



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23RD DAY OF JANUARY, 2013** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

Items No. 63, 67 and 73 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
53	Request of Kyin Lok to address Council regarding Terwilliger sewer project (Communication)	PLACED ON FILE
54	Request of Mark White to address Council regarding Community Development in Powellhurst-Gilbert (Communication)	PLACED ON FILE
55	Request of Lori Boisen to address Council regarding Community Development in Powellhurst-Gilbert (Communication)	PLACED ON FILE
56	Request of Silas Covert-Keefe to address Council regarding more development in Powellhurst-Gilbert/East Portland area (Communication)	PLACED ON FILE
57	Request of Joe Walsh to address Council regarding Police having guns in Council meetings (Communication)	PLACED ON FILE
TIMES CERTAIN		
58	TIME CERTAIN: 9:30 AM – Adopt Resolution honoring the life and public service of Art DeMuro to the City of Portland (Resolution introduced by Commissioner Saltzman) 20 minutes requested (Y-5)	36996
CONSENT AGENDA – NO DISCUSSION		

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<p>59 Reappoint Brian Lessler and appoint Katie Such and Jorge Guzman to the Home Forward Board of Commissioners (Resolution introduced by Mayor Hales and Commissioner Fish) (Y-5)</p>	<p>36994</p>
Mayor Charlie Hales	
Bureau of Planning & Sustainability	
<p>60 Authorize an Intergovernmental Agreement for 2013-15 with Portland State University in the amount of \$127,139 to implement the Single Family Weight Study for Bureau of Planning and Sustainability (Second Reading Agenda 41) (Y-5)</p>	<p>185861</p>
Office of Management and Finance	
<p>*61 Authorize upgrade of sedan to SUV for use by Fire Bureau (Ordinance) (Y-5)</p>	<p>185862</p>
<p>*62 Grant a temporary revocable permit to LightSpeed Networks Inc. for telecommunications services and establish terms and conditions (Ordinance) (Y-5)</p>	<p>185863</p>
<p>63 Grant a franchise to Lucid Energy, Inc. for a renewal energy project in conjunction with the Water Bureau for a period of 20 years (Ordinance)</p>	<p>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>64 Grant a franchise to Tata Communications (America) Inc. for telecommunications services for a period of ten years (Ordinance)</p>	<p>PASSED TO SECOND READING FEBRUARY 27 , 2013 AT 9:30 AM</p>
Commissioner Nick Fish	
Position No. 2	
Portland Housing Bureau	
<p>65 Approve, deny and terminate Homebuyer Opportunity limited Tax Exemptions as of December 31, 2012 (Resolution) (Y-5)</p>	<p>36995</p>
<p>*66 Amend Intergovernmental Agreement with Multnomah County Department of County Human Services to add funds for flexible client assistance for Veterans (Ordinance; amend Contract No. 30002899) (Y-5)</p>	<p>185864</p>
<p>*67 Amend the expenditure authorization for subrecipient contract with Transition Projects, Inc. for an additional \$269,000 for services to operate Women's Winter Shelter and provide for payment (Ordinance; amend Contract No. 32000784) (Y-5)</p>	<p>185871</p>

<p>Commissioner Dan Saltzman Position No. 3</p> <p>Bureau of Environmental Services</p>	
<p>68 Authorize contract with HDR Engineering, Inc. for professional engineering services for the Columbia Boulevard Wastewater Treatment Plant Biogas Utilization Project E10033 (Ordinance)</p>	<p>PASSED TO SECOND READING JANUARY 30, 2013 AT 9:30 AM</p>
<p>69 Authorize a contract and provide for payment for the construction of the SE 2nd Ave, SE 3rd Ave, and SE Alder St Consolidation Project BES Job No. E08847 (Second Reading Agenda 45) (Y-5)</p>	<p>185865</p>
<p>70 Authorize the Director of the Bureau of Environmental Services or his designee to enter into participation agreements with private property owners in the RDII Program Pilot Project areas for rehabilitation of private sewer service laterals to remove inflow and infiltration into the public sewer conveyance and treatment system (Second Reading Agenda 46) (Y-5)</p>	<p>185866</p>
<p>71 Authorize a contract and provide for payment for the construction of the Upper Hillsdale Sub-Basin RDII Pilot Project No. E10472 (Second Reading Agenda 47) (Y-5)</p>	<p>185867</p>
<p>72 Authorize a contract and provide for payment for the construction of the SE Clay Green Street Project BES Project No. E10007 (Second Reading Agenda 48) (Y-5)</p>	<p>185868</p>
<p>City Auditor LaVonne Griffin-Valade</p>	
<p>73 Update Council procedures regarding publication of the Council Agenda (Ordinance; amend Code Sections 3.02.020 and 3.02.030) Motion to remove emergency clause: Moved by Saltzman and seconded by Fish. (Y-4; N-1 Fritz)</p>	<p>PASSED TO SECOND READING AS AMENDED JANUARY 30, 2013 AT 9:30 AM</p>
<p>REGULAR AGENDA Mayor Charlie Hales Bureau of Transportation</p>	

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<p>*74 Amend contract with Portland Streetcar, Inc. to provide additional professional services for project management and vehicle engineering services for production of a domestically manufactured streetcar (Ordinance; amend Contract No. 37119) 10 minutes requested (Y-5)</p>	<p>185869</p>
<p style="text-align: center;">Office of Management and Finance</p> <p>75 Authorize contract with Oregon Iron Works, Inc. to manufacture, deliver and attach one boathouse in the amount of \$1,690,100 (Procurement Report – RFP No. 114647) Motion to accept the report: Moved by Fish and seconded by Novick. (Y-5)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p> <p style="text-align: center;">Bureau of Environmental Services</p> <p>76 Replace the Sewer User Charges Code for consistency of definitions, clarification of terms and addition of enforcement measures (Second Reading Agenda 50; replace Code Chapter 17.36; amend Code Section 17.34.020) (Y-5)</p>	<p>185870</p>
<p style="text-align: center;">Commissioner Steve Novick Position No. 4</p> <p>77 Pay award ordered by the Employment Relations Board in Portland Fire Fighters' Association v. City of Portland (UP-013-10) on December 10, 2012, pending review by the Oregon Court of Appeals (Ordinance) 10 minutes requested</p>	<p>PASSED TO SECOND READING JANUARY 30, 2013 AT 9:30 AM</p>

At 11:24 a.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By **Karla Moore-Love**
Clerk of the Council

For a discussion of agenda items, please consult the following Closed Caption File.

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WEDNESDAY, 2:00 PM, JANUARY 23, 2013

**DUE TO LACK OF AN AGENDA
THERE WAS NO MEETING**

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Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

JANUARY 23, 2013 9:30 AM

Hales: Good morning, everyone. Welcome to the 9:30 session of the Portland city council on January 23rd. Council, please come to order. Karla, please call the roll.

Fritz: Here. **Fish:** Here. **Saltzman:** Here. **Novick:** Here.

Hales: Here. I understand we have a large group of students here this morning from a number of middle eastern countries who are here for a Portland class. Want to welcome you to Portland and the city council this morning. We're glad you are here. Thanks for coming. We have some, some communications items this morning. Karla will ask you each to come up in turn. If you have not done this before, if, when you come up, to speak, you have three minutes, and if you are representing an organization, please let us know, and then please do state your name for the record. Thank you. Karla.

Item 53.

Moore-Love: He is not able to make it and will be rescheduling.

Hales: Ok.

Item 54.

Hales: Mr. White, there he is.

Mark White: Good morning, everyone, I am Mark White, president of the Powellhurst neighborhood association. I forgot my glasses. For the past few years the neighbors has been cultivating a project named Gilbert Place that would seek to bring much needed retail and commercial development along with housing to veterans to the southern end of Southeast 122nd Avenue. The project also includes a community kitchen, a community gathering space, and an international marketplace targeted to engage the numerous newcomers in our neighborhood. The project is designed to be both a jumping off entrepreneurial opportunity for local residents, as well as an attempt to prevent displacement through gentrification as the area finally begins to improve. A copy of the original concept paper along with several written copies of testimony, is included with the packet that I just gave you. And late last summer, a vacant piece of property situated for Gilbert Place and within the Lents town center urban renewal area went up for sale. The Powellhurst neighborhood association approved a request to ask the development commission for purchase the property and secure it for future development. The Portland development commission refused that request. Despite 30% of the urban renewal area within the boundaries of the association, Powellhurst Gilbert has benefited little have being a urban renewal area. This project along with several other investments in the area has the potential to finally reverse the negative economic trends of the last several years, so clearly illustrated by the change in our reduced lunch rates from around 39% to just over 80% in just 15 years. We have -- we know from past history that council has the ability to influence the Portland development commission decisions as evidence by the restoration of 1.1 million in funding for Leach Botanical Garden. We hope that council will show the same interest and effort as it did for the Leach Botanical Garden for Gilbert Place and assist in our efforts to create a community-driven revitalization effort. By doing so, council will not only address the unintended results of the Outer Southeast Community Plan but solidify the public investments that have already been made in the area in the form of public housing projects. The city charter states that the Portland development commission shall implement the vision and goals

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of the city and advance social equity in carrying out the duties among other things. We feel gilbert place is a perfect illustration of the vision and goals and clearly, advances social equity and numerous other issues of critical importance to all Portlanders. It teaches people how to fish instead of giving them fish. Which is something that will create long lasting, sustainable economic viability for those who participate. Lastly it should be noted that the property in question is part the streetscape improvement project along southeast 122nd, and will have sidewalks installed along the entire 125 feet of frontage. This will ensure that even if we are not successful in developing the project, and the Portland housing bureau does not use the property for housing, after our attempt to do so, that the pdc will still be able to sell the property sat a fairly substantial profit. We hope you will join us in our efforts to revitalize the community and advocate on our behalf with the Portland development commission and strongly encourage them to change their position and purchase this property for future development. Thank you.

