pge's corporate load forecasting team. Pge's forecast methodology is reviewed

by Oregon public utility commission as part of the integrated resource planning slash clean energy plan process. Can you clarify which irp that is?

Speaker: Councilor? I don't know which plan that is. Off the top of my head. I did want to highlight that those load forecasts do incorporate grid enhancing technologies where they are deployed in terms of load reductions, where that's available, or ratings increases. And so some of the questions we heard today about those sorts of technologies, that's actually a front end input to that entire planning process.

Speaker: I appreciate that, but I just want to I just want to clarify here, because the alternatives analysis at the bottom of the page says April 2024. And so does the irp process conclude at the end of the calendar year, the end of is there a specific arbitrary year?

Speaker: Councilor I don't know, the irp cycle. It's independent and separate from the transmission planning cycle, though, which is where the need for this project is generated in that reliability category.

Speaker: Okay. So you can't tell me which vintage of the forecast, which irp this vintage of the forecast comes from for the application.

Speaker: My understanding of the integrated resource plan is that it is looking at different things than transmission reliability, which is to say, is the generation available out in the in the market or in the area, and is the transmission capacity to bring it to where pge's customers are. And that's a different set of questions from how is the grid itself operating and its connections.

Speaker: There was an irp plan published, though shortly around the time that the alternatives analysis went out, and I know that the data was consistent with that. I believe it was from 2024.

Speaker: It appears that we don't know, but we can certainly get that information for you.

Speaker: My question.

Speaker: Councilor kanal.

Speaker: Thank you. And I'm trying to have a million tabs open. So I'm trying to find the specific place where I saw this. But I will note that in in exhibit 859 sorry. 821 there is a reference to a faq that pge put out about additional transmission capacity will be needed. Is a quote. Additional transmission capacity will be needed in the future to serve major customers and data centers. So this is part of the record. I did look into this, and I think I'm trying to connect a couple previous questions from my colleagues here and understanding. You've also stated that that's primarily a need that you now perceive. I'm paraphrasing, that was not perceived at the initial initiation of the harberton project. But I'm my curiosity is around to follow up on councilor novick s question around 2028. To what degree are data centers driving the need that you perceive for this project? And I'm speaking here. Just to clarify, if you could answer for phase three as well as for phases 3 to 5 inclusive.

Speaker: I appreciate the question. Councilor kanal I'm not able to speak for phases four and five. I don't know what what those needs are. What I can say is that the bottleneck identified in in 2015, in our planning studies as a problem dates from that era. And so solving that bottleneck challenge is independent of that data center growth that we're hearing about. In fact, this project was was initiated formally with that early planning process in 2022. And so that's that's also even ahead of that. That change in usage that we, we started hearing about around the time that this this application was filed and then found to be complete.

Speaker: Okay. Can you maybe clarify what you mean when you say you are not able specifically those two words, not able to speak to phases four and five?

Speaker: Yes. And thank you for the opportunity to clarify that those those needs are identified in those long range transmission plans. That's the extent of what I know, because that's where we generate projects. And so the details behind that load for those load forecasts, the reliability modeling, I don't have that information. What I can say is that that phase four looks at the wires that exist in forest park. We foresee those being too small to serve the loads that they're currently serving in the future, and they may need to be upgraded with larger wires. That's the need that our that forecast that those long range planning processes are showing. Next first and then longer range. There's a need to bring more capacity from the north into the Portland metro area. The time that shows up further out in those models. And so that's why that's that that last phase that we mentioned.

Speaker: Okay. And you mentioned this is my last question you mentioned in. Same fact sheet, the that it takes into account the anticipated increase in use based on population growth, as well as just use of more electric cars, things like that. Right. We just talked about data centers. To what degree does environmental decline, environmental related decline in individual use of electricity figure into your plans? And to what degree does decentralized generation figure into your your models, I should say.

Speaker: Can you explain more what you mean about environmental decline in usage?

Speaker: People using less per person than they than they.

Speaker: Use per capita.

Speaker: You know, conservation effectively. Sorry, I didn't have the correct.

Speaker: I hear environmental decline and I've been thinking about tree mortality. So I appreciate the clarification. I am not expert at that load forecast process. What all goes into that. What I what I do know is that those energy efficiency technologies, those usages that is gathered in that process to produce the forecast, and then that model is, is applied to the grid system that we have. And it's studied that way. Okay.

Speaker: I understand maybe just to I had to follow up just to understand this. I understand you personally might not know. And I totally accept that. Was anyone did anyone at pge share that modeling process or how you did it with either as part of any of the. I mean, it's not in the record that I could see so far. That I've seen so far is what I mean. Was it shared with anyone else in terms of the city or the hearings office or anything like that?

Speaker: No, those details are not shared with city staff or with the hearings officer. What we did is engage that outside transmission expert. To review the data that we produced, ask questions like like what mr. Herlocker described. And then we ran those models that independent expert evaluated them. Asked for different scenarios. Took another look at it. And that's what summarized in the alternatives analysis. And so all the information you know those underlying technical models, the computer software that's not shared directly, the outputs of that by by experts are documented extensively in the application.

Speaker: Just you said the alternate. This is the need projection that we're trying to ascertain here I think. But you said it would be the alternatives analysis if you direct me to the right place. That's all I'm trying to get out of here.

Speaker: Sure. Yeah. And actually, you know, the needs and the alternatives kind of come together, because the need is what that forecast, what that grid model shows is a problem. And so you take that load forecast, you take the grid

characteristics, run the computer simulations. They flash red where things are overloaded. That says this is your need. And then the alternative analysis is okay if i, if I make that transformer bigger, or if I connected a line over here where one doesn't exist, rerun the model. Does that alternative solve the need? Solve the challenge. And so those those concepts kind of work together that way. And that's why it's in the alternatives analysis.

Speaker: Thank you.

Speaker: Thanks.

Speaker: Councilor morillo.

Speaker: Thank you, madam chair. I want to go back briefly to councilor novick line of questioning, because I did review exhibit 859, as did my staff, and I am not seeing where you have quantified the impact of improved electricity transmission. Assuming that your project is facilitating that. On the reduction in fossil fuel use. So could you provide a precise citation of that? Because you offered the claim that improved electricity transmission reduces fossil fuels. In order to demonstrate that your plan is in alignment with forest park's natural resource management plan. But I'm really struggling to see how you can make that claim without quantification of that reduction and a comparison between the impact and the impact of forest park in its current state on climate resiliency. So have you quantified the impact of this project's removal of key features of forest park on climate resiliency, and specifically with exhibit 859? I mean, it's quite a dense exhibit. It's quite long. I did review it. I didn't see any any evidence. It just said that there was. It just says they're wrong with no evidence. With respect to the climate resiliency question. What our application is saying is that this project is in support of goals at the state, federal, local level. And this is an element of consistency with the forest park natural resources management plan.

Speaker: I think your your your question about quantification. I think the answer is there is no demonstration of a precise quantification, but the state and local and local and state governments have policies that they have expressed which essentially have concluded that by increasing the reliability of the grid and increasing the ability to deliver renewable electricity, we are thereby going to advance our climate resiliency goals as a society. Right. So to some degree, this determination has already been made by city and state policy. If you want to put numbers on it, I don't think we're able to do that. I don't think it's the kind of a kind of balancing scale that is conducive to putting numbers on it. So many more electrons would set off so many gallons of fossil fuel. I don't think that works. But it's the fact that it advances these policies. Another climate resiliency aspect that we've highlighted is the is by removing the ladder fuels and the noxious weeds in the park that that we've proposed through the mitigation plan reduces the risk of wildfires. And wildfires, of course, are significant contributors to climate change. And so we are improving our climate resiliency by keeping the forest alive and healthy and not, and helping reduce the risk that it's going to burn down.

Speaker: Right. But I guess what I'm getting at is that your argument here is contingent on a trade off, that if you cut down some of these trees in order to add in electrification, that this is going to reduce carbon output in some, you know, at some point or another. And I guess you have not quantified the impact of this project's removal of key features of forest park on climate resiliency, is what I'm hearing. And in that case, I have no further questions.

