



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF FEBRUARY, 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; Ben Walters, Chief Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

The meeting recessed at 10:33 a.m. and reconvened at 10:37 a.m.

COMMUNICATIONS		Disposition:
116	Request of Evelyn Bross to address Council regarding more restrictions for fireworks (Communication)	PLACED ON FILE
117	Request of Kernel Moses to address Council to wish them a happy New year and welcome them to their term of service (Communication)	PLACED ON FILE
118	Request of Michael Krupp to address Council to welcome our new Mayor and Commissioner and request they close the loophole in allowing perjury in City Hall (Communication)	PLACED ON FILE
119	Request of Kellie Barnes to address Council regarding water fluoridation chemicals and equity issues (Communication)	PLACED ON FILE
120	Request of Dr. Yolanda Whyte to address Council to provide medical testimony in opposition to water fluoridation (Communication)	PLACED ON FILE
TIMES CERTAIN		
121	TIME CERTAIN: 9:30 AM – Accept invitation to City of Portland to host World Environment Day June 5, 2013 (Resolution introduced by Mayor Hales) 30 minutes requested (Y-5)	37001

February 13, 2013

<p>122 TIME CERTAIN: 10:00 AM – Accept the Report on the 2013 Federal Legislative Agenda (Report introduced by Mayor Hales) 45 minutes requested</p> <p>Motion to adopt LT2 amendment: Moved by Novick and seconded by Fritz. (Y-5)</p> <p>Motion to accept the report: Moved by Fish and seconded by Fritz. (Y-5)</p>	<p>ACCEPTED AS AMENDED</p>	
<p style="text-align: center;">CONSENT AGENDA – NO DISCUSSION</p> <p style="text-align: center;">Mayor Charlie Hales</p> <p style="text-align: center;">Bureau of Emergency Management</p> <p>123 Accept a grant in the amount of \$48,707 from the Oregon Military Department, Office of Emergency Management for the sustainment of a Community Emergency Notification System (Second Reading Agenda 107) (Y-5)</p>		<p style="text-align: center;">185881</p>
<p style="text-align: center;">Bureau of Planning & Sustainability</p> <p>124 Consent to transfer of the residential solid waste, recycling and composting collection franchise from J.M. Boitano Sanitary Service to Hoodview Disposal and Recycling (Ordinance)</p>		<p style="text-align: center;">PASSED TO SECOND READING FEBRUARY 20, 2013 AT 9:30 AM</p>
<p style="text-align: center;">Bureau of Transportation</p> <p>*125 Authorize Asphaltic Concrete supply contracts for use on Maintenance Operations projects (Ordinance) (Y-5)</p>		<p style="text-align: center;">185882</p>
<p>*126 Accept a grant in the amount of \$250,000 from the Metro Regional Government for the South Portal Partnership Plan Project and authorize an Intergovernmental Agreement (Ordinance) (Y-5)</p>		<p style="text-align: center;">185883</p>
<p>*127 Authorize an Intergovernmental Agreement with the U.S. Department of Agriculture Wildlife Damage and Conflict Management (Ordinance) (Y-5)</p>		<p style="text-align: center;">185884</p>
<p>128 Accept a grant in the amount of \$279,888 from the Portland Development Commission for the Foster Road Transportation and Streetscape Plan - Design and Construction Phase 1 - Rapid Flash Beacons (Ordinance)</p>		<p style="text-align: center;">PASSED TO SECOND READING FEBRUARY 20, 2013 AT 9:30 AM</p>
<p style="text-align: center;">Office of Management and Finance</p> <p>129 Authorize a price agreement with Polydyne, Inc. to provide sludge processing polymer for a not-to-exceed yearly value of \$700,000 and a 5 year contractual total not to exceed \$3,500,000 (Procurement Report – Bid No. 114706) (Y-5)</p>		<p style="text-align: center;">ACCEPTED PREPARE CONTRACT</p>

February 13, 2013

<p>130 Authorize the Director of the Bureau of Human Resources, with the concurrence of the City Attorney, to commence legal proceedings to protect the City's interests and rights under state collective bargaining law in connection with an investigation and resulting lawsuit filed by the United States Department of Justice regarding police practices (Resolution) (Y-5)</p>	<p>37000</p>
<p>*131 Amend contract with Northwest Testing, Inc. to increase contract amount by an additional \$33,205 to provide additional special testing and inspection services for the Emergency Coordination Center project (Ordinance; amend Contract No. 30002509) (Y-5)</p>	<p>185885</p>
<p>Water Bureau</p>	
<p>132 Authorize Intergovernmental Agreements with the University of Washington and the University of Idaho to model the hydrologic effects of climate change on the Bull Run watershed under the Pilot Utility Modeling Application project (Second Reading Agenda 109) (Y-5)</p>	<p>185886</p>
<p>133 Amend Intergovernmental Agreement with the Water Utility Climate Alliance and the Metropolitan Water District of Southern California to financially collaborate on climate change issues (Second Reading Agenda 110; amend Contract No. 53143) (Y-5)</p>	<p>185887</p>
<p>REGULAR AGENDA</p> <p>Mayor Charlie Hales</p> <p>Bureau of Planning & Sustainability</p>	
<p>*134 Authorize grant agreements of up to \$30,000 for energy efficiency improvements in small commercial buildings, using \$340,000 in federal grant funding (Ordinance) 10 minutes requested Motion to delete “first come, first served” language: Moved by Fritz and seconded by Fish. (Y-5) (Y-5)</p>	<p>185888 AS AMENDED</p>
<p>Bureau of Transportation</p>	
<p>135 Vacate a portion of NE Sumner St west of NE 14th Pl subject to certain conditions and reservations (Hearing; Ordinance; VAC-10078)</p>	<p>PASSED TO SECOND READING FEBRUARY 20, 2013 AT 9:30 AM</p>
<p>City Auditor LaVonne Griffin-Valade</p>	
<p>136 Assess property for sidewalk repair by the Bureau of Maintenance (Second Reading Agenda 113; Y1079) (Y-5)</p>	<p>185889 AS AMENDED</p>

At 11:31 a.m., Council recessed.

February 13, 2013
A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 13TH DAY OF FEBRUARY, 2013 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Roland
Iparraguirre, Deputy City Attorney; and Harry Jackson, Sergeant at Arms.

<p>137 TIME CERTAIN: 2:00 PM – Accept the Report of the Chief Administrative Officer for the Quarterly Report of the Technology Oversight Committee (Report introduced by Mayor Hales) 30 minutes requested</p> <p>Motion to accept the report: Moved by Fish and seconded by Fritz.</p> <p>(Y-5)</p>	<p>Disposition:</p> <p>ACCEPTED</p>
---	---

At 2:51 p.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.

February 13, 2013
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.

FEBRUARY 13, 2013 9:30 AM

Hales: I'll ask the clerk to call the roll.

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

Hales: Here. Thank you, everyone, we have some communication items up front that we would like to take up first. Let's call the first of those, please.

Item 116.

Hales: Are you here? Come on up, please.

Evelyn Bross: There is the first I have been to a city meeting.

Hales: Come on up, you have three minutes. State your name for the record. And have a seat. And if you have materials give them to karla and she will get those to us. So welcome.

Bross: Ok, thank you. I am here to talk about the systems of ptsd, and the fourth of july fireworks. I have been experiencing since I had a gun put to my face 2.5 years ago. The new year's eve fireworks is fine because that's only a one-day thing but fourth of july is throughout the whole month of july. People think it's fun to blow up fireworks. The thing is, is that you are not only, what I have gone through, now you are going to have 10,000 people from clackamas town center who were at that mall with that gunman who are going to experience what I experienced for the last two years. So, not only my experiences, I am trying to give to you, for what to, to be prepared for the 10,000 people at clackamas town center. They will, nil be edgy. Their heart will thump. Things like that. You need to warn the citizens of pds, symptoms may occur with the fireworks, who were at that clackamas town center. And this is also for veterans. There is a flyer here that, that talks about veterans who thought that he had it all done up. He goes, i'm blogging this moment because I just woke up with bangs of unofficial fireworks in the neighborhood. And now I am having trouble going back to sleep. The more I try to force myself to sleep, the more I am awake. Reliving my memories of the, the war he was at. On thursday, july 3rd, he spoke about how he prepares for it. And then people suffering with ptsd, to actually go right underneath the fireworks and see the fireworks and then they know it's not a bomb. It's not a fire. You know. A gunman. And then particularly, the music. It goes on, yes, I did it. Until a bang woke me up. My heart is pounding. Not fully awake, I thought that I was in the middle of a combat zone. The presence of the bullets and rockets were momentarily real to me. My horrible memories of that war camp goes on. And this was all, all month of july. People, there is two fireworks stands where I live at. And they right across the street from each other, so there is a lot of fireworks on 82nd and foster, which is horrible, and if read all of this, you will see that there is a lot of people, people who have had a gun to their face, and who are going to, to be really, really horribly terrified when the fourth of july fireworks go off. And it's when you are not there setting off the fireworks, it's when you are, you are going to be scared that, that there's a gun. So, I am preparing you for, for all of the citizens, from clackamas town center, what to expect because i'm experiencing it for the last two years since I had a gun to my face.