Hales: Thank you, mark. Appreciated you bringing this to our attention. Thank you. Next.

Item 55.

Hales: Good morning.

Boisen: Thank you, mayor hales and commissioners, I am lori boisen. I own a small home-based business advertising advertised in the powellhurst neighborhood. I am the secretary of the midway business association, co-chair for the division of alliance for community improvement, a Portland neighborhood prosperity initiative and a board member for the powellhurst neighborhood association. I lived there since 1998 and am proud of the work the association does to improve our neighborhood and surrounding community. With the lents urban renewal on the south end and division midway prosperity initiative on the north, the time appear to be perfect to affect tremendous change in our neighborhood. The mixed use development known as gilbert place is a perfect fit for powellhurst gilbert. Gilbert place is a multi-use and will provide commercial services to an area of the community that is lacking in that department. And the gilbert place project supports the city's neighborhood economic strategy, which recognizes that robust commercial districts are essential for driving neighborhoods. Gilbert place's amenities will provide services to largely multi-cultural neighborhood. And approximately 30% of the businesses in the division midway alliance bounders are minority owned. I envision a rich partnership between division midway alliance, and gilbert place with multi-cultural business oriented educational classes at gilbert place, and dma district events featuring enterprise products created in gilbert place's kitchen. And dma performed a survey last year, and one repeated request was for an international market in the neighborhood. Gilbert place addresses this need. I urge the city council to ask the Portland development Commission to purchase the southeast 122nd avenue property and make gilbert place the next lents urban renewal area project. We also respectfully ask for a liaison from the mayor's office to meet with the powellhurst neighborhood association regarding gilbert place. Thank you very much for your time and support.

Hales: Thank you.

Fritz: Can you tell us the name of the business?

Boisen: Advertising the bag.

Fritz: And how do people find out about it?

Boisen: Advertisingthebag.com.

Fritz: Thank you.

Hales: Thank you.

Item 56.

Hales: Good morning.

Silas Covert-Keefe: So I say my name?

Hales: Yes.

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Covert-Keefe: I am silas covert-keefe with the neighborhood association, as a lifelong resident of east Portland and a student at psu, I see gilbert place as an incredible possibility, the first great step towards forming a beautiful and vibrant community. I lived in the powellhurst neighborhood for 20 years and I watched more high density, low income apartments are built. The city's poor are forced into one section of Portland. And as a student of political science and community development, I am now coming to understand that those people are the, on the lowest end of the income scale, have the smallest opportunity to have their voices heard. This is why I am frustrated when I hear the pdc, who is willing to spend 169 million will not help grant us the money to purchase this land. What is only .04% of the proposed education ura. It replaces an idea that follows the asset-based style community development, which is to say it is generated from the bottom up. I have talked to the most successful type of community development it, occurs when a community faced with problems looks inward. When people get together and look at what they have to work with and start to turn their problems into solutions and utilize their resources. And it requires a struggling community to receive aid from city entities. Every place serves many purposes, but to me, as a resident of the area, it will serve as a social place. It will be a place that my friends and I can hang out to shop and eat and -- missed that. And currently my friends and I have to travel west in towards inner southeast Portland, and past 52nd, to get books, shop, and to go on dates. Not only is that inconvenient but it means the residents at powellhurst gilbert and my friends are not spending money in the neighborhood but taking it to inner southeast. It leaves us spending money on the rent for more, high density, low income apartments. I realize that i'm talking in a circle, but that's why they call it a cycle of poverty. So again, i, I can't help but feel frustrated with the Portland development commission, who will not help us who received nothing but sardine style apartments to develop our neighborhood into something better. If we are ignored and this opportunity is wasted, I have no doubt the vacant lot we were hoping to use for gilbert place will, instead, be developed into more high density, low income apartments. Thank you.

Hales: Thank you.

Item 57.

Hales: Good morning.

Joe Walsh: Good morning, mr. Mayor. Members of the council. A few weeks ago there were two police officers here, and they were asking for funds to do investigations on truck accidents. That's not what i'm concerned with. Was the police officers had their guns with them. And the thought went through my head, why? Why do they have guns? You have your own security people. I, actually, liked them. The police officers often will be criticized by activists here and on council. A great democracy. This is where we argue. This is where we either accept or reject ideas. It's a little disconcerting when you are arguing with someone with a gun. I don't want them to shoot me. If I say something out of line. So, I wondered, where else would a gun-free place be? Here in Portland, some of the federal buildings have signs. Saying no guns. Can't bring a gun into the cafeteria. And if you go on a plane and you are a police officer, you will be arrested, and unless you made arrangements. I often see tv programs that police officers will check their guns in the jails, and then the prison. And just think about that. The logic, that's not a bad idea. Leave the guns outside because a prisoner may get it, and all hell will break loose. This could be a gun-free zone. This chamber. We could do this. On our own. We don't need great congressman or senators. We could do this here. I don't expect you to do it, but I hope that you think about it. It would be nice not to have guns in this chamber. Thank you.

Hales: Thank you. Ok, we have at 9:30 time certain. Should we take that?

Moore-Love: Do you want to do the consent agenda first?

Hales: Ok, let's go ahead. I'm still confused by our calendar which places things at time certain and puts consent before that even though it's not printed that way. All right. I'm tempted to change that but I won't right now.

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Moore-Love: I had a request for 67 and 73 to be pulled.

Hales: And I believe there was one more. Is that right?

Moore-Love: I just have the two.

Hales: Did you want to pull 63? yes, 63.

Fritz: 63 is pulled back to the mayor's office.

Fish: Who is pulling 67?

Moore-Love: Joe walsh.

Hales: We have a citizen request for one of those.

Fritz: Could you go over the numbers again, please?

Moore-Love: I have 63, 67, and 73 being pulled.

Hales: Ok. So, are there any other requests to take items off the consent agenda? If not, I believe that we can vote on the remainder of the consent agenda.

Fritz: Aye.

Fish: Mayor hales and colleagues, as part of the consent agenda, we are today appointing three people to the home forward board, and since we have the distinguished chair here and one of the appointees, I would like to have them stand with harriet cormack, the chair, stand, and brian lessler, please stand, and brian is the gresham city council representative, and by our action today, we are also pointing katie such, who works at pnc bank and will fill the position held by gretchen kafory, and we're appointing jorge guzman, who works at hacienda as a program manager and will fill shelli romero's seat. Her term expires next month. These are important appointments, and we want to thank mr. Brian lessler, miss such and guzman for agreeing to serve and harriet for continuing her leadership as chair. Thank you very much. I'm pleased to vote aye.

Saltzman: Aye. **Novick:** Aye.

Hales: Aye. So now we move to the 9:30.

Fish: A procedural question, since mr. Walsh has pulled one of the Portland housing bureau items, it would be helpful to know whether we need staff here to address any questions and when you might be taking that matter up. Whether there is a substantive concern or a chance to make a statement.

Hales: Let's assume that, and we'll take up the consent items at the end of the morning's council agenda.

Fish: Ok.

Fritz: So we'll have staff here.

Fish: Ok.

Hales: I don't think that there is a great deal of time that's going to be used by the other regular agenda items. But, that will give you time to have staff here, would that be helpful?

Fish: Ok.

Hales: Now we have a 9:30 time certain, a resolution.

Item 58.

Saltzman: Thank you, mayor, it's a privilege to bring this resolution up for vote here at the city council. As I know, all members of council are aware Portland lost an incredible citizen and a historic preservation advocate late last year when art demuro lost his battle with cancer. Art was a stalwart for preserving our environment and one can truly say that Portland looks and feels the way that it does due to art demuro. Whether it was creating an incredible home for the university of Oregon's school of architecture, in old town, to his efforts to reutilize Washington monroe high school on the east side, art was tireless in his efforts to save significant buildings, all over our great city. I happened to have had the good fortune back in the year 2000 to ask mayor katz to appoint art to the historic landmarks commission, and he tackled that job with relish and really quickly rose to become the landmark's chair. And I guess, the frustrating thing about art was, he was always correct. He was the type of person -- a lot of people talk about historic buildings and say, you ought

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to save that. It's usually somebody else's property. Property owner can't figure out how. Art, he stepped up, bought properties and made it happen. He saved historic properties and made it work. So, when the Portland landmark's commission passed a resolution lauding art's work, and asking the city council to take the same step, it was pleasure to get this on our agenda and provide an opportunity for the public to express gratitude for his work in our community. One of art's daughters, natalia demuro is here, and I know that members of the landmark commission wish to make some comments, so I will turn it over now to -- well, before I turn it over to carrie, I want to state that in closing, Portland really won't be the same, it won't be the same when we are discussing historical resources and historic landmark policy without art in the room. His wisdom, knowledge, and forthright demeanor will be sorely missed, as well as the fact that he was always right. So, let me now introduce historic landmarks chair carrie richter as the first speaker.