Speaker: Counselor zimmerman.

Speaker: Thanks. In the hearings, officer page 24, they said that what is clear is that alternatives outside of forest park do exist, but those alternatives have been fully evaluated and determined to be impracticable. I'm curious what percentage,

what percentage of the project or what cost. What leads to and what do you think we should apply to that? Giving that impractical? Qualification, the weight that it seems to be getting in this document.

Speaker: I'll say one thing. First, I think of that number of alternatives outside the park. That impracticability is actually falling short and not meeting the need. So that is not something that is that is impracticable, but actually meets the need. It is. This project doesn't do what we need it to do. And i'll let dave talk more about.

Speaker: The that's what I was going.

Speaker: To say then.

Speaker: What's that?

Speaker: Is that considered an alternative then?

Speaker: Yes. That that process of identifying something that might work, looking at it in detail and assessing if it does or not, and then documenting why it doesn't. That's the fundamental nature of that. Alternatives analysis. What what what all did we look at.

Speaker: Is there a qualifier that that one applies in this type of case to say that that was a reasonable alternative.

Speaker: Meaning, was it a reasonable alternative to look at in the first place?

Speaker: Yeah. I mean if alternatives, if alternatives are being considered. But then the, the alternatives are then determined to not be feasible. I'm trying to understand the good faith effort aspect of making sure that we're talking about real alternatives and not space lasers.

Speaker: I see. So I think I would refer you to the to the alternatives analysis itself, which consists of not only the toth report, but also a subsequent study that was done and included in the record, which there was a discussion earlier in opposition testimony about statements out of context in the toth report about how

alternatives four and 8th may be feasible. So, in fact, that those were those were then further studied to determine if, in fact, they are feasible and were found to not be feasible. So the toth report isn't doesn't stand on its own. There's also the subsequent study. Is there some statute or something that says how many alternatives you have to evaluate? No, I think you just have to, to some degree, apply your own sense of reasonableness to decide, you know, is this a wide enough range of ideas? And I will point out that we heard a lot of ideas from opponents, some of which we have in exhibit 859 and part of the reason it's so long is because we have so much to respond to. You know, some of the things we did is respond to some of the suggested alternatives, like, for example, co-locating on the bpa lines. Okay. Well, pge kind of already knew that wasn't possible. You know, we learned our lesson that maybe we should demonstrate that to the public. We did. So, you know, can I tell you that there's a specific threshold at which you've considered enough alternatives? No, I think that's a kind of a common sense standard that's met here.

Speaker: I do want to add, though, that there was a ranking criteria that was developed so that each alternative was evaluated similarly. And what we did was we looked at a variety of factors that would allow an alternative to demonstrate need. Some of them made it a little bit. And so they scored low. The one, the only one that met all of the needs of the project was the proposed alternative. So projects that might address, you know, improve capacity, but for example, wouldn't meet the schedule or the need, the predicted need. Those were scored lower. Things that didn't provide the safety that was necessary to meet standards. Those were scored lower. So there were a variety of criteria. And cost was a factor in that because ultimately, you know, it's necessary for pge to keep rates approachable. So a higher cost project would affect that.

Speaker: Thank you. And so. Back to the original question of what it seems to be. Continue to come back to a cost that makes it impractical or practical. In fact, the hearings officer on page 25 talks about a specific cost. And so what in in whether in percentages or real dollar numbers, what would what is an impractical cost with a project like this?

Speaker: Well, we did provide a ranking table that put it into buckets. So, you know, for the purposes of quick evaluation, I think it's zero to 0 to 10 million, 10 million to 20 million. And then it goes up from there. And so it just got a score of one through.

Speaker: 10 million represents what of this project's.

Speaker: I should refer you to if you can look at that actual thing. Because what it started with was the preferred alternative, you know, and then our projects are offering a cost that's cheaper or more expensive. And so that just gave it a slight change in the ranking. But the cost was not by far the primary determiner of what made something practical.

Speaker: So the table mr. Hurlock is referring to is on page 24 of the alternatives analysis. And i'll just note that where the cost is noted as as an issue, there are other issues on all of those alternatives. So nowhere is this is too expensive. The reason we didn't pick the alternative.

Speaker: Thank you. The I appreciate this line of information. Given how much it appears the hearings officer is citing cost. I. I would like to understand the applicant's position on the, I guess, why the why you think there is flexibility in the forest park natural resource management plan in and around the topic of if alternatives exist, because we are asserting that some flexibility exists, it looks like. And so. Do you agree with the statement earlier that that plan is law? And then how

are we interpreting and why are we interpreting that flexibility exists. In that forest management plan.

Speaker: So first, yes, we do agree that the plan is has the force of law. And the entire plan has the force of law. Right. There's the exceptions process as well, which has the force of law. So it's clear that the law contemplates potential projects like this one with respect to the criteria that apply to alternatives. There are they there are two. That one requires evaluation of out of park alternatives and one requires the evaluation of in park alternatives. And admittedly, as mr. Novick, as commissioner novick pointed out, the criterion with respect to out of park alternatives does not use the word practicable. However, Oregon law is clear that that kind of qualifier is going to be implied nonetheless, because in part because the alternative, the alternative interpretation would, would really kind of baffle common sense. I mean, there's always going to be some kind of alternative if timing or cost or impacts or, you know, public opinion or disregarded. But I think you can look at the history of how this city has handled utility upgrades in forest park before. There are two projects in the relatively recent timeline involving pipeline upgrades, where they had to meet these same criteria. And I mean, in theory, you could move the entire pipeline outside of the park to, you know, if you're if practicality is not an issue. So the Oregon law wisely recognizes that practicability is going to be an inferred obligation here. And so, as mr. Mr. Franks has testified, these out of park alternatives, of which there were many evaluated all fail not on cost so much as but they fail on other reasons. Property rights, timing, other unavoidable impacts that would result from those.

Speaker: Thanks. And my last line, a question you mentioned earlier that the this corridor was not frozen in time, but maintained and improved. And so I am trying to understand if you consider this project to be an improvement and expansion or

because it's now going to be two lines, if one of them is frozen in time and the other is a new line. I'm, I'm curious how you would approach what exists now. And moving forward. Because let me go further. I know it's a very unclear question. The addition of a second line is, is causing me, given that statement is causing me a little bit of curiosity for is that considered maintenance and improvement because it's not pulling down one thing and putting up the 21st or 21st century version of a thing that was there previously, but it's now a second item. And so would you mind expanding at all in terms of how you approach that? We have a duty to maintain and improve. It's not frozen in time. And how does that apply to this?

Speaker: Sure. So to some degree it is the 21st century version because not only is there a new line going in in between where the existing line is and the bpa line on the other side, but the existing line is also being upgraded, right? So these, these, these lines were built in the mid 70s when our power usage was a certain way and we had a certain demand forecast and so forth. And now we're 50 years later and we need to put in the new technology that can accommodate use patterns that exist today. So I would say that constitutes maintenance, repair, rebuilding, upgrading all the verbs that are included in the actual grant of the easement to pge.

Speaker: Thanks. And then you mentioned the pipeline upgrade, and I was wondering if there is an area I can find that or cite more find more information about that in this in this report.

Speaker: So my initial letter to the hearings officer, which I think is exhibit 273. That's the one where I got in trouble for submitting a 1000 page exhibit. I don't know if y'all heard that in the hearing, but because I attached copies of the city's cases, which were really long. So then I resubmitted it as an abridged version. So if you look at exhibit 273, I talk about those pipeline cases in great detail.

Speaker: Thank you.

Speaker: I don't know, you probably.

Speaker: Councilor you through your questions. Councilor novick.