Hales: Thank you very much for bringing there to our attention and thanks for coming today. Thank you. Thank you. Next item, please.

Item 117.

Hales: Good morning.

February 13, 2013

Kernel Moses Rosen: Good morning, mr. President and commissioners. Last time I sat at this table, I said -- that I was not coming back.

Hales: State your name for the record.

Rosen: My friends call me kernel, I am moses rosen. Last time I sat at this table I said I was not coming back, and we have a new council, and I wanted to say welcome to, to you two, and wish you well. February 11th marked the start of the chinese year, 4711 kicking off the year of the black water snake, which is female, in chinese astrology. Snake years tend to bring unexpected transformations to our lives. Yet, while there may not be outward manifestations of change, in will be plenty of activity beneath the surface, behind the scenes talks, secret negotiations, and clandestine activity will characterize this chinese year. Things are not what they seem this snake year. The water element is a motive, compassion, and perceptives, by turning into your intuition, you can detect changes that cannot be perceived with the naked eye, the water snake is known for her incredible deep and beautiful eyes, denoting wisdom and synonymous with the third eye or penial gland, which you may have heard about recently. Snake years reward those who do plenty of research before making a move. Are you hiring a contractor? Are you buying an expensive appliance? Then you better read consumer reports and do some customer surveys before making your purchase. By arming yourself with Knowledge, knowledge is not money. You will make the most of this tumultuous year. So, happy new year. May it be tumultuous. I also wanted to remind you about a little thing going on out here in the plaza, about 14 months ago, I lit a fire, and it is still burning, and that is, that is about, about the fact that we have a law on the books that says sleeping matter is illegal. So, that means that sleeping bags, tarps, sleeping pads, blankets are all illegal. On the other hand, we have the human need to sleep. How much? Close to a third of our lives. So right now, right now out here, we have a torture population of sleep, a sleep deprived population costing this city money and physical and mental health because they are sleep deprived because the laws don't provide for a legitimate human need. Meanwhile, down the street at r2d2, a practical solution to this problem, we got fines going down because their fence is too high. Thank you very much.

Hales: Thank you.

Item 118.

Moore-Love: He called and he's not able to make it.

Hales: Ok.

Item 119.

Hales: Good morning.

Kellie Barnes: Good morning. I am kellie barnes, I am here as a concerned citizen, and I am a concerned mother. I like to come here mostly due to the viewers watching the Council meetings, and when I come across new information that I think is relevant to share about this discussion, I have copies here for you to review. One of my largest concerns about the issue of chart fluoridation is the lack of communication that american academy of pediatric recommends children under six months of age do not consume fluoridated water. According to the census 30% of the families are single parent families in Portland, and I don't believe that this communication is disseminated to parents, and the cdc and the american dental academy also recommend that children of this age not consume fluoridated water. We will be learning more on this, in may, and I believe our health and county and city policies need to at least educate the citizens, which is why i'm involved. I think that it's very important that our websites indicate concerns for some sets of population at risk such as those with diabetes and kidney disease and those with chemical sensitivities, these are populations of individuals that will be harmed by this potential policy, and because many citizens don't know about this, I think that it's important that we educate the viewers of the council. And in addition, when I look at the studies of the effectiveness, it surprises me it's very controversial whether the policy is effective. And there is in-house legislation in the state of Washington that is mostly

February 13, 2013

Fluoridated due to the concerns that lower economic children do not have access to good dental care, when I have met with a few county officials just this week, they have said to me, i'm surprised, why am I not heard this before? Why do I not know that some sets of populations and people of color for this policy, why is it that our health advisors are not educating our policymakers? I take pause and expect with cdc data, that clearly show that it is rampant in our country, that 41% of the youth between 12-15 have fluoride by the cdc. This will increase if we fluoridate more our communities. And not only do 41% of our kids already are fluorosis, those children of color are most at risk for the moderate and severe forms are. I am not creating this data. You can find it on the cdc website. When I look at the graph you all have in front of you, and I am sorry the viewers do not have it, we look at the percentage of states that are fluoridating, you could see that the access to good are improved outcome of oral health is really related to economics. Those with higher incomes show statistically better oral health than those of lower income. This is not a surprise. This is nothing new. We know we need outreach, and one thing that fascinates me and really, reason that i'm here today, is that according to the Oregon health authority, on their website, which I printed for you, they clearly say school fluoride programs and school Dental sealant programs combined can prevent almost 100% of the cavities. When I went to the county to discuss this, they clearly understand that we are underfunded but we don't have the fiscal means necessarily to prevent or to provide this, this access to children. However, it's well documented that these programs work, and also, allows parents' choice to participate. And I don't understand which there is lack of effectiveness of a policeman that's marginal at best why we are put something sets of populations at risk. Including the elderly, those with diabetes and kidney disease and those with chemical sensitivities, which affect people of color more than people of non color.

Hales: You used your time so I will ask you to wrap up.

Barnes: It feels that is not equitable and I would like our citizens to be indicated of these, to be educated of these risks.

Hales: Thank you very much.

Item 120.

Moore-Love: She called in and is not able to make it.

Hales: All right, let's take up the consent calendar, and I don't believe that there are any requests to remove items from the consent calendar, is that correct?

Moore-Love: That's what I have, correct.

Hales: Motion for approval.

Moore-Love: Actually, we don't have to make a motion.

Hales: I will eventually get it.

Hales: Roll call.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Novick:** Aye. **Hales:** Aye.

Hales: Thank you, we have two time certain items this morning. The first is, I think, the reason why a number of people are here this morning. I am happy to announce that -- you should read the item, please please.

Item 121.

Hales: I am happy to announce that the united states environment, united nations environment program, regional office, in north america, has invited the city of Portland to host world environment day on june 5th. We have a number of people joining us here today to make the presentations, and about this pretty amazing honor, that Portland is receiving. And leading off, I think, on behalf of all of our bureau is the dean of our bureau directors, bad pun intended, dean marriott. This is the subject that not only concerns a lot of people in the community, but also, spans a lot of the work that we do among many bureaus. And dean is here on all of their behalves to lead off. So welcome, good morning, and thank you.

February 13, 2013

Dean Marriott, Director, Bureau of Environmental Services: Good morning, thank you, mayor, I am dean marriott, environmental services director, with me is julia thompson from the bureau of planning and sustainability. We will be very brief because we would like to introduce our special guests in a moment. As the mayor suggested I am here representing many of the bureaus Of the city who are very actively engaged in sustainability practices, and environmental protection. As a matter of fact, I will draw your attention to this sustainable city government report that just came out recently, which summarizes all of the good work that we're doing on energy conservation and sustainable practices in the city. It's not just environmental services, although we benefit from having that, those words in our title. I want to point out a couple things, we work extensively with non government organizations. Watershed councils, metro, Portland audubon, groups like depave that help us to remove unwanted pavement in the city, trust for public lands, and willamette river keeper and others. It really does take that cooperation between city government and non government organizations. Just one great example that i'm very familiar with, work that's going on in st. John's neighborhood, involving of the saving of, a band of trees called the baltimore woods. It's a remnant band of trees just north of the willamette park. And with over 200 volunteers, and 11 partners, including many, many city bureaus, ten acres of native white oak habitat that were threatened by the development are now being protect and had restored. Just recently 123 million pounds of asphalt was removed by the citizen volunteers to, to, to -- I think some of you were there to celebrate that. And 50 species of native plants were installed by volunteers, and it really is the neighborhood is coming together to help protect and restore this jewel of st. John's. The Portland parks and recreation bureau, the only parks bureau in the united states, salmon safe, works with city nature volunteers. They have contributed 50,000 hours to restore natural areas in Portland. Just another example of building those partnerships. And of course, the bureau of planning and sustainability has taken the lead for years on the climate action plan and the climate adaptation strategy for Portland. So, I will ask julia thompson to say a few words more about that, and then I will invite our special guests to come up.