Carrie Richter: Thank you, commissioner Saltzman. Mr. Mayor and commissioner, I am honored to speak about art. Of all the people in this room I probably knew him the least, but I did have the honor of serving with art for six years on the landmarks commission. On his last commission meeting, we got together in one of the gorgeous gus o. solomon courtrooms, and we put art in the witness box and we nominated him to the national register of historic places. We held a public hearing to do that. And we put together a draft nomination form, and I would like to read the summary portion of that nomination that I believe has been distributed to you. Carried out in an italian american mid century variance of the classical revival style in 1950 to design by the parents, art demuro is eligible for listing in the national register of historic places under both criterion a for association with the historic preservation movement in Portland, Oregon, and criterion b, for association with other reputable individuals who make up the Portland historic landmarks commission, which he has chaired for four years. Chairman art demuro has apparently, from an early age, exhibited the rare combination of good humor, frankness and classiness that prepares him for eligible for listing. He's widely reported to have persuaded his mother to dress him in a conservative business suit with a tasteful tie from an early age. However, because this can not be proven definitively, criterion consideration g, for properties achieving significance less than 50 years is also invoked. He's known conclusively to have gotten away with publicly criticizing mother teresa's state of clothing in 2007, even though the poor woman was dead for ten years at the time, and was already a candidate for sainthood. His ten-year incumbency of the Portland historic landmark commission is the longest in the 25-year history. Opinions about mr. demuro vary, some detractors call mr. Art demuro, obstinate and/or a power craze, while his fans refer to him as fair and tough minded, but we all agree he delivers difficult news in rare style living up to the literal meaning of his name, The Art of The Wall. At the hearing we took up important considerations as to whether there the removal of art's mustache significantly altered the value of the historic resources and folks got to weigh in on the compatibility of the resource to the district as a whole. We would like to share with you art's comments he made. We have a 90-second audio clip that we would like to share, and the recording isn't great, but if we are all quiet, we will be able to hear it.

Audio clip of Art DeMuro: It's terrible sitting in this chair—so I guess it's payback. I do want to tell you that I've thought quite a bit about how I feel about leaving the commission. And what I'll miss the most about it. I thought, well, maybe it's the power. It might be the power, but nah, there's really not that much power. But technically I am chair until midnight oct 1, I just want you to know. Second of all I thought well maybe it's the prestige, because I did have a meeting with commissioner fish a couple of months ago, and I called him nick the whole meeting and he called me mr. chairman the whole meeting. That's ok. And then I thought, maybe what it is, you know, the attraction to the ladies. You really can't overemphasize how powerful that is to walk into a happy hour and say, hey good lookin'...landmarks commission. [laughter]

Richter: I considered art a mentor, and I believe that many people in this room did, as well. The city has been blessed with his many contributions, and we are grateful to the council for taking a

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moment to recognize him. Thank you. I believe that we have a few other landmarks commissioners here, and if I could I would like to ask them to stand just so that we can acknowledge that they are here. And we appreciate them coming out to, to endorse art and I will turn it back over to commissioner Saltzman.

Saltzman: Thank you, Carrie. I don't see Karla, but are there people who wish to testify? Anyone else? Ok. I guess that's it then. So, we can --

Hales: I think that she is reentering to we'll take a vote to record it. There we go. That's ok. So --

Saltzman: We don't have anybody.

Moore-love: No one else signed up.

Hales: We're ready for roll call.

Fritz: Art was somebody that I got to know over the course of being on the council, and he gave me a tour of the white stag building, and it was so delightful to hear his passion for that building, but more so, for the place and the people that were in it, and he truly understood that the connection between people and place and the importance of historic preservation. And in landmarks commissioners, I need a new go-to person for whenever there is a question for council on the historic issues because, because art would take my phone calls and give me both sides of the issues, all sides of the issues and, and explain why his was the best. And I more often than not agreed that he had, a great sense of Portland, and like me, was not originally from here. But, became one of Portland's most favorite sons and one of my good friends. Generous and, and knowledgeable, and friendly, and as I heard at his memorial, a great father, a great co-worker. Somebody who left us way too soon. So, I hope that as well as this memorial and thank you, commissioner Saltzman, for bringing it, that we will shortly pass the skidmore design standards and make sure that the things that art cared about are continuing to have the standards and codes so that they get done on a regular basis, and thank you to the landmark commissioners for all of your work on these issues. Coming from England, I was married in a church that was built in 1050, and grew up in a town founded in 55a.d. And if we don't save our historic buildings, then we won't have any historic buildings. That were built a thousand years ago, in 1,000 years, so, that's why I appreciated art's work, and more than that, I appreciated his life and his leadership, and the person that he was. Aye.

Fish: First, commissioner Saltzman, thank you for bringing this forward. And I want to echo what commissioner Fritz said. I appreciated so much about art, the private briefings, making sure that major issues were on our radar well ahead of the curve. The public testimony, the constant thread was this idea that if we did not protect our history, we were engaging in acts of civic vandalism. That if we did not protect and understand our history, as evidenced by the built environment, we were going to be a city that was poorer for our failures. And he was front and center on the memorial coliseum and the efforts to save that gem, which I supported. And he was very persuasive on the issue to me of skidmore and why that district is unique and special. And he was on the verge of pulling off a minor miracle in helping leverage the long stalled development of the Washington Monroe high school site. Which, if that piece was successful, or is successful, leverages a lot of other public benefit in an area that is, that is deficient in certain amenities. Gentle man with a, a huge passion for life in this cause, and someone who made an enormous difference in the policies of the city. He will be greatly missed, and I was honored to know him, and again, I thank dan for bringing this recognition forward. Aye.

Saltzman: Well, I want to thank the landmarks commission for bringing this forward, and I also wanted to acknowledge in addition to natalia, we have craig kelly, who was art's business partner for many, many years, also here. So, thank you all. Aye.

Novick: I also want to thank commissioner Saltzman very much and the landmarks commission for bringing this forward. I had, I think, two conversations with art demuro, but they left a lasting impression. You know politician spend their time calling people and asking them for money, and

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sometimes you call people and you don't know anything about them except they gave money to somebody else. And I called art once two summers ago, whatever it was, and he said, he quickly said, you have no idea who I am, do you? And I said, you are right, I don't. And he said, well, I do stuff relating to historic preservation, do you mind taking a few minutes to talk about that? And I said sure. So, we talked for about 40 minutes, and about an issue I knew very little about, and I enjoyed the chance to hear from the guy, who demonstrated her here today, the man on historic preservation. A couple of months later, I was invited to a forum on historic preservation. So, that morning I called art and said, art, can you tell me again the things you told me two months ago, and he said no problem. And he walked me through it so I didn't sound like an idiot, and I was looking forward to further tutorials, and I was so sad to lose him. I want to say particularly that I really appreciated the landmarks commission playing that tape of his voice. Again, I'm really appreciative to commissioner Saltzman for giving us this opportunity, and I am honored to vote aye.

Hales: And thank you for doing this. And thank you for putting on this great presentation this morning about a wonderful guy, excuse my voice, by the way. Art was a treasure. He was a practical visionary. He was somebody who figured out how to make very difficult projects in historic preservation happen. There is a phrase about architecture that calls it frozen music. And I like that because it's art. But, it's permanent, and visible. And I think that art had that sensibility about the sweet music of these beautiful buildings, and how precious that is, and once lost, impossible to replace. So, that sensibility drove him and all he did, and that practical ability to make those things happen. And our city, we are going to miss this man so much. I know his family does, I know his business partners, and all the activists and volunteers who worked so hard in this cause will, but we can all look around, every day, all over the city of Portland, and see the frozen music that still is here because of art demuro. Thank you. Aye. All right. Thank you.

Saltzman: Thank you.

Hales: Let's move to the regular agenda, we'll return to the pulled consent items at the end of the calendar. Item no. 74, I believe.

Item 74.

Hales: Good morning. Good morning.

Vicky Diede: I'm vicky diede with the bureau of transportation. The city's project manager for Portland streetcar. The amendment before you, I need to give you a bit of a background on the prototype streetcar because it's part of the impetus of this, this amendment. This a big part of it. And just before we started service on the east side loop, the city issued a certificate of conformance to Oregon for the prototype streetcar vehicle, and this stated that the car met contractual specifications to a level sufficient to put the car into temporary service. And there were a number of restrictions noted on the certificate, the main one being that the top speed was limited to 25 miles per hour. And there were other small deficiencies that were identified. So, Oregon ironworks has proposed, and we are evaluating, a two-phase approach to address all the issues involved with getting the prototype 100% certified, and that we will do final acceptance. And phase one will fix a number of small items, and this will occur at the streetcar maintenance facility. Phase two, once we have received two of the production vehicles, and we have certified them for service, the prototype will go back to Oregon ironworks. Where, where they and Rockwell automation will remove the power drives and replace them with larger drives. And this will let the car meet the specifications for acceleration and deceleration up to 30 miles per hour. So, the amendment before you will increase the scope of work in the compensation related to the vehicle engineering services, under the Portland streetcar inc contract. And the work performed by ltk. They provided us with the expertise to make sure that the cars that we run on our system totally safe. So, we are seeking approval to increase the compensation by \$145,000. And it, too will be implemented into phase, \$50,000 now for services under the Oregon ironworks phase 1 work in addition to putting together the final scope of work for phase 2, and an additional \$95,000 subject to the city project manager's

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approval for the specific scope of work developed for phase 2. The source of funds on is unobligated grant funds we received from the federal transit administration, 6.88 million. With no city match required. So, it's all federal money. And, and this will pretty much use up our contingency for the project. I would be happy to answer any questions that anybody has.

Hales: So this is money that, that you will be passing through to the engineering specialty contractor that is supervising the technical work?

Diede: Yes.

Hales: Not additional compensation for the vehicles themselves?

Diede: None whatsoever. Their contract indicates that for this amount of money, that's been a part of the contract for quite some time, they will provide us with a working car.

Hales: It has been a long and winding road, vicky. What's your level of confidence now?