Speaker: So this might be totally inappropriate, but I have a few things to say that would sort of fall into the category of useless advice if you were doing this over again. Well, if we're turning it over, it might be useful, but. So I just spent some time since you said that exhibits 180 to 220 are the ones that demonstrated that we're looking at blackouts in 2028. I just went through the application searching for numbers between 180 and 220, and satisfied myself that you didn't provide lots of citations to them. And again, I feel bad I didn't read them all independently. But if you're going to do this other over again, if you're going to assert that you got blackouts by 2028, I would like site and quote the documents that demonstrate that. On the analysis of one of the out of out of forest park alternatives, marina way. You on page I think 16 of the application you go through. Here's something that we would need to get and we're not sure we would get it. I think it would be useful if you're saying and then at the end you say, we can't do this within three years. I think it'd be useful to say, here's how long it normally takes to get that thing. And here's how long it normally takes to do y thing and like, see if it adds up to past 2028. And as to councilor morillo question about quantification, personally, I'm extremely willing to believe that having an unreliable grid would lead to a lot fewer electric cars and a lot people, a lot fewer people switching from natural gas to electricity, and that that could quickly outweigh the carbon loss, you know, carbon sequestration, loss of 400 trees. But it would still be useful to go through. And you probably couldn't say if this happens, you know, if this doesn't happen, we will see x number of people not switching from electric from gas to electric in both either cars or houses. But you could take a shot at it and say, just assume that if people decide the electric grid isn't usable, isn't reliable, then let's just assume that x number of

people wouldn't buy electric cars and wouldn't transition their home heating from gas to electric. So I just, you know, and I feel I apologize. It's like one lawyer giving advice to another that's really obnoxious. But those are things that I that I would have benefited from if you put them in the documents, in the high level documents that you could expect us all to read.

Speaker: Well, we certainly appreciate your advice to keep this thing moving. I'm only going to respond to the first point. Exhibits 180 to 220 are exhibits submitted to the hearings officer subsequent to the application being filed. So the application had a certain amount of analysis about need issues were raised. Further information was submitted. So that's why they're not referenced in the application.

Speaker: Okay. But I don't think I have to I don't have it in front of me. But I don't think that the final exhibit, the rebuttal, contained all sorts of citations, 280 to 220 either.

Speaker: That's entirely possible. I'll let randy dispute that if it's.

Speaker: Well, I think I think it's in that first paragraph. Let me jump back to it. It's a parenthetical to say these exhibits are in this 40 exhibit block. Here's what they mean. Yeah. So I'm looking at a it's a landscape table. Exhibit five 859 it says comment response form at the top. And it's the first page, page one of 28 response a.

Speaker: First page. Of the first page that starts with a pge comment response form. Is that what you're talking about?

Speaker: Yes. I don't know if you can see it from way over here. Get a sense of what it looks like.

Speaker: I'm looking at it on the computer. Okay. So what page refers to all of the 180 to 220 documents?

Speaker: It's about halfway down on the right side. Several exhibits parentheses, variously 180 through 220.

Speaker: That's okay. That's on page. Page what?

Speaker: Page? 131.

Speaker: It may be the second piece of paper, because there's the cover of me submitting it as page one in the exhibit that's called out as page one of 28 in the in the source document.

Speaker: Oh, you're. Well, yeah. It says the forest park neighborhood association introduced several exhibits. Okay. You're right. I should have gone back and looked at 180 to 220 based on that. I think to be honest, I probably read the forest park neighborhood association introduced and assumed that those were documents that, you know, were supported their case against your application.

Speaker: Councilor is that the end of your questioning?

Speaker: Yes.

Speaker: Okay. Councilor seeing no one else in the queue, we will move to hearing from supporters of the applicant.

Speaker: Thank you. Would it be okay if at this time I made my record regarding some objections about new evidence that were submitted?

Speaker: Go right ahead.

Speaker: Okay. So during the during the applicant's the appellant's presentation and some of the supporters, there were some new evidence introduced. You know, I first like to acknowledge that many of the factual assertions you've heard are rebutted fully in that table that Randy was referring to. And there is also a general objection in my written testimony to new evidence, because, you know, a lot of materials were submitted very late in the process, and there just wasn't enough time to review them all. But in the testimony that we heard earlier today, I did note

a few specific examples. Mr. Fogerty, he made a number of factual claims about the science of oak savanna and frog habitat. He did not cite to the record. I don't know if he's got scientific evidence backing that up. In the record. But if not, that would be new evidence. Mr. Beausoleil testified about pge, pge work and his dissatisfaction thereof in his neighborhood. That would be inadmissible. New evidence. Miss scipione testified about a red legged frog survey that she participated in and what the data showed. And then lastly, mr. Kaufman testified about other tree cutting projects around the city and the status of air pollution in the city, all of which are outside the record. So I just appreciate you allowing me to make my record in that regard.

Speaker: Thank you.

Speaker: Thank you.

Speaker: Thank you.

Speaker: Linly did you have something to add?

Speaker: Because it's very important for us to have equal time for parties, obviously. The this portion lasted a great deal longer than the portion that the appellants had. I, the appellants, I believe, have asked for an additional ten minutes for their rebuttal. With that, I assume there would be no objection to that, because that will be far less than. But okay, no objection. So if the appellants could have up to 15 minutes.

Speaker: But thank you.

Speaker: Thank you councilors.

Speaker: Accepting that. And thank you to our appellants for telling us in advance what your request is. We are moving on to testimony from supporters of the applicants. Rebecca, I believe we have 10 or 12 people signed up. Could you call up our first group, please?

Speaker: Thank you. First we have angus duncan, bret lewelling and carol canning. Angus is online. Angus, you can unmute and begin.

Speaker: Okay. I'm unmuted. Thank you so very much, madam president. Mayor wilson, council members, my name is angus duncan. And I reside in northwest Portland. I'm addressing the council as a private citizen. Albeit one with some background in the electric energy world. Including current service as a public interest member of the western states, 20 year transmission planning process. Former chair of the northwest power planning council and former.

Speaker: Chair of the.

Speaker: Oregon global warming commission. And I have persevered here for the last 4.5 hours because I think it is very important the City Council get this question right. I'm not here bearing witness that pge has selected the single optimum transmission reliability fix for Washington county loads, or the optimum pathway for its transmission upgrade. I leave that to pge staff. I have asked questions of pge staff. I've weighed their answers against what I know of our regional transmission needs. I have reviewed their load center resource strategies to defer new transmission and look through the 20 pathway solutions considered. The responses seemed reasonable and prudent to me, and I especially welcome the mitigation step that would exchange a meaningful but relatively moderate loss of douglas fir with the augmenting of a needed and at risk willamette valley white oak. But my purpose today is to enlarge the frame of reference for you in two respects. One is the need for new transmission capacity, and the other is the consequences of a failure to develop it. Utilities around the country, including ours, are facing the most rapid load increases in a generation and concomitant reliability challenges. And parenthetically, in response to an earlier council request for citation on that need, I recommend the u.s. Department of energy's 2023 national transmission needs

study. The specific summary for the northwest region and elsewhere, where the status of our region's grid capacity is given a d rating, largely for being behind the need curve. At the same time, our state is laboring to remove from the grid the coal and gas plants that are fueling climate change locally. We need to back out fossil natural gas as a space and water heating resource, and gasoline and vehicles. These demands are already stressing our existing regional and local grids and are not, I think, given sufficient weight in the staff report, we need to plan for transmission solutions that are needed that will minimize the impacts we cannot avoid. That will enable us to rebuild the power system to exclude fossil generation. Since I can't get through. Much of my documentation, I refer you to the language that I've submitted and generally want to make clear that electricity sufficiency and reliability are at a critical inflection point. If we fail all of our transmission challenges.

Speaker: Thank you very much for being with us tonight. We appreciate your testimony.

Speaker: It looks like brett is not joining us. Carol canning is online. Carol, you can unmute and begin. Carol canning.

Speaker: Now.

Speaker: Can you hear me?

Speaker: We can hear you now, carol.

Speaker: Oh, good.