Julia Thompson, Bureau of Planning and Sustainability: Thank you. Susan anderson, sends her apologies for not being here, i'm julia thompson. And hosting the united nations world environment day is a great opportunity to feature Portland to the world. As dean gave many examples there are more from the energy efficiency programs to our world renown green building services and our curbside compost and is recycling program which has reduced household garbage by nearly 40%. Portland has been the leader for several decades, and this is our chance to shine, and our challenge to stay in a leadership position. It's also a chance for the rest Of the cities and the world to push us forward towards greater innovation. We learned in the process of creating the Portland plan that the sustainability is not just about the environment. If we can do these things while growing jobs, advancing equity, and creating a more educated, healthy, and resilient city we will succeed. So, we're very excited.

Hales: Thank you.

Fish: The handout said there is an exhibition of children's painting, where is that venture going to be?

Marriott: Commissioner, i'm not sure they picked the location yet but they are working among other things, they are working with the parks bureaus to use the community centers, and they are talking at the Portland public schools and other districts about that, so, if i'm -- and, and there will be people following me who may know the answer to that question, but, last I hear on monday, they were still considering a number of venue. Before I introduce our guest I want to thank anne nelson who works for the environmental services, if she would stand up, are you here?

Anne Nelson: Yes.

Marriott: She's standing up, she's been very gracious in shepherding our guests around the city, introducing them to people, and has been very instrumental in making this a success so far. Thanks

February 13, 2013

to anne. Now, it's a pleasure for me to introduce to you elizabeth cox from the united nations environment program. And with her is lauren trocano, the manager of corporate social responsibility for the bayer corporation. They are teaming up on this effort, and it's a pleasure to welcome them to Portland.

Hales: Good morning, and welcome.

Elisabeth Guilbaud-Cox: Good morning, mayor hales. Good morning city council members. And elected city auditor. Bureau director. Tribal nations representatives, citizens of Portland, Oregon. There are two in america, Portland, so we want to make sure that we know it's the right Portland. Ladies and gentlemen, on behalf of the united nations environment program, I would like to thank mayor hales and the council members for accepting our invitation to be the host city for the north american world environment day celebrations this year. Mayor hales, you joined the mayor of other great north american cities, who have hosted world environment day. Omaha, chicago, pittsburgh, toronto, and Washington. And let's not forget san francisco, who hosted the global world environment day celebrations in 2005. And under the leadership of gavin newsome. The world environment day is commemorated every year on the 5th of june in more than 120 countries around the world. This day administered by unep is one of the principle vehicles through which we raise environmental awareness, but more importantly, action. With thousands of events organized around the globe, world environment day is considered one of the largest environmental events of its kind. Some may ask, why Portland? Portland, Oregon? The reason for many, and the answer is simple. Portland is a leader in green infrastructure. And in the protection and restoration of the environment. Portland has been selected because we, at unep, would like to put the spotlight on the city's environmental achievement. Those achievement are reflect in the fact that the city is repeatedly ranked among the top ten green cities in north america. In our research, Portland is often rated the number one green city in north america. And an impressive achievement by any standard. Your your stellar reputation is due to innovative initiatives and recognition for sound leadership, good planning and hard work. Rest assured that your efforts have not gone unnoticed by the international community. Portland set the bar for sustainability more than 30 years ago when freeway building was the order of the day. You broke ground and tore down the six-man highway to make room for a waterfront. Since then, you have set an urban growth boundary that today allows residents to enjoy more green spaces. As the first united states city to have a plan to reduce the Greenhouse gas carbon dioxide, now boast that much of your energy comes from renewable resources, such as hydroelectric, conservation and solar power. Your city also boasts the nation's highest percentage of bicycle commuters who are supported by 315-mile highway. Also, impressive, is your solid waste program that recycles more than half of the city's trash. Including glass, metal, and plastic. And compost yard waste and food scraps from business. With ingenuity as your guide, you have timed traffic signals to reduce annual gas consumption by 1.75 million gallons. The equivalent more than 15,000 tons of fuel emissions. Always thinking ahead, you have single use plastic bags at larger retailers, and steps have already been taken to phase out single use bags at all stores and food providers by late 2013. These are just the few reasons why the united nations program has selected Portland, Oregon as the north american host city of world environment day. The world environment teamed team this year is food waste. And the slogan is, reduce your food. This issue is one of great relevance to north america. And we look forward to working with all of you and, in the entire Portland community, to raise awareness about the need to change our culture food waste. You have a vision for world environment day in 2013 is to help us bring the food waste message home in a way that makes A real difference. The statistics are staggering. In region like europe and north america, 300 million tons of food is wasted annually because producers, retailers, and consumers discard food that is still fit for consumption. Worldwide, 33% of all food produced worth around \$1 trillion gets lost or wasted in food production and consumption systems. In a world of 7 billion people set to grow to 9 billion by

February 13, 2013

2050, wasting food makes no sense. Economically, environmentally and ethically, there are profound implications for the environment and producing more food than is consumed, only exacerbates the pressure. We look forward to working with businesses, non governmental organizations, tribal nations, and individuals in organizing informative and inspiring and vibrant activities, not only on world environment day, but during the six-week period between april 22, earth day, and world environment day on the 5th of june. Earth day is very well-known in north america, and if you can't beat them, join them so we have link two days together. Bridging the gap period provide Portland residents and visitors alike, the opportunity to learn how they can make a difference and become effective stewards of the environment. The role of the private sector not be underestimated because without their involvement, we cannot move the environmental agenda forward, and I am Delighted that bayer usa is here with us today. Their support of world environment day and unep youth program, in particular, is an excellent example of social, corporate responsibility. How we celebrate the world environment day is only limited by our imagination. In addition to local and national governments, enacting environmental laws, poets and singers have talked about the environment. They have organized symposia to discuss problems, but more importantly, find solutions. Schools have challenged each other to see how well and how quickly they can green their environment. But we also need the media's involvement. We need you to cover the world environment day but more importantly, the environment story. We need the support of the entire community to help make world environment day Portland the biggest and best event ever. I would like to take this opportunity to mention that it is my initial discussion with one of world's own, anne nelson, who has already been recognized, that has led us to this moment. I acknowledge her role in making the world environment day in the beautiful city possible. On behalf of unep, I congratulate the leaders and the citizens of Portland for being on the cutting edge of sustainability. Cities around the world can learn from your best practices. And perhaps, we can work together to make this happen. We don't want your wonderful stories to stay in Portland. We want you to share them. Once again, mayor hales, and council members council members, I extend to you our heartfelt gratitude and appreciation for your support. And now, it gives me great pleasure to introduce lauren trocano, director of corporate social responsibility for bayer corporation in the united states. Thank you.

Hales: Welcome.

Lauren Trocano: Thank you, elizabeth, for that introduction. And once again, good morning, mayor hales, city council members, and city auditor, bureau directors and staff, tribal nation representatives, and citizens of Portland, Oregon, and ladies and gentlemen. First, I just want to thank you all so much for inviting bayer here to participate in this important civic occasion. It's a personal privilege for me to be before you on behalf of bayer corporation, and to congratulate the city of Portland for the honor being named the 2013 host city for world environment day in north america. This is an honor that Portland truly deserves. For all of the reasons that elizabeth just enumerated. We at bayer are extremely excited to, once again, sponsor the world environment day youth activities, and to do so here in Portland. And specifically, I am talking about the 2013 exhibition of the international children's Painting competition on the environment. And to answer your question, commissioner, I can officially announce that we hope to host the official exhibition of the native american community center at Portland state university, but also to bring pieces of art to other places around the city so that we can really spread the beauty of the vision our youth have for their environment around to the libraries, perhaps even here at city hall. And also, we will bring an interactive and environmental workshop for local high school students, faculty, and and which will be led by former astronaut and environmental studies professor dr. Mae C. Jemison, who may know is the first african-american female astronaut. For over 15 years, dr. jemison has serve as bayer's national spokesperson for our making science makes sense program, which is an award-winning initiative that promotes and advances science education and literacy. This is the sixth year