Diede: Well, it gets better with time. This contract was initially approved in 2007. So we've been working on it is for some time. We're down to the final bits and pieces to fix the prototype. And now, understand that we have, that we switched out the propulsion system from, from a skrota propulsion system into the rockwell automation system. So, we added some complexity to the project. So, i'm feeling fairly confident we're down to the, to the nitty-gritty on this.

Hales: Questions?

Fritz: When you see we're almost out of contingency. Are we almost at the end of the project?

Diede: Yes.

Fritz: Are there any other phases or items?

Diede: No. We get to phase two, they put in a drives so we do a final certification and we take acceptance of the car.

Fritz: Thank you.

Saltzman: So what is the status of the cars that they are producing for us? In terms of being in service?

Diede: This is -- we received the first car. It was monday evening, I believe, and the second car should be here in about six weeks. The preliminary schedule for this work to start a prototype is in march so we should come close.

Hales: Other questions? Great. Vicki, thank you.

Diede: Thank you.

Hales: Is there any public testimony on this item?

Moore-Love: No one signed up.

Hales: Any other further discussion? Council? We'll take a roll call, please.

Fritz: I'm glad to hear this project getting done and I hope that this is the last amendment and that we get the streetcars in operation.

Diede: Me, too.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye.

Novick: I just would like to comment that I understand the money is not going to Oregon Ironworks, and I appreciate our partnership with Oregon ironworks, but, it's going to the engineering firm that's overseeing this change, which is necessary because the streetcar does not meet our specifications, and I would be interested in talking to omf in the future about whether the contracts can address this issue, and say that company that delivers the product but doesn't meet the specifications might have to pay for the additional oversight services the city has to pay for. My understanding is that our contracts are not drawn that way now so that's not an option here but I want to ask omf if that's possible in the future, and I vote aye.

Hales: This has been a difficult and, and sometimes frustrating process getting these new vehicles in service. But, i'm pleased to hear your optimism, and I just want to thank you, vicky, for the great work you have done for many years. From the first vehicle purchase to now, the latest. So, thank you for your good work. Aye. Thank you.

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Item 75.

Hales: Good morning, chief and team.

*******:** Good morning.

Christine Moody, Chief Procurement Officer: Good morning, mayor and commissioners. I am christine moody, the chief procurement officer in the procurement services. You have the procurement report recommending the award of a contract for 1,690,100 to Oregon ironworks. On october 8th, 2012, request for proposals was issued for the manufacturer, and delivery and the attachment of a boathouse to existing pilings for fire station 21. And a preproposal meeting was held on october 15th, and five interested parties attended. On november 6th, the city received one proposal. And that proposal was reviewed and evaluated by a five-person evaluation committee that included a minority evaluator. The committee determined that Oregon ironworks was responsive to the rpf and met the city's requirements. Oregon ironworks is a business located in clackamas, Oregon and is classified as a small business under federal guidelines. Because of the scope of work of the project, Oregon ironworks is self performing most of the work on this project and has not identified any state certified mwesb subcontractors in their proposal. And further conversations with owi during the contract negotiations, they have now identified a woman-owned business that will be providing the boathouse structure as a subcontractor. We will assist this business with obtaining state certification. The boathouse will be delivered via water where it will be floated down the columbia river and up the willamette river from owi's private marina. And thus meeting the environmental impact for delivery. And at this point, I will turn it over to chief janssens to talk More specifically about the project, and I would be happy to answer any questions about the contracting process.

Chief Erin Janssens, Portland Fire & Rescue: Good morning. Mayor, council members. And this boathouse, as you have heard about, just now, and over the numerous past months, is going to provide security for our fire rescue craft at station 21, along with a new fire boat that's soon to be delivered at the end of the summer. It will protect the life saving resources for the fire bureau that have been problematic without having boathouses, it provides security from any of the resources and equipment being tampered with that has happened. And also reduces the maintenance on our fireboats and watercraft. And, and then, with improving or reducing the maintenance, that improves the longevity of these things, as well as improving our response times to incidents during the winter months. As you know, the pilings were completed for the boathouse in october. And the design, I believe, will compliment both the eastbank esplanade, as well as the east waterfront that is viewable from the downtown so I believe that you will find it in esthetically pleasing design, although it has been very complicated to design the boathouse because of the dimensional requirements. So that has caused some complications, but I think that those were overcome with the design, and I believe that, that it will be an asset to the city. If you have any questions for us, we --

Fish: Mayor. I appreciate chief, the briefing that was given to my chief of staff. I just want to make sure I understand a couple of details. So the bid we got is roughly twice the soft estimate that we were originally working with is that correct about right?

Janssens: Correct. There was a low confidence on that initial bid or estimate.

Fish: I remember that. Ok. And in terms of the additional cost, my understanding is that you were able to secure a grant to cover significant portion of that additional cost?

Janssens: Yes. Thank you. I apologize that I omitted that or didn't just include that in the briefing. We were successful in obtaining a grant for \$800,000 from the port security. And in that grant, it's imperative that we get started immediately as we have a deadline that we need to have to go ahead with the contract, that that's imperative that we get that signed by the 31st of the month, and we have a short performance that we have deliverables due by april in order to benefit from that, from that 800,000 of that grant.

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Fish: So just so that i'm clear then, chief, we have a situation where low confidence estimate, single bidder, we have a bid that's, that's almost twice what was originally estimated based on low confidence estimate, and you've been able to secure a Grant of funds that are non city funds that covers, my understanding is, gets us to within 100,000 of the original low confidence estimate, if you made the adjustment?

Janssens: That's correct.

Fish: And then the reason this is coming to us as -- let me just see something, there is a procurement report so you are asking for us to adopt it today. There is a timing issue, time is of the essence in terms of moving forward.

Fish: Thank you.

Saltzman: There was a greenway permit issue for the boathouse?

Janssens: Yes. At this point, I will turn that part over to chief the chief. He has been intricately involved on, on --

Saltzman: I don't have any intricate questions here, chief, I just want to make sure that the bureau will be in full conformance with all conditions of the greenway permit.

Janssens: Absolutely.

Saltzman: So there is no question about that.

Janssens: No, we're in good shape.

Saltzman: OK. Thank you.

Fritz: Following up from commissioner novick's questions, what is there to prevent cost overruns in the contract?

Janssens: Do you want to address that?

Chief Eisner, Portland Fire & Rescue: It's a hard -- the, the contract price that we have is a hard dollar figure.

Fritz: And we often get amendments to contracts as in the previous one, we have nine amendments to the streetcar, so is there any mechanism to make sure that the price is the price?

Moody: There is also the contract, there is a structure for payment upon deliverables. So, at certain segments within the time frame, and the chief mentioned, april 24th, is big date, in which the, the floating apparatus needs to be delivered in order to receive payment. So, that's how I understand the contract is being structured. So, there is deliverables and they receive payment, deliverables receive payment.

Novick: Chief, I just wanted to revisit an issue that, I heard of in the briefing the other day, it's my understanding that the original bid was substantially larger than 1.6 million and the bureau worked with ironworks to try to bring it in under their original cost under their original bid, is that correct?

Janssens: That's correct. The original bid, we had a prebid meeting or a preconstruction meeting, and six contractors showed up for that. When the bid went out and proposals came back, in we had one proposal. And that was, actually, \$2.6 million. And then we were able to work with the sole bidder to tighten the price up, and reduce it down to the 1.69.

Hales: Can you reflect on that, and that is, how is it that in a fairly desperate construction environment, it's getting better, but no one is singing happy days are here again yet in the construction world you, we had six potential bidders show up and only one, actually, submitted a bid. Why did that happen in this case?

Janssens: You know, it was a very complicated design due to the dimensions and the float system, the float system is very expensive. And I will share that I struggled with that myself of why it was, why is this so expensive. So, along with the float system being extremely expensive, the design, the dimensions, the way that it needs to be opened for at no time votes to enter contradict the overall, the running of the joists and the spans for the trusses, so it was a very complicated system to take that all the way down to the float system.

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Eisner: The other thing, we required it to be an engineered system, and we just didn't want any, any structure being set on a float, we required it to be structurally engineered, that was part of the proposal and, and some of the firms were reluctant to spend a significant amount of time doing the engineering.

Hales: So any lessons there? Is this just a one-off and peculiar situation but any lessons for the next project? From your experience on this one? Rather, from your bureau or any other? Obviously, we would like more competition. You know, competition is good. And that's why we put things out to bid in the sense of, you know, if we had to do it all over again, how we might or for the next project, what might we do to engender more competition?

Moody: There is a limited amount of firms that, actually, do this type of work because it's off-site fabrication, and that then has to be like floated down, I mean, all of the big players that would have proposed were at the pre-proposal meeting. And then, I think, for some of the reasons that the chief Eisner explained, they chose not to bid.

Hales: Yeah, ok. And this is not your problem, but there is a peculiar coincidence here that this item is on the council calendar and oregon ironworks is also late in delivery on other responsibilities for the city. So, I don't know if the procurement office is monitoring their capacity to carry out both these contracts, but it's -- concern was raised in my mind when I saw these come through. I suspect it's a different division of the company that builds floating boathouses and street cars. But the question is obvious and should be raised. Do they have the capacity to deliver on both these responsibilities.

Janssens: We will monitor it very, very closely.

Hales: Ok. And obviously, I suspect it's a different division of the company that builds floating boathouses and streetcars. But, the question is, obvious, and should be raised, can, do they have the capacity to deliver on both these responsibilities. Given that they are finally getting to the point of delivering the streetcars that we ordered.