Speaker: Thank you. I have lived next door to forest park for 46 years. For five years I've been leading hikes twice a week, mostly in forest park. I love the park, but I support pge because I think the mitigation plan is elegant. I think it was well crafted and heartfelt, and I think it the area will be left better than the way it is now, because now it has power lines going through it. In fact, I've never really led a hike

there except two months ago when this issue came up and we went up this huge, long gravel road and part of my group said, never again. And it is not a pristine area. It's got the power lines going through it, and the new power line will be in between the two power lines. And after the mitigation, I don't think it will make a difference in that area, even though I do love forest park. And, you know, that's all I'm going to say because we're kind of late here. So anyway, I support pge.

Speaker: Thank you.

Speaker: Next we have jolynn motioner. Jolynn is online. You can unmute him again.

Speaker: Thank you. Can you hear me?

Speaker: Yes we can.

Speaker: All right. Well, good afternoon, mayor and commissioners. My name is jolene. Jolene winter mosher, and my husband, brad and I live at one, three, five, four two northwest riverview.

Speaker: Drive in Portland.

Speaker: And I'm here to express my. Support for pj's proposal to route new power lines through the section of forest park. Like many Portlanders, we care deeply about this park, but after reviewing the facts, the route is clearly the least environmentally and socially disruptive option. Portland's energy needs are growing as we shift toward electrification with cleaner vehicles, heating systems, and so much more. So to support this transition, we need a stronger, more reliable grid. Pge proposed route is essential to making that happen. We understood that there are concerns about tree removal, but this section of that they're looking at is second growth forest. And we're talking about 376 trees that are identified for removal. None of them are old growth. The impacted area, just 4.7 acres, is far less than one tenth of 1% of forest parks, 5200 acres. It won't be clear cut. Trees will be

selectively removed and replaced with native white oak and low growing plants that actually improve biodiversity and benefit wildlife. And it's also important to note that this project, because it passes through forest park, would face more scrutiny, higher standards and stricter oversight than it would if it were routed elsewhere. Ironically, going outside the park could mean more trees could be removed, potentially well beyond the seven 376 that are planned here. The alternatives pose bigger problems. Other routes would affect homes, possibly requiring eminent domain, displacing families violating scenic protections. They also pass through flood zones, landslide prone areas and rail crossings, increasing cost risk and disruption. We've also heard concerns about the red legged frog habitat, but let's remember frogs, birds and other wildlife live outside of forest park too. In fact, the marina way route passes right through sensitive wetlands, and volunteers that are volunteering to move those frogs, they already place buckets there to help migrating frogs avoid traffic. So the risk to the wildlife are not eliminated. Matter of fact, they're just relocated. And in some areas, even worsened. We've heard calls for better non park solutions, but no one no one has shown how those would work logistically, financially or environmentally. Let's be guided by facts, not fear. This plan has been thoroughly studied. It avoids homes, protects scenic areas, minimizes ecological impact and includes meaningful habitat restoration. I urge you to approve the forest park plan. Thank you so much for listening to me.

Speaker: Thank you.

Speaker: Next we have arthur marks. Arthur is online. You can unmute and begin.

Speaker: Hi there. Let me get set up here. Good evening. My name is arthur marks. I've lived just north of forest park for over 32 years, and I have spent these years hiking throughout the park, including the area of the pge proposal. Thank you for this opportunity to provide testimony in support of the pge proposal. I gotta say

that after hearing all the discussions and making notes and then more notes and changing notes and all over the place, nonetheless, I would like to emphasize three important points. First, it's really important that. It there's at first there's a reality to this whole thing and shouldn't be lost in most all the testimony that you've heard and I've heard in support of the appeal, the use of clearcut destruction, loss of habitat trees is loosely being used almost with the entire forest park. It this area, as joe lynn explained, is at the very far north east corner. And some of you have been there. You've said there's some 5700 acres in forest park. This is the small area of five acres and it's along busy highway 30. It's not a remote area buried within the park. It would have other concerns, maybe, if that were the case. It's bounded on the north by harberton neighborhood, which is dozens of homes. On the east side is the noisy highway 30. And then there is a fire road that goes right up through the middle of it. And I've lived there for 32 years. I've seen all the cars parked along there. So there's obviously a lot of activity in this area. It is significantly there's significant intrusion by human activity with I've seen mountain bikers go up through there and people walking their dogs. So it's not a it might not be that sensitive as the people opposing this might be presenting. And it is a right of way. It was I think it's been explained by the pge staff there that it is a utility right of way, and the and so those that oppose the this might they're directing their attention to alternatives. And those have been studied and variety of alternatives. But they fail in a lot of points. And extensive investigations have found that they have significant obstacles. They cause damage to habitat. The environment unnecessarily caused negative impacts. Their residents. They wipe out vegetation along highway 30. There just doesn't need to be a duplication of an unnecessary duplication. And, you know, maybe one thing that the council might do is I recommend the council focus on correcting what maybe should have been defined better in the forest park

management plan, to include these exceptions for the existing legal utility right of way. So I support what Marcina Childs recommended.

Speaker: And thank you very much for being with us tonight. We appreciate your testimony.

Speaker: Jenny, Jesse, Esmeralda, Botello, Randall Friesen.

Speaker: You're welcome. Go right ahead.

Speaker: Hi, president.

Speaker: Mayor Wilson, Commissioners or excuse me, councilors, I'm Randall Friesen.

Speaker: From the.

Speaker: Columbia Pacific.

Speaker: Building Trades Council, representing over 20,000 skilled construction professionals across 22 local building and construction trades unions specializing in diverse sectors of the construction industry, including critical infrastructure projects. Our state.

Speaker: Registered apprenticeship programs are.

Speaker: Dedicated to training.

Speaker: And.

Speaker: Diversifying the future local workforce. Ensuring they remain current with the latest construction technologies.

Speaker: With strong emphasis on conservation and quality. We understand and share this deep appreciation for Forest Park. We are part of this community to two often important projects are framed as conflict between environment and jobs. However, the Harberton project has already undergone rigorous review and received approval through the land use hearings process. The final decision was clearly based on facts and reality. In contrast to the opposition's claims that this

project will devastate forest park, it's important to remember that routine tree clearing around power lines is a necessary measure to mitigate wildfire risk. This project involves precisely that a very limited quarter mile run through an already established and approved corridor. We cannot expect our great city to grow and prosper without a reliable power infrastructure that allows both. Economy. Excuse me, that allows both large and small businesses to thrive. Collectively, this project strategically utilizes an existing transmission line corridor to meet the growing energy needs of businesses and the surrounding communities of north and northwest Portland, while simultaneously supporting significant habitat restoration and enhancements. This project is not merely a desirable addition, it is a fundamental necessity for the continued growth of our economy and the support of family wage jobs, the very real threat of unreliable power and outages due to system overload during extreme weather events poses a significant risk to our members, local businesses and the entire community. Pge has diligently conducted the necessary work. The hearings officer has concurred, and now is the time for our community to move forward together. Therefore, we strongly urge the council to uphold the well-reasoned decision of the hearings. Officer, I want to thank everybody for your time. I know these jobs are pretty thankless a lot of the time, and this is a pretty controversial subject. So thank you for all your time that you spend away from your families. And one last thing I want to note. I know it's nobody's it's nobody's fault, but we had a lot of people trying to sign up to testify this evening, and there's only 3 or 4 of us that were able to get on. But again, thank you for your time. And I know it's probably a technical issue, but so thank you for that. Appreciate it.

Speaker: Thank you. And thank you for flagging that issue for us. Rebecca, do you know if there were any technical challenges.

Speaker: And you she was great, by the way. She would help work through.

Speaker: It with us.

Speaker: Yeah, we got everybody signed up that we knew of. And our last three are joe bond, tyler smith and nate stokes.

Speaker: Thank you. Oh well.

Speaker: Joe go right ahead.

Speaker: All right. Good.

Speaker: Well I guess now it's evening. I wrote it for afternoon. It's evening now but yeah. Good evening.

Speaker: Madam president.

Speaker: Councilors and mayor. My name is joe bond. I'm a proud member and representative of.