February 13, 2013

in a row that bayer has sponsored the world environment day youth events. Events that remind us that you are never too young to embrace your responsibility to the environment. And it's one of the concrete ways that we demonstrate our corporate responsibility to the environment to science, education and literacy and to society. This is in bayer's dna. So, in this important year for bayer, as we celebrate our 150th anniversary, I beg your indulgence to, as I tell, things about our company that may not already know. So, if you are like most people, when you think of bayer you think of aspirin. But bayer is, actually, three distinct companies. Bayer health care. Bayer crop science. And bayer material science. And all of these businesses are united by our mission, science for a better life. We fulfill that mission through our products, which prevents diagnosed, alleviate and cure diseases, which contribute to insuring a sufficient supply of quality food for an ever increasing world population, and which contribute to reduced emissions and improved energy efficiency. We also do this through the bayer climate program. Which laid out ambitious goals for bayer in three areas. Our production process, our product, and our business activities. And bayer a.g., our parent company in germany, is the first company in the world to form a long-term partnership with unep in the area of the youth and the environment. Together we organized a dozen environmental projects for young people around the world, including our partnerships around world environment day. So, as a representative of the corporate sector here today, I urge all of Portland's businesses, large, medium, and small, to get excited and get involved. There will be opportunities to Sponsor an event, to get your employees out to volunteer. And/or to come up with your own idea. Post a tree planting, clean up a park. Start a composting program. Look at your business, and see how you can ratchet up your sustainability practices and use world environment day to share your good works with the city and the world. It's a model that has worked well in other world environment day host cities. Just last year, in Washington, over 50 small and medium-sized companies joined with ngos and schools at a giant eco-fair. In pittsburgh, companies like alcoa and heinz sponsored a water conference attended by 1,000 people. And we even broke a guinness book of world record with our paddle at the point event where we had the most canoes and kayaks ever forming a flotilla on a moving body of water. 500, 600, I think.

Fritz: Game on, she says. [laughter]

Troceno: And we had more than 65 events registered on our pittsburgh world environment day website, so our other challenge is for Portland to beat that. So whether you are planning something or you would like to do something new and original, we invite you to register your events, at www.Portlandoregon.gov/wedmore. And as elizabeth said, you are limited only by the boundary of your imagination. This is a rare opportunity for you to showcase all of your strengths and accomplishments. All that you do to make Portland one of the most eco-friendly cities in the world. And the world is watching. So, I will leave with that thought and say thank you again for the invitation today, and your warm hospitality, and bayer looks forward to working with all of you make world environment day 2013 a huge success. Thank you.

Hales: Thank you very much. What a great presentation. It makes it clear to us, I think, that this is both a great honor for Portland, and a challenge. And we, I think, accept both with full cry, that this is great for us, as community leaders, as citizens, as activists, and as business people to both take a look at what we have accomplished and use this as a way to, to challenge ourselves to do more. So, thank you very much.

Guilbaud-Cox: Thank you for accepting our invitation, and we look forward working with all of you. Thank you.

Hales: Other questions or comments for our guests? Thank you. We look forward to this. Thank you. Dean, do you have other invited presenters? I know that there are other folks signed up to speak.

Marriott: Don't.

Hales: Ok.

February 13, 2013

Hales: I know mr. Houck is very shy about approaching the table there. So, they had to prod him a little bit. Good morning.

Mike Houck: good morning. Shall I kick it off? Mayor Hales, commissioners, I have had over 40 years --

Hales: State your name for the record.

Houck: I am Michael Charles Houck, here representing the Urban Green Spaces Institute.

Fish: As in the Mike Houck?

Houck: In somewhat more formal today. This is a formal event. [laughter] I have had 40 years to observe the progress on the city's environmental programs. What used to be a sewer bureau is now a watershed health bureau. A bureau that planned to fill the bottom has a nature program. The planning bureau is now also a sustainability bureau. Recently, as you celebrated state and federal approval of the big pipe, you also recognized the work is far from done, in fact, I had intended to get up and say something about green infrastructure, the importance of doubling down on that, and all of you, actually, went ahead and did that on our own, and to me, that, that's a remarkable sign of progress from the era that we had to convince people the green infrastructure made sense. That all have taken the initiative to improve on the efforts as we deal with what are quality issues in the tributaries. 35 years ago I was told there was no place for nature in the city. Today, Portland is committed to ensure every citizen, regardless of their socioeconomic status, has access to nature where they live, work, and play. And as important as these programs have been, it's equally important to recognize the individuals who are responsible for those successes. Over the past two decades, I've been amazed at the transformation and the professionalism in environmental expertise in the city's bureaus, and Portland, has some of the finest ecologists and natural resource managers in the nation, and they should be celebrated as we celebrated our environmental successes that you've been leaders on. You need to make sure that your staff is recognized in that process. Jurisdictional lines are inconsequential to the environment. You also deserve kudos as does your staff for thinking beyond the city's boundaries and engaging at the regional level, both in growth management arena and expanding the regions systems of parks, and natural areas. Your staff working with colleagues in the alliance, helped to produce a regional conservation strategy and biodiversity guide. For the first time ever, we have the tools to prioritize acquisition, restoration and management of natural resources, and across the 3,000 square-mile metropolitan region. And we now have strategies for responding to climate change. We now know more about great infrastructure and the economic value that nature serves, Services provide us. To be certain, we have daunting challenges ahead, but there are times to hit the pause button and celebrate our successes. World environment day is an opportunity to do that, and we are pleased to work with the city staff to ensure that we do have an array of opportunities for the public to join in that process. Thank you.

Hales: Thanks, Mike. Good morning.

Bob Sallinger: Good morning, Mayor Hales and members of the city council. I am Bob Sallinger, the conservation director for the Portland Audubon Society. On behalf of our 13,000 members I want to thank the United Nations Environment Program for selecting Portland for the World Environment Day, and I also want to congratulate the city of Portland for this major accomplishment and express my appreciation to Anne Nelson, for her work on this, issue that she has put in a ton of work. This is a great opportunity to celebrate our accomplishments, and it comes at a great time of year, there are a lot of cool events occurring that I think that we can lean into, like Earth Day, like Oaks Bottom Migratory Bird Day, Great Blue Heron Week. The Ross Island Regatta. There is a lot of cool things that we can tie together that, taken as a whole, reflect the amazing accomplishments that we have had. And I was struck by the comment this is about awareness, but also, about action. And, and I want to echo Mike's comments about doubling down on green infrastructure. Those programs, in some ways are coming to an end, some of the last generation our green infrastructure

February 13, 2013

programs, are the end at the life-span, and it's a time to renew and reinvigorate those, and one of the things that we can do is roll out the next generation of green infrastructure priorities. What is the next green program for the city of Portland, and what are the big challenges that we're going to take on in the next five to ten years, and maybe this could be an opportunity to announce that next generation of green initiatives. And also, if we can put out specific challenges to the community, to plant a tree. To get your backyard certified, to take advantage of the programs, the amazing programs out there, and really publicize those and, and double down on those, as well. So, with that, I will conclude, but again, congratulations, thank you to the united nations, and this is very exciting.

Hales: Good morning.

Travis Williams: I am travis williams, and I am the river keeper and executive director for the willamette river keeper. And mayor hales and council, I appreciate this opportunity to say a few words about the world environment day. I want to thank the u.n. Environmental program for proposing that Portland host this year. I think Portland is more than suitable on a variety of levels. Given everything that mike and others have said about the city's environmental history, and it's also important in regard to where the city is going. And what we're planning and doing as threes two have alluded to. But I would put special focus on a project like superfund as we look forward and figure out where the city can take leadership. It's a great opportunity to highlight that work and that opportunity to do something pretty amazing for the willamette river's long-term future, but also, highlighting all the other fantastic programs that the city has in relation to sustainability and watershed health. So, on behalf of the willamette river keeper, I definitely endorse this, this world environment day being hosted by the city of Portland. Thank you.

Hales: Thank you all. Thanks very much. And I know we may have some other, others signed up to testify but jeff curtis and the delegation from the rose festival association are here, so I want to invite jeff forward, and june is a big month in Portland, seems to me. And these are the folks that make sure of that every year.