Janssens: We have had many discussions with them about that issue, and they have assured us that they are prepared to take this on and to meet the time line, that was another factor that may have weighed into the other proposers or, or would have been proposers, is the fact that we had very tight time lines because we knew that we had this grant, and obligations to meet with the deliverables. So, I think that that was a factor for, for some of the others in Oregon, and Oregon ironworks is very aware of that.

Hales: So, i'm sorry.

Saltzman: You said it's an aggressive time line. You mentioned february or april?

Janssens: April 24th.

Saltzman: So what happens --

Janssens: They have specific deliverables that they need to meet within that time line.

Saltzman: If they don't? Do we lose the \$900,000 or \$800,000 federal grant?

Janssens: I believe that they do.

Saltzman: They do, meaning -- the grant was --

Hales: The project does, you mean.

Moody: Currently, we're still negotiating the contract with Oregon ironworks, and there is a provision in there that says that tells about the deadlines, and if we -- if they don't meet the april 24th deadline, that is something that the expenses won't be charged to the city.

Saltzman: So, if we lose the 800,000 federal moneys, they will make it up? Or will you be coming back to us to make it up? Who makes up the deficit in the scenario --

Moody: In the current draft contract, it says that, that the expenses wouldn't be charged to the city. So, basically, Oregon ironworks would not be charging us for not meeting that april 24th deadline.

Hales: Let me jump in, is the grant to Oregon ironworks or to us.

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Janssens: It's to us.

Hales: We receive and use the grant to reimburse the cost of the project, right.

Janssens: Yes.

Hales: There is a schedule with respect to that grant that we have to hold to in order to obtain it.

Janssens: Correct.

Hales: So, but back to your question if, for some reason, something went wrong, and the grant funds weren't received are we obligated, in other words, seems to me we ought to have the grant funds assured before we sign the contract. Right?

Janssens: The grant is secure providing that we meet the deliverables, and it's my understanding that, that the contract that we are working on with Oregon ironworks ensures that if they do not meet those deliverables within the time frame to prohibit us from receiving the funds, that they will, essentially, be responsible for that, so they will be absorbing those costs.

Hales: We are held harmless.

Janssens: I believe so.

Hales: In the event of their failure to perform.

Janssens: Correct.

Saltzman: And this is my last comment. I would like to see the provisions in the contract that, that speak to that.

Janssens: Ok.

Saltzman: So if somebody can send it to me. Thank you.

Hales: Other questions?

Fritz: Is this an emergency? No, a report so we have to vote on it today. I would like to hear from the attorneys on the, and the council and others as to whether you are comfortable moving forward with it.

Saltzman: You just lost one attorney. [laughter]

Novick: Following up on commissioner Saltzman's question, if we vote to approve this today can you go back and make sure that, in fact, we are held harmless if Oregon ironworks doesn't meet the deadlines and we lose the grants? Can we make sure that language is in the contract?

Moody: Yes. We currently have a draft contract so the contract is not executed yet, so, there is still opportunities to put additional language into the contract.

Novick: Ok.

Hales: You have heard the council's concerns about this. You will make sure that, please make sure that the, the draft that's ultimately converted to the contract does, indeed, hold us harmless if their failure to perform results in the loss of a grant funds. And commissioner Saltzman, and perhaps others, would like to see that. But.

Janssens: Actually, receiving the grant funds is contingent on providing the deliverables. It's not like we have that money and we're wait to get distribute it. We need certain things met by Oregon ironworks in order to receive and then pass that money onto them.

Fritz: If -- if they came in at 2.6 million, we have gotten down to 1.7, but then we would ask them to eat the 800,000? That seems -- we would be coming back and saying, would they be coming back and saying we don't want to build the boathouse after all?

Moody: I, actually, have the, the language, the language in the contract says, the boathouse items, agreed to be completed by april 24, 2013 deadline, and that are not completed shall be completed by the contractor at no expense to, to pf&r or the city of Portland.

Novick: That does not seem to address the question of if we lose 800,000, due to them not completing it do they pay us back the 800,000?

Janssens: That 800,000, we don't receive that until they, they complete the deliverables of the grant, and then we, we demonstrate that and then we pass that money onto them, and then we are reimbursed, it's a reimbursable grant.

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Novick: Could we have language that, that says more explicitly, that Oregon ironworks will do this work for, for \$1.7 million if we get the grant but for 800,000, or 900,000, whatever, if we don't get the grant?

Hales: I think i'm starting to -- this is a reimbursement grant. All right. So, it's not the situation that I described earlier where we get the grant, we execute the Contract, and we blend the colors of money of our money and the grant money and pay it, it's not that, you have an advanced agreement with this agency, and that this is a reimbursement grant as you get this thing done, the federal government sends us money.

Janssens: Right.

Hales: So am I describing it correctly?

Janssens: And we won't pay if they have not performed that work by august 24th. We will not pay them. We also won't get any of the grant money.

Fritz: And we wouldn't get the boathouse build.

Janssens: We will, they need to have that done. They are on a very aggressive type line.

Hales: Let's hope we don't get to the nightmare scenario that all of us are worried about. But, that is, I suspect that it's not practicable for this contractor or any other to deliver a 1.6 million boathouse for 800,000. So, therefore, therefore.

Janssens: They are motivated.

Hales: And, and it's a progress payment scheme partially reimbursed by the federal government. So everyone has a stake in staying on schedule.

Janssens: Yes.

Fritz: I will ask my question before I vote, are we comfortable moving forward with it today or since we have another meeting next week before the 1st deadline, if anybody wants more time to look over the contract.

Hales: My sense is, and in this case not in every case, but because of the sensitivities to this one it might be good for all council members to receive a copy of the contract before it's signed. Even though only one commissioner needs to sign it. And, and my personal comfort level is i'm happy to vote on this today, but I do want to see the language. That's where I am.

*******:** The record will be, will reflect our concerns.

Novick: We don't expect to be presented with a bill down the road.

Hales: Do we have any public testimony on this item?

Moore-Love: No one else signed up.

Hales: Thank you very much. And we appreciate it. Good morning.

Lightning: Good morning. I am lightning, and I find it interesting on this bid process that Oregon ironworks is the only one that's submitted a bid. First of all, and I will ask this question, how many boathouses has Oregon ironworks built? In Portland? And that's one of my questions. And looking at, at other projects they have done, and see how well they have done. And I understand that the predominant boathouse builders in the city are like steelhead construction, and doug's construction, and these people build boathouses every other day and month. I have never heard of Oregon ironworks building a boathouse. And now, I find this bid unusually high. Discussion was mentioned on the flotation. This is standard procedure, what is required, for the proper flotation of a certain size of a boathouse that is built. This is nothing new, this is nothing that hasn't been around for years. I find it unusual that, that this bid is so high, so, anyway, I would like to see bit more time on this. I would like to talk to steelhead construction. And doug's construction. And see if they were in the process of submitting the bid and see why this bid is so high. So I hope that you extend this out a week because I feel it is outrageous. Thank you for your time.

Hales: Thank you. Any other public testimony?

Fish: I move to accept the procurement report.

Hales: A second?

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Novick: Second.

Hales: Let's move to consider that and adopt.

Fritz: So the initial estimate of cost was so far off. So it would be helpful to scope out so the questions that have been on the council and from our testifier are scoped out early in the project, and I know that there was an attempt to do that, to clarify about 800,000 of this cost, if it will be from the grant and 800,000 from the general obligation bond that that, the voters passed in february of 2010. So, my understanding is there is no general fund implications on this project. And I appreciate that it is important to protect our, our expensive valuable resources both as people and equipment in the fire bureau. Thank you. Aye.

Fish: I appreciate the briefings we received and the council discussion, and as the chief mentioned the original estimate was very low confidence estimate, and we do assign values to estimates, to guide -- I would have a different view if we were told it was a high confidence estimate and we're back here with, with this bid but that was not the case. And with the grant, which I think shows a creativity in covering the additional cost. I understand we are within 100,000 of the original estimate. And based on the conversation I have heard today, I am, I am comfortable moving forward, and based on what commissioner Fritz just clarified on the record, a general obligation bond and grant money is funding this and the general fund is not being placed here, I am comfortable moving forward today. Thank you, chief and team for your presentation. And commissioner novick for bringing this forward. Aye.

Saltzman: Well, I appreciate the discussion. I think that it's all, you know, I do want to see the contract language, that really absolves the city of any responsibilities should the grant go away due to actions on Oregon ironworks missing april 24th. I would like to see something about the bureau's fulfillment of the greenway permit conditions. So if you can provide me an update, on that, I would appreciate that, as well. Aye.

Novick: I would like to echo commissioner Fish's comments and congratulate the bureau on its work here. The counselor saw a low confidence estimate of 800,000. There is a bid of 2.6 million. And then through working with the contractor, to reduce the cost of the original bid and getting this grant we're back spending the same amount of money, approximately, that council was originally considering in a low cost estimate so I congratulate you from snapping the victory from the jaws of defeat and vote aye.

Hales: I wasn't around for the earlier phases of this, of this discussion and I appreciate the work done in this grant coming to the rescue. So, good work for seeking and obtaining those funds. Something for us to think about, not just on the fire bureau projects but our specifications for these purchases. Buildings, equipment. If they are written so narrowly that only one bidder will bid, we are not in a strong position so whether we are buying pencils or fire stations or community centers, you know, the details of what we specify matter and how unique it is, so there is a standard question there that I think that we ought it weigh and look at as we move into other purchasing decisions. Whether they are funded by bond Measure or by other general revenues. It's something that I would like to flag, but it seems to me as a sometime construction guy. We may have painted ourselves into a corner here by the specifications that we wrote. Fortunately you have gotten us out of that corner with the timely and successful obtaining of the grant but we don't want to put ourselves in that position often. I appreciate the good work done and vote aye, nevertheless. [gavel pounded] thank you. Item 76.