Speaker: The international.

Speaker: Brotherhood of electrical workers, local 48. We represent over 6000 electrical workers in northwest Oregon and southwest Washington.

Speaker: I'm before you, in.

Speaker: Opposition to the. Appeal and. In support of the hearing officer's decision, it is important that this project moves forward for grid resiliency. Being an electrician, I'm all about power, want reliable.

Speaker: Power.

Speaker: And making sure that it works. With the rapid push towards. Electric power, transportation, the electrification of buildings and homes, this.

Speaker: Bottleneck needs.

Speaker: To be fixed in order to keep.

Speaker: Reliable electrical.

Speaker: Service running to homes and businesses. This will also provide middle class. Family wage jobs and opportunities to people to enter these family wage careers. I respectfully ask that you uphold the hearing officer's decision and thank you for your time and consideration.

Speaker: Thank you. I believe. Nate, were you up next?

Speaker: Sure. I can go and let tyler finish this up. Hello. Good evening, council president. Mayor, I want to introduce myself, nate stokes.

Speaker: I'm the assistant.

Speaker: Business manager of the operating engineers local 701. And I'm also the president of the columbia pacific building trades council. I'm going to make it short and sweet because we've been here a long time, and you've heard lots of testimony against and for. I'm here to support the pge project moving forward to make sure that we have the grid resilience that we need. And I feel confident in everything that I have witnessed over my time in the construction industry to feel that they've met the qualifications needed to make sure that this was the appropriate process and gone through to make sure that this bottleneck was taken care of. So I am in support of this project, and I thank you for your time.

Speaker: Thank you.

Speaker: Okay. Good evening. Madam president.

Speaker: Councilors.

Speaker: Mayor, my name is tyler smith. I am vice president of ironworkers local 29 and chair of our political action committee. I represent ironworkers throughout all of Oregon and five and a half counties in southwest Washington. So I want to be clear. I care about the environment, and I care about forests and trees, and I care about animals, and I care about future generations. And I hope that someday we can get to 100% renewable energy. But I also care about people, and people need

energy and people need jobs. This project will offer good union jobs, jobs with justice with full family health care and apprenticeship opportunities, including opportunities for bipoc communities, disadvantaged communities, women and veterans. I simply ask that the council uphold the hearing officer's decision. I'm in support of this project. Thank you, councilors.

Speaker: Thank you all for being here tonight with us.

Speaker: That concludes testimony.

Speaker: Okay. Thank you. Rebecca. Councilors. The final piece of the hearing before we move into our closing portions is a rebuttal by the appellants. We've heard that the appellants, who normally have a five minute rebuttal, have asked that we extend that by ten minutes because of the additional time for questioning the applicant. So I would invite our appellants back up for your rebuttal now.

Speaker: We all still awake. All right, carol, I want to congratulate you all on doing your homework. I'm impressed. I want to remind you, ors 174.010 says in interpreting the law, you must not insert words that do not exist or omit words that do exist. We've heard a lot of that. This is a this is not maintenance or an improvement. This is an addition to the park. Pge proposal clearly does not meet the requirements of the management plan, but pge plans to pay a fee in lieu of mitigation since they can't fully mitigate the damage from the project in the north unit, they plan to pay that. If you adopt that approach, you are opening that door to everyone else. Do you want kinder morgan or zenith energy in here? Applying for permits for new pipelines through the park? They would probably be happy to pay a fee and plant some trees across the city to mitigate that harm. That's not what we want to see. It really does say seedlings. Tree seedlings is what pge plans to plant in the park for this mitigation. We put those pge transmission plans into the record because we were trying to figure out what the heck phases four and five were and

what how pge plans for them had evolved over time. We also put in the wec and bpa plans and any other transmission plan we could find, because we were looking for any mention of this project that would confirm it was urgent, or that there were going to be terrible things that would happen. We found nothing. There are standards in the standard in the code is that alternatives outside the park is there's nothing in the in the standard in the code about practicable for alternatives that are outside the park. That's a word that's not in the code. There is no cost consideration for alternatives out the park, outside of the park in the code phase four is reconstructing on pge's existing towers in forest park that is clearly documented in their transmission plans. How you could do that project without doing it in the park? I still don't understand how pge can even argue that it is tied to the park, and you can't use those nice fat new conductors that they're installing on that 1400 foot project until you finish that connection to the next substation. So yes, they're putting new conductors in, but they're not useful until you do phase four. In just a few years. We want to relocate this project, not stop it. We are not against upgrading the grid. We just think it needs to be done in a more thoughtful way. The kinder morgan pipeline projects and the forest park entrance that have been referred to those precedents really don't apply here. Kinder morgan really is repairing existing pipes in the park. It is not new pipes. It is not expanding pipes. It is repairing the existing pipes so they don't leak in the park and become a fire hazard. Okay, again, we've talked about there's no independent evidence of need or urgency from bpa or anyone else. If I was pge and there were going to be multi-state rolling blackouts in 2028, if this project didn't get built, I would have gotten, hey, guys, aren't you worried about your customers? If this happens, please come and testify. Please write us a letter. There is nothing. There is nothing to support this theory except pge statements. We looked really hard. I said that already.

Ladder fuels and fire. Yes, they are going to be removing ladder fuels as part of the mitigation strategy. That is a good thing. But you know what? They grow back and they're adding new wires in the park. There will be more yards and of wires, new wires in the park. Eventually those age they become a fire hazard. And so you are overall, we believe, increasing the wildfire risk, not reducing it. Pge talked about an independent study. They did have the toth report, which is available for everybody to read. It doesn't I didn't think it said a lot more about the needs analysis question. There is another further study that they had done, apparently of routes four and eight that they have not shared with us. We asked for it in November. They have not shared it, so we don't know what it says. Pge so one of the things we learned in their transportation plans, yes, they started planning this in 2015. It was originally supposed to finish in 2020. So pge is not exactly been urgent about getting this project done. The, you know, their their deadlines just keep slipping out. They came in for their early assistance in 2022. Didn't get the application until 2024. I just don't see urgency there. Even if you feel there is a need for this project, that is only one of the 16 criteria that you are evaluating. Pge still has to meet all the others. Pge has talked about phases four and five being uncertain. We don't know if they're ever going to happen. We don't know if they're going to happen in the park or not. But then they turn around and tell us that other other transmission agencies, bpa and others are depending on them to get this stuff built. If it's in their plan, they can't have that both ways. Pge has not been transparent. They have not shared details that I'm pretty sure they have about those phases. What else? Please don't let the hearings officer rewrite the management plan and lower the protections for the park. Your staff report. Your staff did extensive analysis. They know what they're doing. They know the park. They've got this experience. They know the precedents. They found that none of the 16 criteria were met. Trust that experience

and expertise. The trees in the park are more protected than trees outside the park. So, for example, pge owns some properties up north of the wapato bridge that could be used for one of these alternate routes. Pge owns that property outright. It's unincorporated Multnomah County. They could log all those trees tomorrow, clear cut the whole thing. So the trees in the park are more protected, and it's therefore more important. It's important that we maintain those protections. Again, if there is a 2028 blackout problem, it is pge problem to fix. And we should not rewrite the city code and remove protections from the park to fix it for them. I already talked about that. Yep. If you uphold the hearings officer's decision, you're going to reject 30 years of staff experience and precedents allowing the hearings officer to rewrite the management plan. Not only would you adopt a seriously flawed hearings officer decision, development in the park will become much easier, and standards for protection drop dramatically. The goal of the management plan is clear protect the resources in the park. Grow an ancient forest. Pge's proposal is directly opposed to both of those goals. Past councils have worked to expand and protect the park. This decision is going to be your legacy. Please validate the work of your smart, experienced staff, preserve the management plan and its goals. And I'm tired too, so I'm going to wrap it up there.