Jeff Curtis: Thank you, mayor hales. Jeff curtis, ceo. Portland rose festival foundation. It's a pleasure to be with you. And share our excitement and enthusiasm for world environment day. What was not mentioned before is why we're hosting north america's day, there are four other cities across, in the world also hosting and celebrating this very special annual occasion. Bangkok, Bahrain, panama city and london, but you know what they don't have? A Portland rose festival. So, we are poised and ready to have the top environmental day as your official festival, we're excited to be part of that. And specifically, there is a lot of synergy, but june 5th happens to be the day, and talk about the, the excitement and energy, and the things geared towards youth, and education of the environment, and well, that's a day, happens to be a day that we celebrate our youth. We give them the hollywood district to take their own and junior parade day, so, specifically, talk about all those boats in pittsburgh, we're going to have 10,000 kids marching down the streets of Portland on junior parade day on world environment day. So, so much energy and excitement and as we can collectively bring together as an organization on behalf of the many thousands of volunteers. We are excited to partner with the united nations on this exciting piece. So, also, it's part of our mission, and it's also -- we've been recognized, internationally recognized by the international festival and events association as the top festival in the world two years ago. The same organization has highlighted our environmental Stewardship, naming us over the last 15 years as one of the best environmental, best programs, environmental and sustainability amongst the festivals across the world due to our partnerships with solv and with the city of Portland, across many levels, and companies like pge, and our parade cleanup program is a prime example as well as what we're doing down at waterfront, so we're excited, our mission with this event into communicate, educate, and celebrate world environment day as part of the rose festival celebration 2013. And we're proud to be part of the reason Portland is known worldwide for its environmental

February 13, 2013

responsibility. We look forward to collaborating with the united states environmental program, and the united nations environmental program, with bayer, and of course, the city of Portland on this honor and graduate the city for being selected. Thank you very much.

Hales: Thanks, jeff, and for all you are doing. Karla, we have others?

Moore-Love: One more person.

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

Hales: Good morning.

Richard Ellmyer: I am richard ellmyer, as chair of the north Portland coal committee I give our strong support to this world environment day resolution. Npcc invites our stop coal export allies from throughout the pacific northwest to motivate our fellow citizens and elected officials to take action that will stop coal exports through the veins and arteries of our beloved pacific Northwest. And we invite you to join us in Portland in a no-coal gathering on june 5th. And as the host city for the united nations world environment day, Portland, Oregon will be at the center of environmental attention worldwide. This is an extraordinary opportunity for our message of stop coal exports through the pacific northwest to be heard. Start planning now to be in Portland for our no coal gathering on june 5th. Come for the day or come to camp nearby, and enjoy Portland's hospitality and public accommodations or stay with a friend. Over the next few months, both the city and other environmentally conscious organizations like the north Portland coal committee, will be arranging various activities that will all relate to protecting the regional, national, and global environment. Npcc will use its facebook page to keep you informed. Regardless of what or whom is planning events, the most important thing is that this is an unprecedented opportunity for those who want to protected our air, water, food supply, indeed, all living things in the pacific northwest, from the dangers of coal transport through our communities, to gather and chat and get to know one another.

We want to foster a sense of no coal camaraderie on june 5th. The more of us who show up, the louder our message. The north Portland coal committee is looking forward to Working with the city of Portland to make world environmental day a success. Portland is a world class city for food.

Wine. Beer. Water. And of course, coffee. You will not be disappointed if you come here. So come to Portland on june 5 and bring your no-coal export signs, shirts, badges, hats, food, beverages, and perhaps a folding chair, and your good humor. Wear some article of red clothing and a badge with your name and hometown on it. Be prepared to meet people and make new friends. From bellingham to vancouver to eugene to coos bay, from astoria to camas to dallas to hermiston, we, the north Portland coal committee, welcome all of you to Portland's no coal gathering on june 5th during the united nations world environment day celebration. Thank you.

Hales: Thank you. Anyone else signed up to testify?

Moore-Love: That's all who signed up.

Hales: I think we can take action on the resolution.

Fish: I just ask one question? First, thank you for bringing this forward and having all these wonderful guests. Is the -- that, that june 5th is a wednesday so we have council that day. Is it the thinking of the bureau of environmental services or other organizers to partner say with hands-on Portland, greater Portland or some other internet-based -- i'm saying, i'm seeing anne nodding her head so this will be activities for people that want to go to the parks and do service or the natural areas, and that will be coordinated by bes?

Nelson: It will be coordinated by bes. Everybody is welcome to create events. Certainly the city of Portland, and our partners will be creating events, but everybody is welcome.

Fish: So a technical issue, four of the five people up here no longer run bureaus, but, sorry, but --

Hales: But by june 5th --

Fish: In case they return on june 4th, and we don't have enough time to be intentional, what I would encourage you to do, maybe, is just to invite -- pull together a meeting and invite staff to

February 13, 2013

come because I bet there is a lot of good ideas up here of, of things that we would want to pitch and help organize. To assist the mayor in this endeavor. So, thank you.

Hales: Good point. All right. Let's take a motion on the resolution.

Fritz: Thank you, mayor hales for bringing this forward and distinguished guests for coming to talk with us. Greatly appreciated your presentations. I particularly appreciated not only your recognition of our elected city auditor, but also, our tribal nation leaders. That we are a city that is founded on the, the banks of the two mighty rivers, the willamette and columbia, and our environment is almost basic infrastructure. That's why people live here, so thank you for that reminder. And I also want to thank our previous mayor sam adams for his leadership over the past many years, and previous commissioners, mike lindbergh, earl blumenauer, and charlie hales for his work, establishing this, becoming a well-known city for an environmental protection and for sustainability, doesn't happen overnight, and it takes not only elected leaders, providing the funding and the leadership, but also, our community members who demand that we include everybody and the recycling happens, the high level of recycling happens because we provide the program. It's every person in Portland doing their bit and putting their recycling in their various containers. That makes the system work. So, it's an excellent example of government and the community working together. I am looking forward to seeing how we can either beat the kayak world record or perhaps, succeed in doing the big float with everybody holding hands at the same time so that we can beat the floating innertube record this year. It's a great time to be in the city of Portland, and thank you again for visiting. Aye.

Fish: Thank you, mayor for bringing this forward, and congratulations. This is a great honor for our city, and I want to thank our Honored guest who is have come and kicked this thing off. And to the united nations representative, I hope that you will give the clerk a copy of your speech because I thought it was beautiful and should be placed in the record. I attended a community meeting the other night, and someone got up and blasted the city for supporting the urban growth boundary, for supporting multi-modal transportation, and for using zoning as a way of encouraging a smaller footprint, mock the idea of a climate action plan. And you know where this is going. And I was reminded that, that every time that we think this fight is won, we have to, actually, refight the fight. And I appreciate mike's kind words that, that all of these, these incredibly talented professionals embedded in the bureaus have institutionalized the sustainability, but i'm also reminded when I pick up the newspaper, or sometimes go to the community meetings, that not everyone shares our values. And not everyone thinks we're on the right path. So, on the 5th we celebrate the great work of those who have come before us. And it's an astonishing story. But, whether we talk about doubling down, we're also talking about making sure that we continue to make the case effectively to people about why we think the green infrastructure is a better investment than a big pipe. And why we think discouraging excessive car use is in our Long-term health interests and economic interest, and why a sustainable brand of Portland is part of the prosperity agenda, and we have to continue to make those arguments because there are still those who think that we're on the wrong side of the issue. And I think today, proves conclusively that we're on the right side of the issue, so, thank you again, charlie, for bringing the distinction to our city and to our honored guests, and i'm very proud to vote aye.

Saltzman: I, too, am very honored that the u.n. Environment program has chosen Portland to be the host, the north american host, and look forward to celebrating with our international partners, as well, on that day of june 5th. And I appreciate the, some of our speakers and sort of their, their call to action to use this day as a way to sort of rein expire, revitalize our commitments to the environment, whether it's green infrastructure, renewable power, or food waste, which I think is the theme. And I would just add, I hope that the rose festival is already composting its food waste. I would imagine you are. But, I would think that there might be some new opportunities, too, to maybe work with organizations like urban gleaners who take food that is not ready to be composted

February 13, 2013

but can still be, is still edible, if you get it to the right people and the right time, and I hope that you do that, if you don't, maybe this is a great Time to kick this off. There is a lot of extra food at the food center. So, I would like to see that be part of the next celebration, as well. So this is great. Thanks mayor hales, aye.

Novick: I, too, thank the mayor for bringing us this opportunity and the united nations. It is a great honor for Portland. Following up on commissioner Saltzman's comments about food waste, I would like to remind people the metro has a program called fork it over, where they work with restaurants to get unused food that's edible to, to hunger relief organizations, and that's a great program, people should take advantage of, and I cannot resist making two extraneous comments, which is mike, I hope that you will remind your vice president, goody cable, that we all appreciate that she has one of the best names in the state of Oregon. And second, I want to note that although bangkok and panama city do not have a rose festival, they do have paid sick leave, so I hope that we will join them in that, as well as in hosting the world environment day. And I vote aye.