Item 76.

Hales: Commissioner Saltzman?

Saltzman: This is a second reading, yes?

Hales: Oh, it is a second reading, yes, any testimony? Council, let's vote.

Fritz: Thanks to amy and commissioner Saltzman's office and patty, aye.

Fish: Aye.

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Saltzman: I want to thank amy, also, and patty and also the staff of the bureau of environmental services for their work on this update. Aye.

Novick: Aye.

Hales: Aye. 77 please.

Item 77.

Hales: Can you enlighten us?

Jim Van Dyke, City Attorney: I will try. Jim van dyke, city attorney. The matter before you is an ordinance to comply with an order that we received from the employment relations board in december of 2012, and it arises in an ongoing dispute that the city has with a grievance filed by the -- one of the unions regarding firefighter thomas hurley. Without going through all of the background to this dispute, let me try to summarize it briefly. The city, pursuant to some reforms, through the fpd&r system, instituted a return to work program. And mr. Hurley was ordered to return to work. He did not. The city took some action against him at that time to take him off the medical layoff list. And that decision was briefed by the union and an arbitrator in 2010 ruled in his favor, and not only reinstated him back to the position that he was in, when the city took its action against him but ordered the city to pay him and not the fund but the city to pay him back disability benefits over a three-year period of time. The city council adopted a resolution in 2010 that direct the city attorney's office to defend the case. And that's what we've been doing, and it is before the Oregon court of appeals and we're waiting for a decision. While that was happening, the union returned to the arbitration, arbitrator and to the employment relations board, and saying that the city also needed to provide mr. Hurley with retirement service credits. And retirement service credits under, as applied by the fund, affect the amount of retirement benefits you get, and they affect when you can retire. In december of 2012, it was ruled that mr. Hurley was entitled to additional retirement service credits, and it also ordered the city, not the fund, to pay those additional credits, that was very explicit in erb's order. This unusual situation is one reason why we're on, having an appeal before the court of appeals. In the meantime, erb ordered us to provide these credits immediately which would be effective when mr. Hurley retired, and he submitted his retirement papers or his intent to retire at the end of december 2012, and so now, we are in the position of having to provide him with these retirement service credits. Our office has looked into asking the employment relations board for a stay of this order while it's on appeal, and we have concluded that we do not have the legal basis to ask for stay. Ordinarily the payment of money in and of itself does not constitute a legal basis for obtaining a stay. And in fact, when may recall that, I believe it was last year, the city was faced with the same position when we had to pay mr. Hurley some back disability benefits. And we asked him for stay at that time, and they reject the stay. We don't think it's necessary to go through that exercise this time regarding his retirement benefits when the situation is identical, that is, we're in the position of having to pay him money. This ordinance would authorize the city to pay the difference between what the fpd&r fund would way to mr. Hurley, and would comply with, with the, the Order of the employment relations board. You will notice that the exhibit that's attached to the ordinance refers to a stream of payments over the next two years. We believe in the next two years, and actually we believe that within the next year, we'll have a ruling from the court of appeals. If that ruling is favorable to the city, we believe it will allow the city to discontinue those payments. And we would then be in the position of asking mr. Hurley to pay those payments back to the city. So, the ordinance also authorizes the city and the city attorney's office to try to recover those payments if the court of appeals rules in our favor. If the court of appeals does not rule in the city's favor we will have to come back to the city, to the city council, and ask for, for additional authority to pay additional funds to mr. Hurley. Because obviously, his retirement benefits are due over his anticipated life-span, which is another 20 or so years in the future. And this ordinance only authorizes us to pay for the next couple of years. We believe this ordinance satisfies erb's order to us from december, and we also believe that it preserves

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the city's ability to contest the matter on appeal by giving us this, this limited grant of authority to pay the money. If the city were to refuse, erb has told us that they would try To file an action in the circuit court, and they would probably be represented by the attorney general or by outside council to obtain a circuit court judgment ordering the city to comply. I don't believe and I don't recommend that that's the position or the road that we walk down, especially since we would have virtually no defense to that lawsuit. We would have to admit that we have not complied with the order.

Fish: If I may, since there is a bit of history to this case. I just think that since we had a succinct and thoughtful presentation by the city attorney, if I may add a comment. When the arbitrator ruled against fpd&r and the city and dan when was that? A year, year and a half ago? We had a very spirited discussion with this council, and it was probably the hottest and most spirited discussion that I can remember and dan, you might remember one with more heat. But, at the heart of it was a very, in my opinion, based on 20 something years of practicing in the field of employment relations, an important question about whether an arbitrator had the authority in a remedy in a case that put the city in the position of, of paying for, for a violation that, that arbitrator determined fpd&r made, whether we agree or disagree with the merits of the decision, it was the view, of the majority of the council then that what we were doing, excuse the pun, is we were in a sense blurring a fire wall that existed between the general fund and fpd&r. And the arbitrator's decision was setting a precedent that someone could, voluntary two bites at the apple. They could file a challenge to fpd&r's ruling by a grievance under the collective bargaining agreement and seek relief, and hold the city liability. The general fund for something that -- My view and dan's view and others, really ought to be within the purview of fpd&r. This issue is now in our agenda, and the question of that fire wall may be addressed legislatively. I personally believe that the decision was wrong. And I also believe that it runs the risk, a significant risk of reducing public confidence in our pension and disability system by the blurring of the lines. There is, a big disagreement with our friends on that question. But, I think that in terms of our stewardship of the pension and disability fund and then of the general fund, it's an important question. We had no illusions when we lost the award. That, that there was a clean path to getting it overturned at the erb or the court, and in fact, we were advised that there is a narrow legal basis to challenge an arbitrator's award. But, for better or worse, mr. Hurley's case has become a poster child, if you will, for what some people think are some Abuses in the system. And I think that we were obligated to take this appeal forward as a council, and we voted to do so and now, I personally think that we're obligated to follow the advice of council to do that's what called mitigating our damages. Could do prudent things to make sure that if we lose at the next level, our costs don't keep mounting. But, I think ultimately, the significant question that's before us is not resolved by our action today, or by the action of the court of appeals, but it's really resolved either legislatively or at the table because the general fund in my view, should not be placed at risk of resolve, the disputes, which are between a beneficiary and a fund. And I think that if we allow those lines to be blurred, it will create unintended consequences which will work to the detriment of the beneficiaries and the administrators of the fund. That's my view, and that sparked once upon a time a spirited debate in this chamber. I will support this not because I want to reward mr. Hurley, but in terms of the legal strategy it's the property thing to do to limit our exposure, and if we are successful on appeal, as the city attorney noted, we have the right to seek reimbursement of the additional funds paid to him. But ultimately, I think this is bad for the entire system because I think that it paints a picture of a system that can be exploited in ways that frankly, I don't think were intended.

Saltzman: So given the tremendous precedent at risk here, namely that the city's general fund is on the hook for claimants not satisfied with the decision of the independent fire police disability and retirement board, and given that we did pass a resolution, I forgot when it was, did you say december of 2010?

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Van Dyke: Ten.

Saltzman: We're going to fight like hell against mr. Hurley and this judgment. So given the precedent at risk and given our resolve earlier to fight like hell, is there a reason that we should not pay anything until we get a court of appeals ruling or a legislative fix?

Van Dyke: I think that we're in the, in the unfortunate position having been ordered to pay by the employment relations board and unless we could get stay of that ruling, or unless we thought that we had some other legal options that would prevent us from paying at the present time, i, frankly, don't see any alternative but to, for us to go forward even though the matter is on appeal. And it's very unfortunate that that's the, the legal position that we find ourselves in, but, the courts are applying a very standard rule of law that applies in virtually all cases. The payment of money will not justify a stay of the ruling of the administrative body or a court for that matter.

Fish: What's the statutory interest rate on the amounts we're required to pay by order if we choose not to?

Van Dyke: It will be 9%.

Fish: The additional challenge here, and by the way, just to dan's point, I think it's an excellent one, by following your guidance in making this payment, we are in no way conceding he's owed it but simply complaining with an order. That cannot be used against us.

Van Dyke: That's correct, I am sorry if I didn't address that, but this does not create any concession or admission on the city's part that our appeal should not succeed.

Fish: One of the things that concerns me as galling as it is to write a check today, it will be more galling to write a bigger check down the road that factors in things like interest. And knowing that the city attorney's office is, has also had to spend resources on challenging an order, where at least at the erb level, it is a very difficult road as I understand it. So, those are among the, the factors that persuade me that this is something that we should do and just swallow hard.

Novick: I would also like to add that, and fellow commissioner, I would like to add that we're in front of the erb, on a fairly regular basis. I think that we would be advised not to defy one of the orders when the city attorney saying, that that, we have no real legal basis for that. I think you want to maintain this, as cordial of a relationship of the body with power over you as you can.

Hales: Other questions for Jim? Thank you. Is there any other public testimony on this item?

Moore-Love: We have one person signed up.

Hales: Good morning.

Alan Ferschweiler, President, Portland Firefighters Association: For the record, alan ferschweiler], the president of the Portland firefighter's association. And --

Fish: For the record, congratulations.

Ferschweiler: Thank you very much.

Fish: You were just recently elected.