Speaker: Thank you carol, and thank you all for I want to echo for really taking this very seriously and doing your homework on on these issues. You heard from a lot of constituents today who are opposed to this and for various reasons. And you also heard that we should be guided by facts and not fears. And I completely concur with that. The size of this is irrelevant, quite frankly. It's the law that guides this. It's the law that controls what happens in forest park, what happens to our public spaces. The hearings officer even said that there's a significant impact here. So trying to minimize that impact, I think is an argument that just doesn't have any

water. And clearly pge is not stated the need for this project at this point. I think that digging down a little deeper, we can we have not seen that there is a need, a need that's imminent right now. We also feel that the hearings officer applied the wrong criteria. We heard several times that cost was not an issue, but we've read that costs and we've heard that cost is an issue. In response to City Councilor zimmermann's question, the pg attorney said, oh, we're expanding lines. Existing lines are going to be upgraded. But that's not in phase three. That's in a future phase. Which begs the question, does phase three actually preclude phase three? Phases three and four. And if phase three is not completed, then what does that mean for the for the latter phases in this they also said that, you know, former City Councilors hales and blumenauer are supportive of this, but you heard from former councilor lindberg who is opposed to this. So, I mean, I find that is very interesting that that we're they're quoting certain individuals, but not other individuals. And under the hottest days in our cities, you know, we have spent millions and millions of dollars to grow our urban forest. And on the hottest days, those trees are there for a reason. They're there to shade our homes. If it's hot, you stand under a tree. That tree helps reduce the energy use in your home. And to suggest that taking out trees in one of the most iconic, the most iconic park in the pacific northwest is for climate resilience is to me, a hollow argument. I agree with carol. We are not against renewable energy. We're not against renewable energy projects. We feel there are alternatives that not only should be looked at, but should be looked at very seriously in terms of what the future holds for those projects. Again, pge, by their own statements, are projecting a 2 to 3% increase in energy use in the next year and again in the following year. That that to me does not say that there will be rolling blackouts. And so we do not think there's a correlation between the two. We feel this is kind of fear mongering, to be honest

with you. And you heard from your constituents. And we urge you to please not change the urban forest or, I'm sorry, the forest park management plan. By allowing this, it continues to erode on those protections that we have that the community relies on. And I would also like to say that when you make your decision, remember, this is a de novo decision, as we heard earlier, using fresh eyes on this and taking into account everything that's been said here today. So thank you very much for your time and your attention to this matter. It's clearly very important, not just to our organizations, but to the citizens and the community at large. And we appreciate your time on this. Thank you.

Speaker: Thank you both very much. We heard from the applicants about new evidence that was submitted. I'm not sure if the appellants are worried about new evidence that was submitted, but linly, do we need to address any of that tonight?

Speaker: So given the how big this record is, what I would propose is we appreciate, mr. Peterson, thank you for the list of new evidence. We would propose to have a discussion of it and resolve that in the findings. And so we would have time with staff to look and confirm that those are pieces of new evidence, and we would have those rejected. And when council votes, they would be therefore rejecting it. I think I think that's the best way to do it right now with the information we have. Okay, great.

Speaker: So counselors, that concludes the on the record hearings. And at this point we can close the record for oral and written testimony. Correct. Okay. So we are closing the record for oral testimony on this matter. And that moves us into our discussion. We're a little later than I know. I told many of you we'd be going, but we have, I think, a lot of information before us, and we've been asked by staff if we're able to move into the discussion and our deliberations so that we can provide direction to our attorneys. Through a tentative vote this evening. So if folks are

willing to bear with us for a little bit longer, councilor green, looks like you are in the queue.

Speaker: Thank you, madam president. Thank you, colleagues, for the thoughtful discussion tonight. I want to start with the hearing officer's analysis, specifically the sentence where the suggestion is, look, we need to evaluate the case on the merits of the facts, facts over feelings. Right. So that's a pretty inflammatory thing to say. But it is true that you have to evaluate these cases on the merits of the facts. The thing that concerns me the most about the hearing officer's rulings is it appears that the hearing officer themselves did not adequately evaluate the case on the basis of the facts. And I'm speaking to the record here. So if we look specifically at approval criteria, a, the hearings officer seems to have accepted uncritically the assertion that a need has been credibly demonstrated, presented by the applicant. So they present a needs analysis that provides the basis for the project and the proposed project being justified by exception. And as the applicant actually stated on the record themselves, the alternatives themselves are a function of the load forecast. Okay, so that's a pretty important thing that I took away from that discussion. And in light of that, and in reviewing the record of this case and hearing the testimony of Paul Matched Match Kit, which whose name I'm probably mispronouncing, but I but I took away that he is retired Bonneville power employee vice general counsel there. He did submit several pieces of evidence to the record, notably pointing out, and this was back in what, November 14th? Yes, that on April 18th, the Oregon public utility commission and I'm reading directly from the evidence here from the record. Similarly, in its April 18th, 2024 order 20 4-096 at page 20, the Oregon puc found that for pge's 2025 update to the clean energy plan. Pge needs to do a more complete analysis of need and evaluation of the full range of transmission solutions. So and this would be based upon the 2023 data that the

puc received. Based upon my interpretation this paragraph, I did ask the applicants what the vintage of the forecast was underlying this needs analysis, and they did not supply an answer. But i'll note that in the record there is the exhibits. Gosh, there's so many. But there is Portland general electric's clean energy plan from 2023. It is exhibit item 242. So we have in the record that that the underlying forecast data would be from the 2020 irp. And what I'm hearing here from this veteran of bonneville power administration analysis and notably vice general counsel, is that that our own public utility commission found their needs analysis to be insufficient to demonstrate a need to engage in transmission projects to meet a reliability need. So, so for me, i, I find that the hearings officer inappropriately determined that a need has been critically demonstrated based upon the body of the evidence here. My second objection with the with with the hearing officer's analysis is that if you look at what is it approval criteria b, which is about the no, no alternatives in the park. The needs analysis discusses a local or a new generation and battery option. There was like two paragraphs to describe what that meant. And they introduced sort of the suggestion that a new generation might come from the east side of the state, and they would be met with a constraint if it needed to meet load on the western side of the state. But they didn't talk about any modeling or analysis to show where or alternative siting could be for those new generation sites. So. So I find it interesting to note that I see with my well, let me just say I was not convinced by the presentation that they did their due diligence on on really exploring that alternative. And if we go back to paul mascot's testimony, he does note that the bonneville power administration has addressed many of the transmission constraints on the south of alston line, which is named specifically in pge file. So altogether, I find that approval criteria a and b have not been sufficiently

met, and so I'm not inclined to support the hearing officer's ruling and I yield my time.

Speaker: I don't know that we have time to yield, but thank you. And counselors, I will say we should put on the record where we're leaning so that we can take this vote, but we will have time for sharing our broader positions when we take the vote on the final ordinance that comes forward to us as well. I just lost our place here, counselor zimmerman.

Speaker: So, so given that, can we just clarify in terms of the remainder of tonight, I want to make sure that we don't kill any dead horses or belabor any dead points.

Speaker: So we are moving toward the tentative vote on land use hearings. We take a tentative vote, which is essentially our way of saying to staff, here's what we want to do. Please go write it for us and we give them that direction. So this is an opportunity for any discussion amongst ourselves on what direction we want to go there. Any additional questions? I know I personally have a question about something we heard for the attorneys. Any questions for each other that we haven't been able to get at yet.