Hales: Good research. Well, I want to just both capture some of the sentiments heard from my colleagues and maybe reflect a bit on what we have discussed here this morning because I think that this is a, both a great honor, and a great challenge for us as a city. And I think that there are three Characteristics of Portland that, that we have mentioned here, one way or another, this morning, that cause us to have been this kind of leader. And bode well for us to be this leader from the future. There is a long chain of elected leadership, that includes the five of us, and our auditor and others, in this community, as well. But, is not limited to us, and in fact, there's been a great deal of congruity over time. Whether it was commissioner blumenauer's advocacy for bicycles or lindbergh's advocacy for parks, there's been, although, disagreement sometimes, here, and split votes on one thing or another, there's been a long chain of elected leadership. Secondly, as has been pointed out here and the fact that we are here today is due to the fact that we have a very highly skilled professional cadre within our bureaus of people who are national environmental leaders in their own rights as approaches in planning and environmental stewardship and water, and a long list of issues we work with. So we take this as an opportunity to appreciate that and celebrate it. So, there is that element of Portland that I think has served us well so far, and hopefully will continue to. The second one is that so many things in Portland have arisen out of civic leadership, including some of the people here in this room. We planned it for 420 or 430,000 trees, we planted, as a result of civic leadership. We have the bicycle system because of advocacy. We have oaks bottom because of advocacy, so, the civic tradition here are that citizens organize and bring forward an idea and make a difference. And that's a huge strength, and frankly, not every city has that, either. And the third characteristic, and it was mentioned when they talked about waterfront, something I always looked at with Portland, other cities build things to put themselves on the map and hope to get noticed. Whether it's a st. Louis arch or a seattle space needle. What we have tended to do as a city, is make investments and build things, whether it's a bioswale or a waterfront park or a streetcar because we want to make this a more livable city for us. And then others notice. And I think that's a very healthy thing, as well, that we keep making these policy decisions and investments because it's for us, because of the quality of life and values that we all share, and then that becomes an example, in fact, there was a group here from thailand yesterday, from, to the world and to others in the nation, about how a city, can get these things done. And I think that those three things, the fact that there are more than the five of us who as elected leaders have carried this torch, that there are a lot of citizens constantly Bringing forward good ideas and we're soliciting more them. And that we have a habit of trying to create a livability city, whether it's avoiding the disruption of an environmental disaster like coal trains running through the city, or building the next piece of the intertwine. We get these things done for us. And I hope that we get a lot more of them done, so, thank you for this honor. Thank you all for your commitment to this effort. It's going to be a lot of fun. Aye. [gavel pounded] [applause]

February 13, 2013

Hales: We would love to take a moment and do a photograph with our guests. We'll recess for a moment and do that.

The meeting recessed at 10:33 a.m. and reconvened at 10:37 a.m.

Hales: Bring up the second time certain.

Item 122.

Hales: Calling up martha and her staff and congratulate them, our, our intergovernmental staff does amazing things, and including getting the governor's seat in the, in the president's box, or the first ladies' box of the state of the union speech. That was a coup. Well done. You need to take credit for that.

Martha Pellegrino, Director, Office of Government Relations: Mayor, I can't wait until I get a call from the governor's office on that. [laughter] good morning, mayor and council members, for the record, martha pellegrino, director of the of the office of government relations. I don't want to take it as a personal sign that everybody left the room. There is a lot of great issues in the record we're bringing today. It has been a, a really, really, a good process by which we got to the place where we are, before I just got a brief presentation and, and before I do that, I would like to acknowledge my staff and the team who put this report together, to my right is neil, who has done the lion's share of the research and drafting. And I would like to thank vicki, our d.c. Representative, who is not here today, but vicki makes herself available to us on a daily basis when we ask for her advice and help, and advancing the city's federal issues. So, in her absence, just want to acknowledge her great work, as well. And through the process, we have gone through and in building the federal agenda began in august. When we began soliciting items and, and we have also done significant outreach to our delegation offices to try to find some areas of alignment with the work that they are doing. And we have had a robust community engagement process, and thanks to commissioner Fritz and her leadership. We had two very well attended sessions, where the community provided input into many of the issues before you, and we also had an incredibly successful advocacy 101 training session last month. I think, but, 200, over 200 people signed up to come to That, there is really a lot of interest in the work we are doing, and a lot of support for, for many of the issues in the agenda. Briefly just turning to the structure of the report. The federal agenda is organized in two sections. The first is the city's top priorities, and the second section are the policy positions and other funding priorities. The first of the priorities is the Portland harbor cleanup, and brownfield section. Followed by a priority that encompasses public safety, mental health, and gun violence prevention, and maintaining federal funding programs on affordable housing and homelessness. Next is emergency preparedness, and this encapsulate two concepts. The first is reauthorization of predisaster mitigation, which could help us to expand a pilot that we're doing in Portland. Commissioner steve novick and blumenauer's office have been helping us to get the pilot off the ground for residential seismic retrofits. And it also encompasses the preservation of funding for the urban area security initiative, whether which are homeland security dollars that flow to the region. And lastly, the city's federal transportation priorities, as congress begins to look at developing its next transportation bill. I will also like to -- that's kind of a quick run-through. I also want to, to, if we could Hand out -- ok, there is a, a memo that just briefly talks about the changes that have gone into the agenda since december 4th. So the last time we brought the draft agenda was on december 4th, and had a conversation about, about, about what some of the ideas coming to date and since have gotten a great deal of, of input and, and edit, so this shows the new things that have come in, and the public safety, mental health and gun violence prevention, a new priority, and transportation item was significantly revised. We have done some tweaking to the language, and the emergency preparedness, and done refinements of the language on the ld-2 item, and added climate change to the energy environment section, and also, refined the language in the immigration reform piece, which is -- helps us be more reflective to what the conversation at the

February 13, 2013

federal level so that's a really quick overview of that. I can pause there and take questions and comments.

Saltzman: Do we deliberately not have a reference to the columbia crossing in our --

Pellegrino: Sure, commissioner, thanks very much for the question. It was not anything that was submitted for consideration. And so what you see reflected are, when the city is developing its transportation priorities, this is what has come to our office.

Saltzman: ok, I expect your office recognizing the dance we do with, with our partners in Congress and our partners throughout the state of Oregon and Washington, when you see issues, and I know you had a long, hard hearing. I don't know. It seems --

Pellegrino: I think that --

Saltzman: If we want to be on sort of, onboard with what our state and federal leaders are trying to do, we should at least have some reference unless we are not onboard, and I don't know. I'm not sure where this council --

Hales: There may be less to that, than meets the eye, in the way this is drafted, reflects the new reality, which is we care about what the federal government is doing programmatically a lot, and there are really not any earmarks any more. Now, the crc is an exception to that, and the secretary, himself, has called it out as a project of national significance. So, I guess my sense was this is more forward looking about the program changes, and that we want to see, and the things that we want them to keep, like the small starts program, and or to start doing something on high-speed rail, we're already, as a city on record, and in the region on record as supporting the crc, and that, you know, the request is in, and I don't have any problem with mentioning it.

Saltzman: So we are.

Hales: Oh, yeah, I believe we are formally on record as, as supporting the project because of the counselor's action last year or the year before. So, you know, again, I don't have any quarrel with mentioning it here, but this was more about the programs than about projects.

Saltzman: Ok. I wasn't sure that we were on record. It would it seems to me if we were on record we should have it here because I can imagine our congressional colleagues, that sticking out. That omission sticking out.

Pellegrino: Commissioner and mayor, it is not something that we're, where the city has been the lead in lobbying on the project. We have not, at least since I have been the director, since 2010, there have been other groups that have really taken the lead in Washington, and the, a number of other groups. And we've been monitoring the project at the project level and the Portland bureau of transportation has stayed engaged at the project level, but we have not been a part of the chorus. That has been active in on this. So ultimately, it's really council's decision, if that's something that, that, that -- it wasn't in last year's agenda --

Saltzman: Now that I look at the table of contents it says top federal priorities so maybe it does not belong there. It just seems like somehow, somewhere in this document we should reference that. I will leave it at that.

Hales: The other reaction that -- obviously, I was not here when the council took previous actions like approving the lpa. The locally preferred Alternative. But this is a state appropriations request of congress. It's odot and wash-dot's project. We have a stake in it and we are in support of it on the lpa so I think that we are firmly grounded, but frankly I want us to be using our influence in Washington on the things on this list that we have a particular local stake in.

Fish: I expect that we are all going to be asked to come down to d.c. At some point to advocate on pieces, and typically, there are things within our wheel house that have an immediate impact on us and not tag teaming with some other level of government. Lord knows it's hard enough to get an audience with the key people, and we tend to be focused on things that are going to immediately affects us and our budget, so, I would concur with what's been said, which is the council is on record, but this, this is a, a, this document reflects a, current priorities and policies and things that

February 13, 2013

we will be taking the lead on in Washington. And my understanding is the crc is primarily the lead in the crc is the dots, the two dots, and particularly, the two governors who have it in their agenda.