Ferschweiler: Yes. So jim forquer is no longer here so I am here to take the reins from him. So, thank you for letting me speak for a moment, and the one thing that I did want to reiterate is the reason that this is in front of the city, well, and this has been three union presidents, that have worked on this case. It has been going on a long time. But the thing is, is that when we look at what happened in the past, why is this city really involved is because the city is the one that terminated mr. Hurley's employment. When you look at how the board has decided where they wanted to go, it's because the city brought him back as an employee and then terminated him, and that's what makes it a grievance because it was a just cause grievance, which the city was not able to support the just cause for that termination. So if we fast forward to where we are at today, I think this gets us closer to where we need to be for resolution for this. It's not ideal that this comes out of the city general fund. I can't reiterate enough that it's the union's position that this should be a fpd&r levy and he should be made whole there, and as a remedy having that board decide whether they could give him his years of service would also, if the board decided to do that, and vote on it,

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they would have the ability to make him whole, and we could be over with this matter. When you look at the past 30 days, I think that this is really has accelerated in the past 30 days because of the board. The motion made on december 10th. And that's within the 30 days to make the grievance whole. And so on the 11th, I chose to file with the board, that the city had not complied with that, and we've been in constant communication with them. I believe that we're all working in good faith to get this completed. So, after you guys vote on it next week we'll be notifying the board of the city's good faith and making this payment, and that we are working towards resolution. So, that's pretty much what I had for you guys, and I want to be here to see if you had any specific questions that I could answer for you, also.

Fish: First, welcome in your capacity. We had a productive working relationship with your predecessor and we hope that continues. And I think that the, the lightning speed in which the successor contract was agreed to was evidence of what a good collaborative relationship means. And so look forward to supporting you in your transition. I appreciate what you said in your prepared comments. That it's the union's position that it was, in fact, the fpd&r fund that should have been tapped to bring mr., make mr. Hurley whole. I would hope, while it is your job to fight like heck on behalf of the members, that the parties in fashioning remedies in arbitration, work -- work to avoid this happening in the future because it's my view as someone who believes that your members deserve a decent pension and benefit, that it's these kinds of anomalous cases that undermine public confidence, and I think that's bad for you and us and the people we serve. I hope in the future we can work together to avoid that.

Ferschweiler: Absolutely, and I think that the one anomaly this started the return to work program after the 2006 reforms. And, and mr. Hurley was a portion of that. And if we could have had that completely ironed out and been on the same page at that point, I think that we can have avoided this also, at that point.

Fish: Thank you.

Saltzman: Isn't it that mr. Hurley refused to come back?

Ferschweiler: Yes, he did. And that's why the city bought him back and terminated him. The return to work program, again, that still is not completely resolved. In terms of the union's position, that you had to argue that, at the city's position that we did not have to bargain that. And right now, it's at the Oregon court of appeals.

Saltzman: I appreciate you being here. You mentioned the last words were, as we work towards full resolution of this. Is, what is, what does full resolution look like to you? The fpd&r fund would pay mr. Hurley?

Ferschweiler: You can look at the future of the legal litigation. Ideally for the union not going to the Oregon court of appeals would be the ideal scenario. And I understand from the city's point of view that they have to do their due diligence and take that forward, and we understand that and respect that decision. I think that the end goal that would be ideal is that the pension board recognizes the time of service while he was terminated, as erb has ordered the city to do. And then that way the city would be half completely separated from it, and the pension would pay his retirement, and his full retirement and the city would not have to come back in case the court of appeals finds in the union's favor. That would be the ideal scenario for us.

Ferschweiler: One more quick comment, I understand this has become a poster of a case, but I can tell you, especially since i've been employed in 2001, the fpd&r system has come a long way, and I think that you can look at one or two cases out of 700 cases that are not ideal but it is going lower every day. Your employees that work for the fire bureau and I represent do a great job, and I think that, that this is not ideal for everybody because I believe that they really do a good job and they are not trying to scam any system. So, I would like to close on that.

Hales: Thank you. Other testimony? If not, roll call, please.

Moore-Love: It's a non emergency.

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Hales: Thank you. Second reading next week then.

Fish: We're prepared to take up 67.

Hales: Among the consent items? Can we do this and then 73 before you go?

Fritz: I have to leave at 11:30, and I have discussion on 73.

Fish: 67 will take two minutes.

Hales: Let's do that.

Item 67.

Fish: Thank you, mayor adams. –Mayor Hales.

Hales: I've been --

Fish: I was referred to as commissioner Fritz at times. Mr. Ryan, would you come forward. And mayor and colleagues, the matter before you is a very straightforward request for authorization to distribute funds previously budgeted to transition projects inc. Which is running our women's winter shelter program. That program, by the way is, oversubscribed this winter for obvious reasons. But this is a straightforward matter, and the funding has been budgeted, the bureau selected transition projects to run the program, and this simply seeks authority to distribute the funds, and my understanding is that mr. Walsh has a concern unrelated to the distribution of the funds, but more aligned with the larger policy question, and it might be more fruitful it take his testimony first.

Hales: Please.

Joe Walsh: And commissioner Fish is right. I'm not objecting to the 259,000 that you are going to add. My concern is that on one hand you are doing something that I support. And that's helping people that are in desperate shape. I applaud that. And the, on the other hand, you are trying to close down the right to dream two, which which cost this city nothing, nothing. They pay their own bills. The police are rarely called there because they don't allow drugs or booze. But you are trying to close it down by fining it every month. The logic here, and I know i'm irish, but the logic here is damaged. You are saving 70 people over here, and you have 70 people in r2d2. Which is a strange figure. That's why I noticed this. If you close down that camp, you will move 70 new people on the street. Here's the logic in that. Gentlemen. Where's the logic in that, gentlemen? That's my question, someone explain it to me?

Hales: Thank you. Thanks.

Fish: Mayor, technically, the matter before us is just to authorize the distribution. Mr. Walsh is raising a point that he's made before about how on regulatory side we're dealing with r2d2. Obviously, appreciate his testimony but it's not germane to the matter before us. And I have a staff person here who is prepared, this is ryan from the ending homelessness team, and he can talk about the 269,000 but he's not here prepared to talk about r2d2.

Hales: I understand. So maybe just a brief note about where these funds will go?

*******:** Sure. So --

Hales: State your name.

Ryan Deibert, Portland Housing Bureau: I am ryan and I work with the Portland housing bureau ending homelessness programs. These funds were, as commissioner Fish summarized, allocated as part of the budget to, specifically to provide winter shelter, and in this instance we're taking the funds allocated to the budget, applying them specifically to the contract for transition projects to upgrade a 70-bed shelter through the winter months from mid november through mid april. And for, for women. Currently, in the two months, of operations, to date, they have served 310 women, providing 47 permanent housing placements for women coming out of that facility.

Hales: Great, thank you. Further council discussion? Let's take a roll call on this Item.

Fritz: Thank you for your work and your advocacy, aye.

Fish: Pleased to bring this forward and I want to also acknowledge our wonderful ending homelessness team at the Portland housing bureau, ryan diebert, and sally and [inaudible], they

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have also had the emergency weather system which has been trigger on five or six different nights, so when you get those alerts, that say, we're opening up additional capacity in other locations, staffed by the red cross, those are triggered and then supervised by the team that act in a rotating basis as a incident commanders to make sure that anybody who is outside during a weather emergency has the opportunity to go inside for their own safety. I'm very proud of their work and pleased to vote aye.

Saltzman: Aye. **Novick:** Aye.

Hales: It's a cold winter out there, and I saw that alert, as well, about the additional shelter that we were able to open up so these kinds of -- we're not doing enough, whether it's through partners or on our own but everything we can do, aye. Thank you both. Ok. Now, I know you are on a clock here, commissioner Fritz. So, let's -- 63, I want to return that to my office, I believe.

Item 63.

Hales: I will request to return this to my office for one week. No objection. [gavel pounded] And then let's take up 73.

Item 73.

Hales: Good morning. This is a switch. Karla gets to come and testify.

Moore-Love, Council Clerk: Not my favorite.

Hales: Ok.

Fish: We get to ask you questions under oath, yeah.

Hales: This is a rare event. This is cool. Good morning.

Sara Landis, City Auditor's Office: Good morning. So, this is a request to update --

Hales: State your name.

Landis: Sarah Landis, the city auditor's office, thank you for the reminder, this is a request to update the city code regarding our publication of the city council agenda. We received notification from the daily journal of commerce that they would be switching from daily publication to monday, wednesday, friday publication, and so that we would not be able to get the agenda in the tuesday edition any more. So, after reviewing the options with the city attorney, we decided to do a code change to change the requirements for publication that this would not change the requirements for notification prior to a meeting. And charter requires 24 hours notice prior to the meeting and code requires publication in the official paper of record. So, it's that official paper of record distribution that we're seeking to change in a code change. And we did look into the feasibility of monday publication, and but the deadline for print is thursday at 5:00, which is the same time as our filing deadline is for council items. So, that was not an option for us, either. And Linly who is here was the attorney that reviewed the request for this change and how to make this happen, and I think toni and Karla are here to provide any other details that you might need.

Hales: What are you doing instead?

Landis: To distribute the agenda via email and post-it on the website, and according to --

Hales: No publication in the conventional --

Landis: In the wednesday paper, it still would be available outside council chambers for those who want to follow along.

Hales: I get it.