Speaker: Thanks, and I appreciate that. Counselor green and I are both versed in this commentary. You know, ultimately, I think what has been proposed is probably the best option in the park. But. Well, and I think that this easement aspect and the right of way aspect, if not honored, is risky. But I am pretty concerned, and I don't think that I've seen in this decision or in this in the report, something that gives me the ability to say that the forest park nature management or natural resource management plan should be overruled. And so in this case, and there was a person earlier who said that those who say their hands are tied are using it as an excuse I think will actually fall to their benefit, because I don't think the standard has been met to not follow that plan. And I and i, I do think that pge should be upgrading. I

think that I this is why I said councilor green is interesting because I think the need part of this is where I feel most satisfied. But in the quad chart that was shown, you know, number one was need, number two was a lack of an alternative. Number three was consistency with the nrmp. And number four was adequacy, adequacy of mitigation. And for me I think only the need was met. I am not there on the adequacy of the mitigation plan. I am not there on the consistency that it is consistent with the nrmp and I'm not there. That lacks lack of alternatives don't exist. And I think that the hearings officers citations are are not. They are not strong enough and specific enough. And her citations do not provide me a reason to think that those that that those plans can overrule the forest park natural resource management plan. You know, land use is one of those areas where I think. It is a damning thing when we can't do what we want to do. And it is a hell of a protecting thing when it does what we need it to do. For a long time it has protected forest park, and I think that if Portlanders think that the forest park natural resource management plan is flawed, and we need to revisit that, that that can be a mission to undertake. But that hasn't occurred. And as it stands, the law says that if an alternative exists and the and the hearings officer cited that one does. And so for that, i'll be leaning toward. I guess the right word would be granting the appeal, and i'll leave it there.

Speaker: Thank you, counselor, I have myself in the queue next, and I actually agree with almost everything that counselor zimmerman just said. I also was looking at that quadrant of need alternatives consistent with the goals and adequate mitigation. And while I am concerned with utility costs and it appears to be the best option within the park, I'm not asked to look at whether there is an alternative that. That is easy or affordable, but whether there is an alternative at all. And I actually would like to ask a question about this to our attorney, if that's all

right, because we had somebody suggest that although our approval criteria says no alternative locations exist outside of the forest, outside of forest park, for the proposal that an overlay of state law would require us to create conditions to that that's not listed, however, on our approval criteria. And I want to make sure that that I'm doing the right, the right thing by using our approval criteria as opposed to an overlay that was suggested to us, but that we don't have before us. And that's not part of our our city guidance here.

Speaker: Yeah, that's that's a good question. Council has the prerogative of interpreting its code. As long as its interpretation is plausible, it will be upheld by the courts. The difference between this and some of the other case law is in this case, we have criteria where the word practicable is used in some criteria and not in others. That's not the situation with the cited case. I think council has a lot of range of options of how it wants to interpret that criterion where practicable, is not used. And there were a number of suggestions about how you might. So is that so.

Speaker: That is helpful. Thank you. And if that's the case then looking at practicable in criteria c and not in b, what I have before me is something that says that if an alternative location exists, we should not be granting an exception. And that seems very clear cut to me, that seems like something that in fact binds us to move in a very particular direction. So thank you. Councilor novick.

Speaker: So to follow up on the point of practicability, I generally agree my legal career started with arguing that the word all means all and didn't mean all reasonable or all necessary, it just meant all. And the section 174 a of superfund. So I don't think I agree you shouldn't read words into into the law. I do think that I mean, what it says is no alternative locations exist outside of forest park for the proposal. So I think that it's not necessarily that any alternative location exists, no matter whether it fulfills the need or not. So if there was an alternative location that

would take 600 years to build, I don't know if that counts as an alternative location for the proposal, but I agree that simply the fact that an alternative location is stupid or expensive doesn't mean that we don't. It doesn't mean that we can't insist on it. I mean, it doesn't mean that that it doesn't count. I think that it's quite possible that pg could have made a good demonstration of need, and could have made a good demonstration that the out of park alternatives are don't actually meet the need. I just don't think that they've done it. I think that they could have. I think it's quite possible that they've got loads of evidence. They claim it exists in exhibits 180 to 220, that the grid is going to explode in 2028, but I just haven't seen it. I think that it's possible that they could extensively demonstrate that the marina way option will take many more years than that, so the grid will explode. I just don't think that they've done it. So my inclination would be to, first of all, have a revised finding that it's not true, that you can read in the word practicable. And the hearings officer cited a state case on that, which I don't think says that in any land use rule, at any level of government, you read in the word practicable. And I would ask for a finding that on this record, the pge has not demonstrated the need for something to be done by 2028. And that alternative alternative option can't be done by 2028. Now there's other criteria too, of course, and I probably and if we went through this again, I'd spend probably spend more time in mitigation and red legged frogs. But I'm sort of where I am based on the need and the alternatives. So I just can't get there today.

Speaker: Counselor smith. And then we may be moving toward our vote.

Speaker: Thank you, madam president. When I think about forest park, it's probably one of the city's greatest resources, not just for its biodiversity, but its natural beauty, and especially for the recreational and educational opportunities that we all enjoy immensely. My understanding and interpretation of the legal

framework we're dealing with, and especially the forest park natural resources management plan. I'm just not convinced yet that pge project proposal is consistent with the management plan, goals and strategies. Based on the evidence that I have reviewed and all the testimony that I've heard today, it just does not meet what I think we should have today. And even in focusing on on the conservation goal, number one from the forest park management plan, I believe that conservation goals require protection of forest park natural resources and ecosystem and for the enjoyment and benefit of future generations. And we can argue about which generations are future, but we're talking about future generations that will be here to evolve. And. I think I have to agree with my colleague that today it just doesn't meet the criterion for me. Thank you, madam president.

Speaker: Thank you. Councilors seen no one else in the queue, and hearing from a number of folks who appear to be leaning toward granting the appeal and overturning the hearings officer's decision, I would entertain a motion to provide a tentative vote to our attorneys, directing them on what they should put into a measure to come before council.

Speaker: Second.

Speaker: I think we need the motion.

Speaker: So, so moved.

Speaker: Motion and I second.

Speaker: I hear a motion from counselor green and a second from councilor morillo to the language isn't up anymore, but to provide a tentative vote to ask our attorneys to write us a measure which would grant the appeal. Linly, would you like to state this properly?

Speaker: Yes. So the motion would be to uphold the to approve the appeal, overturn the hearings officer's decision. And I want to just really quickly so everyone understands what that means. The appeal was only on one of the four applications. So what we would be writing is denial of environmental review, approval of the two greenway reviews and the conditional use review. That is what I'm understanding the motion to be. If that is what is moved.

Speaker: Is that what you believe? You're moving councilor green? That is what?

Speaker: So moved.

Speaker: A second.

Speaker: Okay, so councilors, this is a vote to grant the appeal.

Speaker: Tentatively.

Speaker: Tentatively to direct our attorneys to write us something granting the appeal. Is everyone clear on what we're voting on? Okay, great. And we do have councilor kanal still online with us.

Speaker: And linly.

Speaker: Yes. And counselor Ryan.

Speaker: Your hand up.

Speaker: I, counselor Ryan, we have a motion for a vote. Now, we're not in discussion any longer. As your hand up on a point of order or to.

Speaker: A point of order. So could could the motion be read one more time? And then, even though I've been in these a few times, it's always a little counterintuitive on how you vote on this. So for upholding the appeal, then it's a yes vote. And if you're against the appeal, then it's a no vote. Yes.

Speaker: A yes vote upholds the appeal, and a no vote overturns the appeal and upholds the hearings officer's decision.

Speaker: Got it. Just had to hear that for the zillionth time. Thanks.

Speaker: Absolutely. Rebecca, could you call the roll, please?

Speaker: Canal.

Speaker: Yeah. Thank you. In brief, I found the staff report to be persuasive. I did not see all the criteria for minor amendments to be met. Among other things, I did not see a demonstrated need for the proposal or believe that the proposed action is consistent with the plans, goals and strategies and more on that in a second. And that the standard was met with relation to evaluating the alternative locations, and to show that the proposal has the least significant environmental impact. So those are the criteria I want to cite here. Going back to the goals, I just want to point out and read a portion, page 98 of the plan, which is under growing ancient forest. Two items protect forest parks native plant and animal communities. Its soil and water resources. It carries on with the self-sustaining ancient forest line that we've heard under design, management and restoration under that same header. Sorry design management, restoration efforts to maintain and expand biodiversity, protect wildlife habitat, improve water quality and repair damaged and fragmented natural systems. And the other category is called protect and enhance. Protect and enhance the value of forest park as a regionally significant recreational resource and enhance the value of forest park as a regionally significant educational resource. It was brought up that this is some small and relatively unused portion of the park, but in 1995 they did think about that in the same goals section that we are now obligated to use as an approval criterion. Just below that, it talks about goal balancing, which includes. And i'll note here that the phrase significant values is emphasized in the original quote. The plan should take advantage of the south to north gradation of human use and impacts. The northern units have significant values not found in the south. The vision statement mentions the peace, solitude, ruggedness, variety, beauty, unpredictability of an urban wilderness. The plan can

most effectively advocate for the protection of these important values where they are the greatest. Given that and that, focus on the northern side of it and its needs, as well as all the reasons brought up in the original motion. And thank you to those who supported that original motion. I vote yes to grant the appeal.