Fritz: And I would like to add that the last time that we had a public hearing on this before the council was in 2009. And, and things have happened since then, and we are looking at, as commissioner Fish noted other priorities for targeting for federal moneys, so, I think that at some point, this council should have a discussion again on this, whether the level of support for the crc but I don't think this is the appropriate place to do it. It did not come up in any of the public meetings so I do think that we need it --

Hales: I agree, and just to key in on that. Martha and I were in salem yesterday, a number of meetings, and you've been down already, commissioner Saltzman, and they had massive hearing about the columbia river crossing this week. I think that we will know as a city, is this project dead or alive? Is it moving forward? And local issues that we care about like the impact on highland and bridgeton and elsewhere, on hayden island, and I think it will be very appropriate for this council to weigh in on whatever revised version of the project is funded by the two legislatures, if that's where they end up. Other questions or comments for martha? You had some other stuff that you wanted to cover?

Nils Tillstrom: No, we're good.

Fish: Does the council have any amendments being offered?

Hales: I believe that there are.

Novick: I would like to restore the lt-2 relief item to the priority list where it is historically, where it historically ban, and commissioner Fritz suggest using The language that was in the draft agenda that I will now pass out. And, and the director suggest adding to the language in the draft agenda, some of the language that was in the, the final, the final version, and I apologize for not having the - - having all of that typed up, but the way that the amendment would read is to restore it to the priority list, and to have it read, the city will work diligent with the epa to pursue relief from water stream and storage requirements of the federal long-term and water enhancement role, lt2, for the drinking water system. The city seeks assistance pertaining to the same consideration from the environmental protection agency as new york city to evaluate alternative compliance options for the uncovered drinking water reservoir environments and to improve the methodology of the rules, to protect public health. That's the language that was in the agenda. What we would add would be the last two sentences from the final agenda, which would be the scientific basis, the rules should be improved, focused on [inaudible] species, and second any changes to laboratory methods, should [inaudible] to account for Portland's seasonal source water characteristics.

Hales: So commissioner, steve novick moves the amendment, is there a second?

Fritz: Second.

Hales: So those are available for public commend.

Fish: Steve, I pose a question since you are the author. What specifically are you referring to with the language, methodology of the rule, which requires out of date methods that do not protect the public health?

Novick: I think that overlaps with the language from the agenda but I would like to call out mr. Schaff to address that.

David Shaff, Director, Portland Water Bureau: good morning, I am the director of the Portland water bureau, david schaff. There are a couple issues, specifically, with the rule and the methodology for detecting cryptosporidium. Under the rule, for purposes of the rule, crypto is crypto is crypto, the rule doesn't differentiate between the subtypes of crypto that are known to make humans sick, and those that are not known to make humans sick. So, this is that genotyping that we talked about in the past that we tried to push the rule, for a rule revision where we would determine the activity, determine the subtype of the cryptosporidium. The second one has to do with just the fact that we have seasonal variation to our water that creates problems in our

February 13, 2013

cryptosporidium sampling. We have come up with solutions that have been adopted and approved by the epa, but the epa is going through a rule revision and, and some of the revisions that they have proposed could jeopardize those changes. So, those are the two specific areas on the methodology that we're interested in.

Fish: As the maker of the Motion, commissioner novick, was that your intent, to address those two issues?

Novick: Yes.

Fish: I am happy to second the amendment for purposes of the discussion.

Hales: So it's on the table and we can again, have further discussion with staff now or at the end of the hearing, and take testimony on that as well as the rest of the package. Great, thank you very much. Do we have people signed up to testify?

Moore-Love: Yes, three people signed up.

Richard Ellmyer: I am Richard ellmyer. Portland's 2013 federal legislative agenda, says it supports policies and action to reduce the emissions of harmful greenhouse gases. And the transport of coal through Portland by train and barge, destined for burning in china, is an immoral aiding and abetting of climate change. Portland's 2013 federal legislative agenda section on coal development and, and export couldn't dix its climate change policy by allowing for the possibility of coal shipments through the pacific northwest under certain condition. If the city of Portland recognizes climate change, which it does, then there are no condition under which the transport of coal through Portland be condone. None. The transport of coal through Portland by train and barge destined for burning in china is an immoral aiding and abetting of climate change. It is not acceptable under any conditions. Period: Last night, president barack obama forthrightly warned of climate change. He set the stage for unilateral regulatory action to cut down on carbon emission. "if congress won't act soon to protect sooner generations, I will. I will direct my cabinet to come up with the executive actions that we can take now and in the future to reduce the pollution, prepare our communities for the consequences of climate change and speed the transition to more sustainable sources of energy," unquote. One of those actions needs to be the stopping of coal exports planned for the pacific northwest. The Portland city council is obliged to instruct its lobbyists to encourage president barack obama to follow through on his pledge by stopping coal exports through our community. Portland's 2013 federal legislative agenda addresses climate change and coal exports. But Portland's 2013 state legislative agenda screams silence of both subjects. Why is that? Just moments ago, Portland accepted host city status for world environment day. How are you planning to explain to all the united nations attendees those coming for the no coal gathering and the press, that the Portland city council forgot to instruct its state lobbyists to support climate change prevention with no coal export legislation. The eyes of the nation, if not the world, will be on Portland june 5th. United nations world environment day. The Portland city council is going to have to do a hell of a lot better whether it comes to real, incredible actions to stop the export of coal through our city, our state, and the pacific northwest. Please don't embarrass us. Thank you.

Hales: Thank you.

Floy Jones: Good morning. I am floy jones. I am with friends of the reservoirs, and I am also speaking on behalf of kent craford with the Portland water user's coalition. We want to thank you, thank the city council and specifically, commissioner novick for submitting the recent letter to the Oregon health authority, requesting a deferral of reservoir projects. And we also want to acknowledge the letter from congressman blumenauer that echos the position of the city. And you know, just make clear that we believe that this speaks clearly as to, the opportunity that exist now for real meaningful reform of, the onerous requirements related to lt-2, relief for the open reservoirs and relief for our source water. And this was the city federal priority last year. It was included in the draft rule, and I appreciate, we appreciated the amendment that was offered, and I think that

February 13, 2013

that's, that's an acceptable amendment. And you know, given commissioner Fritz's hard work over the, over the many years that lays a really good foundation, and as well as the letter that was submitted now, to, to put together a really strong -- to work closely with the delegation to, to put together really strong effort to, to produce a win at this point. We've been working on this issue, and for many years, and it's time to produce that win. I won't read for you the whole list all of the organizations that support this, and but it's a very long list. We have consistently worked with these organizations, to support relief, and i'll just name a few of them. Oregon physicians for social responsibility, and the Portland water user's coalitions, the industrial council, the Portland business alliance, the audubon society, and Oregon wild bark, and coalition for a liveable future, and southeast uplift coalition of 20 neighborhoods, so, there is very strong support, and let's make this happen this year. Thank you.

*****: Good morning --

Hales: There is a button to push to make that light up. There you go.

Dawn Smallman: There we go. Thank you. Good morning. I am dawn smallman. I am a homeowner in the mount tabor neighborhood and an association member. I have also submitted some written testimony from the mount tabor neighborhood association for the record here today. And from here on out, these comments are my own. First I wanted to say thank you for your continued efforts to fight the epa's costly lt-2 rule. I would like to thank commissioner Fritz for her ongoing advocacy on this issue and to commissioner novick for writing the lettered to the Oregon health authority that has reopened the conversation about this issue at the state level. Thank you to mayor hales for including the fight for the lt2 regulations as one of the city's 2013 federal legislative agenda priorities in the report here today. Also I would like to just publicly acknowledge and thank congressman bloom how for addressing the issue with the Oregon health authority recently. In august I attended the city community forum that was led by commissioner, Fritz. Where the public comment was taken and tallied to, to help represent the public opinion in the city's 2013 legislative priorities. And in that meeting, fighting the lt2 rule and getting relief from this rule as it applied to the drinking water source and infrastructures, including the historic open reservoirs, was ranked as the highest priority. I am here today asking that you modify the proposed 2013 legislative agenda to specifically include the language that includes mention of our protecting our open reservoirs. And throughout the many years, so many people from the public Have voiced the opinion of ongoing support of maintaining the open reservoirs, so you all know that the public support is there on this issue. If science and common sense to be part of the fight against the application of a one size fits all costly lt2 rule and mandate, it also means that we should fight for our proven to be healthy method of delivering public drinking water via our open reservoir system. And please include, please include protecting them in the language of this year's legislative agenda, and including a common sense, site-specific risk mitigation approach as a more frugal option to address and mitigate any concerns that, specific to our individual reservoirs. Thank you very much for your continued efforts on these.