Fritz: I asked for this to be pulled so we could have a discussion, and i'm concerned about relying only on internet access to the agenda before wednesday morning because we know that only, there is a percentage of our citizens who don't have internet access. Although they probably don't have much greater access to the daily journal of commerce but it highlights a discussion that the three members of the council serving last year will remember and that is that it would be in everybody's best interests to move the filing deadline to tuesday at 5:00 instead of thursday at 5:00. That would then enable you to get into the monday daily journal of commerce as the paper of record and also have the much, I think, more significant benefit of giving council offices additional time to look

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through council agenda items, Particularly on short weeks like this one where we had just coming back after the weekend even though you are able to put the agenda out early, so I would propose a different solution. If we are going to go with only internet access, I think that more needs to be done, and i'm not prepared to vote on this code today because I think that there is some significant public involvement, and this should be required. On having a discussion with our communities about how they would best be able to find out what the agenda is, but in the meantime, it seems that the, the, rather than changing the code, it would be better to change the filing deadline because there is multiple benefits to that.

Moore-Love: With a tuesday deadline, you are giving us wednesday to, to file to do the agenda, and i'm in council all day wednesday and most of thursday afternoon, and we have no more staff to do this agenda than sue or i.

Fritz: So the discussion we had on that was why we were moving it to tuesday rather than wednesday. Is that yes, acknowledging that, that wednesday is not available for staff to work on the agenda, and you -- currently the deadline is thursday at 5:00 and you get it out with remarkable speed as soon as you can.

Moore-Love: It's an all day process on Friday.

Fritz: Right so the expectation would be especially for the printing and the daily journal of commerce you don't have to have the links done by then, on the rare days that we have council on thursday afternoons, it seems reasonable that you could get the list of the titles to the daily journal of commerce by thursday evening and on those days, we would not get the council agenda coming out until friday. But, we could still get, have the letter of the code met under that circumstance, and most days, most weeks when we don't have a thursday council, you could get the agenda done on thursday instead of friday.

Hales: Sounds like a workload problem.

Moore-Love: It is.

Toni Anderson, Auditor's Office: Toni anderson, the city auditor's office. I have a concern with thursday, if there is a thursday afternoon meeting we could not finalize the agenda until after the meeting. If something was to carry over to make it into the agenda. So there is some timing issues, also.

Fish: When is the djc schedule changing?

Moore-Love: First of february so effective with our february 6th agenda.

Fish: So this is time sensitive, at least to the extent that you want a backup as they change. I have also, commissioner Fritz, wondered the question that you alluded to, which is how do people get information about our agenda. We have the daily journal of commerce in the rack here, but I would be curious to know how average citizens learn about our agenda. My guess is that few of them subscribe to djc. And that would include Neighborhood activists, associations and others. So, they probably do what I do is go on the city's website and pull it down. But I would like to know more about that and how people actually get the information, and what's preferred before i'm prepared for a change of filing because while I appreciate commissioner Fritz' concept, I would like to start by knowing how people get information and work from that, from that body of information before we change the filing deadlines, and inadvertently create a workload problem, but the question I have for today is, this is an emergency matter before us, and do you need us to act today so at least we can adapt so we have enough time to be teed up when they change their publication schedule, and if so, if this, is commissioner Fritz's concept something that we can revisit later?

Landis: I think we would prefer to be in compliance with code when the change takes place on february 1st. Obviously, and we've been open to the discussion about changing the, the filing deadlines certainly in the past, and we'll continue to do so but as Karla and Toni mentioned we have considerable workload issues. A 5:00 on tuesday deadline doesn't help us much because Karla and, and sue usually are busy on wednesday and most of thursday, so it would have to be an early

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tuesday filing deadline for us to change in any case to make the thursday afternoon djc print deadline.

Hales: I'm persuaded by what Commissioner Fish said but not immune to what you are talking about, commissioner Fritz. This is internal procedure. We're adopting it today and hopefully not changing it every month but we can change our procedures any time that we want. A little different, higher hurdle for changing filing date, but that's also internal procedure.

Fritz: Do you have a, an advisory committee who gives input on things like this?

Landis: Yes. A budget advisory committee.

Fritz: Had it been taken to them?

Landis: It has not been brought up with them.

Fritz: You don't have a contract with the djc. So we you are already out of compliance.

Landis: We don't have a contract with the djc to be the official paper of record. If I understand the history of that correctly. That was sort of let go back in 2005, but in the absence of that contract, we've been advised by council that the official paper of record is still the daily journal of commerce. Is that correct?

Linly Rees, Deputy City Attorney: The problem is that the daily, the official paper of the city is not because of this need to publish. It's because of the need to publish our rfps, so purchasing has continued to use the djc. There is numerous charter and code provisions that require publication of certain things in the official paper. We've been using it.

Fish: Nothing prevents us from publishing our agenda in the mercury. Or the willamette week.

Rees: And one thing I wanted to make clear in terms of the advice to the auditor's office, there is a difference between what's required in state law and the policy of what you want to do in terms of making sure there is transparency. So from a state law perspective, simply publishing it on the city's website and providing email notice to interested persons, satisfies the state law requirement for notice.

Hales: Seems like we have a small matter and bigger matter. The small matter, the djc is no longer, they will change their name but they are not daily any more. Very shortly. And the larger matter is that there are big changes underway in the newspaper industry in general. And they may not be the only one that changes its schedule. We have an obligation to get the word out about the council agendas but also rfps and bid notices back to the earlier discussion. We have a communication challenge of how we're going to adapt to those tectonic shifts in how people are getting their information and the fractioning of how people get it. That's a big subject, which I think we ought to take up but not now. Not today. My suggestion is we ought to adopt this change, not blow off the questions you've raised, but take it into a larger discussion about public information in general. Given these big changes.

Fritz: I think the bigger question is how do people get information about what the council doing. And that, you know, the planning commission publishes a small notice in the Oregonian with an abbreviated version of the agenda. So, i'm not prepared to vote for this today. So, I would propose that we bring it back next week and have discussions in the interim about either a large or a small fix.

Fish: Mayor, there was a piece in a local newspaper today indicating that ospirg had given the city low marks for general transparency around being able to access certain kinds of information. That might be a function of the old website, which we're converting. It might be also a function of consistency across bureaus. It seems to me what commissioner Fritz has raised is a bigger question than just the filing of the agenda. And it might warrant a specific focus, perhaps led by the commissioner to make recommendations on the question of transparency notice, and that, and I would also suggest the public process go beyond the bureau advisory committee for the auditor, but take into account the views of the stakeholders including the 95 neighborhood associations.

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Fritz: Thank you, commissioner, that's an excellent suggestion. The public involvement advisory committee which includes half city staff from various bureau might be an excellent source of providing some recommendations for that.

Saltzman: Given the sort of issues here, i'm not sure we're going to get any resolution in a week. So, i'm going to move that we remove the clause. The emergency clause. I will make that motion.

Hales: We remove it?

Saltzman: We can have a vote next week, is that correct?

Moore-Love: It would pass to a second reading and be effective in 30 days.

Hales: OK.

Saltzman: We can take some risk about --

Moore-Love: And we will be out of compliance with code.

Saltzman: I don't know how any solution will be reached in one week.

Fritz: If you leave the emergency on and we can come to an agreement, it would be able to be, to be reached before the end of the month.

Saltzman: Well, i'm not sure i'm on our side on some of these issues after listening, so it gives you the ability to make this from happening so i'm saying -- let's remove the emergency clause and vote on it next week. What you're offering is a longer term deal. It will not go to resolution in a week.

Fish: I think i'm suffering from jet lag because i'm confused about something. I believe that there are four votes to pass this. And if so, why not keep the emergency clause so we keep this on pace. To accomplish what these three --

Hales: You need everybody.

Fish: Ok.

Moore-Love: It needs to be unanimous.

Fish: And commissioner Fritz, based on the, the comments of the mayor, that he would like to see this go on a two track, are you satisfied enough either not to vote on this matter or vote aye?

Fish: I would like another week to look at it, I cannot tell you what outcome we can get. We have been discussing this for two years.

Hales: That may be the case but I think that this is not something like many things here, that will benefit from being rushed. It doesn't mean I don't want to address it. I do. And I think the suggestion he made of having a commissioner, maybe you would be interested, lead that effort about how do we deal, interface with the public with the changes? It's a big question. We need to take that up. But we're not going to get that done in a week, and I think we'll not learn much in a week.

Fritz: We might have something in the ordinance that we would pass next week directing piac and others to do certain things.

Hales: Let's take longer to figure that out. This is procedure, we can change it again in a month. If we have to. We may not be able to persuade you.

Fritz: I cannot in good conscience vote for this in an emergency today. If we have a week to look at amendments that would then set out a process for making a decision for better publication of the agenda and more opportunity for citizens to engage in a meaningful way on agenda items, I could possibly vote for something that's an emergency next week.

Fish: I second the motion to take it, the emergency clause off.

Hales: Take a vote on that.

Fritz: No.

Fish: We're removing the emergency clause for this vote, aye.

Saltzman: Aye.

Novick: Aye.

Hales: Aye. [gavel pounded]

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Hales: The emergency clause is removed and it will be back next week.

Novick: Can I ask Karla a question. What happens if we don't pass in and the journal ceases the publication on tuesday as they say they will do, what position are we in?

Moore-Love: The code states that we have to officially publish it, so we would be out of compliance with code. Not publishing it. That's, that was the main focus was to get this phrase out of there, officially, publishing it because we feel like we were ok distributing it on emails and online having it online. But still, in the wednesday djc, we have looked into the Oregonian and their prices are very high.

Novick: How high?

Moore-Love: \$2,351.41 per insertion.

Novick: What are we paying the daily journal?

Moore-Love: Nothing.

Hales: Fairly big delta there.

Novick: 2,400 times more. Ok.

Fish: I need you negotiating for me on a few contracts. Thank you very much.

Hales: Thank you very much, and we are adjourned.

At 11:24 a.m., Council adjourned.