Speaker: Ryan.

Speaker: Yeah. Thank you. I want to start off by saying that I came into this meeting incredibly open, and I kind of wish I would have been. I think some of you might already had your decision made prior to this meeting, and you're going to read your one really wonderful comments. I'm going to read off all of the scribbles I've been doing for the past five hours. Who's counting? And I want to start off by saying that there's been a couple times since in the last few months where i, I want to I don't know who the hearings officer is personally, but I just want to lift them. That's a really hard job. And in a time where I think the political rhetoric and the way we sometimes talk about our public servants, I just want to check that and say that I really appreciate the hard work of the hearings, officer, and I respect the work that they did. And I just wanted to give some attention to them in their role as a public servant. It's a very hard job. I can only imagine. Two I will say that Portland will be having more and more tough decisions that include extremely difficult tradeoffs. And this one is definitely exhibit a on that. Since I've been in this role for the four and a half years, and this is just where we are in managing the climate crisis. So the. These decisions will be tough because both things can be true. And let me find the third one. I do think that pge worked really hard to find the best option. And yet we all want a different option. And so that seems to be what we're hanging with and why we'll probably be back on this topic. Pge also loves trees. They spoke to that frequently. Friends of forest park. They love electrification and we heard that over and over again. So and then, of course, I appreciate that labor showed up

because there's some real grim economic times. And this is a secure this would be a secure project for the labor. And I appreciate that they also stayed so long. I'm not sure how all the pge testimony came at the very end, but I really appreciate that, that they were patient and they I heard their voice. Yet it's forest park is a cathedral. So it's you know, I've lived in Oregon most of my life in Portland area, most of it minus, you know, 15 years. But when you get to my age, it's still most of your life. And eight of my years were a little bit further out on highway 30 into columbia county. And so those those forests that we're talking about were the forests that i, that I grew up in. And maybe it's god's holy week, and I'm just treating this in a very spiritual way. It's just really difficult for me to think I could take a vote that would on the appearance, be about deforesting forest park on the during the sacred week, and I this is a tentative vote and at this moment in time, I will vote to uphold the appeal. And I really respected the testimony on both sides today. But I will vote i.

Speaker: Koyama lane I'm going to try to.

Speaker: Be brief.

Speaker: And maybe inspire some of my other colleagues to also. I.

Speaker: Thank you to all of our the folks that.

Speaker: Came from the public to testify, especially those who.

Speaker: Have.

Speaker: Stayed this whole time. I don't believe. I've seen enough evidence to prove that the forest park option would. That proposal would have the least significant detrimental environmental impact compared to the alternatives. I vote yes.

Speaker: Morillo I will also be brief. Thank you to everyone for your patience. Everyone here supports climate resiliency and the creation of good jobs. I don't think I am disputing the benefits of bolstering the grid. This is something we've

discussed in the climate committee, and that it is something of the utmost importance. But this is ultimately a matter of law and process. And in my view, pge did not provide adequate fact based support for key components of this application, including its consistency with the nmp, its alternatives analysis, and its proposed mitigation plan. Big claims require citations, and I did not see citations where it would make sense to see them on this record. I see no sufficient factual basis to set aside agency expertise and the input of a well-informed public in favor of the judgment of a single officer whose findings are inadequately supported. So I vote to support the appeal, and I'm very proud to do so.

Speaker: Novick I first of all, I want to ask linly I've stated before what I kind of thought the findings should be if we voted to uphold the appeal, do I need to restate them or do you catch that?

Speaker: I think through your comments and questions, you're good.

Speaker: Okay, so in light of that, o, I want to follow up on councilor Ryan's observation about the hearings, officer. And I want to say that I actually appreciated the way the hearings officer discussed the climate resiliency issue. So although I'm voting to uphold the appeal, I have great respect for the hearings. Officer, i.

Speaker: Clark.

Speaker: Like councilor Ryan, I'm going to refer to my scribbles. I want to express my appreciation for everyone who came, but also my respect for pge, I and their work that they've done on transmission planning. It may not be adequate, but I appreciate the work that you've done. I also want to give a shout out to the testimony from angus duncan, with whom I served on the. I think, the governor's global warming commission. And I'm sorry we didn't get to hear all of your testimony, but you raised really important points about the future of need and how far, how far behind we are in need. I think I agree with councilor zimmerman that

we are most vulnerable on the easement issue. I think that was something akin to a sacrifice zone, if you will, which was set up a long time ago. It's much like, I guess, akin to the sacrifice zone that we made in the linnton neighborhood. We set aside something that maybe when we look back, we wouldn't have done that. But ultimately, I'm also not convinced based on the evidence and testimony today, I did come in with a very open mind, but I have to say that I don't believe that this is consistent bottom line with the forest park management plan. And so i'll vote.

Speaker: I green.

Speaker: I won't restate my comments during the discussion. I think I was pretty comprehensive. I just want to note that based upon the facts and all of the facts in the record, I am going to vote I to grant the appeal.

Speaker: Zimmerman I avalos.

Speaker: Today we were asked to consider this application to remove over 400 trees, and after reviewing the record before us and relying on findings presented in the staff report, I am tentatively voting yes. I just do not believe that this proposal is consistent with the standards that must guide our decision and in particular, the staff report makes it very clear that the proposal does not meet the approval criteria of Portland's zoning code or the criteria for an exception to the forest park natural resources management plan, among other issues. Staff found that the application fails to demonstrate how the project's mitigation plan will actually minimize these impacts on resources, and faust park is, importantly, not only a unique ecological resource, it's also a place of solitude and sanctuary for our community. So this introduction of new infrastructure and the removal of hundreds of mature trees is incompatible to me with the goals and strategies of that plan. I want to be. Finally, I just want to be very clear that the city's planning staff, after a complete and thorough evaluation, did recommend a denial. And that

recommendation recommendation was not made lightly. It was based on a comprehensive analysis of the code, the environmental impact, and the applicant's own submitted materials. So with that, I vote aye.

Speaker: Dunphy.

Speaker: Yeah.

Speaker: Colleagues, I came into this hearing.

Speaker: Today leaning towards denying the appeal, honestly recognizing that we are in a moment of crisis and needing to upgrade our our transmission system. But based on the evidence, on the record, based on the report, the staff report from senior city planner morgan steele, I can't understand how the hearings officer got to the decision that they made based on a plain text reading of the law. I vote I in support of upholding the appeal.

Speaker: Smith.

Speaker: I just like to support the staff and their recommendation. I vote i.

Speaker: Pirtle-guiney like many of my colleagues, I came in today and decided I take seriously the role of neutrality when we are reviewing land use appeals. And like my colleague councilor dunphy, I can't see how the hearings officer got to the decision that they did. I'm compelled to vote.

Speaker: I with 12 I votes the motion to tentatively grant the appeal carries.

Speaker: Thank you. We will have this item back before us on the may 7th calendar, I believe.

Speaker: Yes, at the 945 time. Certain.

Speaker: Okay.

Speaker: So can I make a couple just a couple of quick reminders. Yes. Testimony record is now closed. Please continue to avoid ex parte contacts for the next three

weeks until we get to the seventh. And please don't if you can avoid posting or about your decision on this while it's still tentative, that would be appreciated.

Speaker: Thank you. Thank you for that direction, linly. And with that, I will close today's council meeting.