Hales: Thank you. Questions? Please.

Veronica Bernier: I guess it's my turn. Let me scoot up. I am a little short on the table here. Good morning. Good morning, mayor charlie hales. Nice to see you looking well, i'm glad to see that, charlie hales. Good morning, amanda Fritz, you always look so nice. And good morning commissioner steve novick, nice to see. And good morning commissioner dan Saltzman. You always look well. And a, ok, and good morning nick Fish, commissioner you are doing a great job on project one fuzzy.

Hales: State your name for the record.

Bernier: I am veronica bernier, a graduate of Portland state, a former nicu nurse of 30 year's duration, that damage assessment training trainee, and we are trying to help the place get better. One of our concerns, of course, is staying warm during the winter, and I understand the need about,

February 13, 2013

the needs about coal and stuff like that. I just wanted to bring forward some of the prior proposals that came through about energy, and fuel with regard to this city, have been many. Commissioner Randy Leonard came through with a real interesting proposal about using alternative fuel for cars. And that was a green fuel objective. And it was fruit-a-haul, and that was his idea about fuel for cars, but we're talking about fuel and warm stuff like that. I am from Connecticut, a Connecticut Yankee, in King Charles Court. So to speak. That was funny, you can laugh if you want. Ok. Anyway, I am used to shoveling coal. We shovel coal to stay warm during the winter, and I understand the needs. I just want to point out some public health interest facts here, with coal there is a lot of dust, and you really, be careful. The miners that mine it, that thing that is real important, too, the longer the coal goes, a lot of indigenous diseases, and one of them is lung disease, they call coal miner's lung. And I just want to stress the need to be safe with the process used to warm up, that includes heating oil, coal, log, of course. We don't want to burn any log that have poison on them, might get poison oak on the lungs. But the main thing is to be very safe with any process used for heating, especially as it relates to people that have families and little children. Just remember in the past, thanks a lot.

Hales: Thank you. Do we have anyone else signed up?

Moore-Love: That's all who signed up.

Hales: Ok. Martha, a question, maybe, so given, this was drafted prior to the president's state of the union speech. And as Mr. Ellmyer pointed out, he brought up the possibility of executive action on the coal issue, not just congressional action, or regulatory decision-making. Do you think our statement, as it now stands, with maybe some council comments on the subject, gives us a basis for being active on the executive actions, or do we need to change the language?

Pellegrino: Thank you, Mayor. I do feel like we have a, you know, the issue called out specifically in the agenda, if the president issues some executive action, I don't think any reason why the council, they forecast their interest on the topic, and that council could weigh in on that.

Hales: Other questions for Martha? Great. I believe that we are ready to adopt a report -- or we need to take up the amendment first. We have an amendment on the table. And any further discussion on the amendment? If not, then we'll take a vote on the proposed amendments.

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

Hales: Aye. Ok. Now the report as amended, please.

Moore-Love: A motion to accept the report?

Fish: So moved.

Fritz: Second.

Hales: Roll call.

Fritz: Thank you to Martha and your wonderful staff in the office of government relations and to the entire council for participating in and for our community for participating. We had 250 people attending our lobbying legislative lobbying training, and many, many more participating in some way or another over the course of the last year to help set this agenda. So, I feel very comfortable that it does reflect the, the community's concerns, as well as the elected leaders' concerns. Particularly Tim from my office and Stephanie in your office for their work and the community involvement piece. And my new colleague, Commissioner Novick who acted very quickly when this was brought to our attention, when the issue was brought to our attention by the diligent folks in the community watching it. I had seen it in the draft, and I had not caught that particular detail. So, thank you, Commissioner, it is a pleasure to work with you on such short notice and for the council for being willing to make changes. You can have a whole several months' long process and people coming in at the end or sending emails at the end and do make difference. That's the kind of, of city we live in, and that's the state and the federal government that we live in, and I very much appreciate being a part it. Aye.

February 13, 2013

Fish: Martha and nils, thank you very much. Job well done. And commissioner -- Fritz, thank you for the robust public involvement through this process. This is a, a very comprehensive agenda, and ambitious agenda, but it reflects our core values, and every year we get this wins. In the year sequestration and gridlock, this may be our most challenging year ever. But, we are blessed to have a fantastic government relations team that guides us in this work, so thank you both for your work. Aye.

Saltzman: Aye.

Novick: I want to -- echo commissioner Fritz's thanks to the members of the community, to martha and her team and my fellow council members for putting this agenda together. There are a few things that I wanted to note. One is the fact that our federal agenda is aligned with our city priorities and our state priorities, and it's critical for the federal government to continue and augment and restore the investment in affordable housing. It's critical for the federal government to implement the affordable care act, partly because both those things will help us keep the city safe because there is people who get involved with the criminal justice system partly because they have no housing, they have no mental care and the affordable care act will ensure that they get that care, which is important in and of itself and it will make a contribution to public safety. There's one thing that I specifically wanted to call out, we state in our Portland harbor superfund item, that we support congressman blumenauer's passing the reinvestment act, and I applaud the congressman for his continued work on this tissue issue. One thing that I think that the people might not know is that the superfund used to be partly funded by a tax on the oil and chemical industry, which the congressman wants to restore. Newt gingrich decided to kill that tax in 1995 when I happened to be working for the federal justice department doing environmental law, and including superfund cases. And one of the most annoying things about newt gingrich killing that tax is that the oil industry has a special exemption From site-specific superfund liability. From the beginning. It was called the petroleum exclusion. So, they are not on the hook for site-specific superfund liability arising from petroleum products, but the fact that there was a tax that applied to them kind of made up for that. But then the tax was killed, so in one of the more dramatic demonstrations, the power of the oil industry in this country, they don't have to pay for site specific liability or a tax to make up for that. So, I really hope that, that somehow, after 18 years, congressman blumenauer succeeds in restoring the superfund tax. That being said, I vote aye.

Hales: Well, I want to thank our team and our community for putting together this good agenda. I think looking at both our state legislative agenda and this one, I think that we have a chance to be influential for several reasons. One, because we have a short list key priorities. Two, they have a special bearing on the situation of Portland. And three, we do have broad community support for what we put into this document. And we have to follow up on that, not simply by adopting these reports and going on record, but then investing time, as I know we all are, in the process. I'm heartened about a couple of the issues in terms of investment of my time. I have gotten involved in the u.s. Conference of mayors, and I See a lot of activism among mayors around the country on some of these issues, immigration reform, gun violence. And climate change. Cities are being visited with the direct results of climate change, as we speak, take the east coast, because they have gotten the worst brunt of it lately, so I think that we, as cities, have a chance to be influential because we see these results first hand, and we have it deal with the practical realities, and we have a short list with a lot of community support. So, I think that this is a accord agenda, and it's our job to go and advocate for it, and signing onto coalition like mayors for marriage equality or mayors against gun violence is one thing that I have done but I will also put time and effort behind that, and I hope all of us continue to do that, and be able to say at the end of the session of congress and this session of the legislature that we made a difference and got some of this done. So thank you for the good work. Aye. [gavel pounded]

Hales: All right, we have a couple of regular agenda items. Karla.

Item 134.

Hales: Good morning.

Michael Armstrong, Bureau of Planning and Sustainability: Good morning, mayor hales, I am michael armstrong, I am responsible for the sustainability programs in the bureau of planning and sustainability. If I can, I would like to just describe what's in this Ordinance, and then answer any questions you might have. So, the ordinance in front of you would authorize the bureau of planning and sustainability to provide grants up to 30,000 to fund energy efficiency improvements in small commercial buildings. We have heard several times this morning, you are all aware, energy efficiency has been a priority for the city, in our own operation, as well as throughout the community for several decades now. It's really one of the best ways that we have to keep business and household costs low to create jobs, to reduce carbon emissions. The funding for the grants that would flow through the city and out to the small businesses is part of a larger u.s. Department of energy grant that Portland competed for and won three years ago now. 2.5 years ago now. Most of that grant was for single family homes, and that's the funding that has supported clean energy works Oregon, which helps single family homes install energy efficiency improvements and has retrofitted several thousand homes. A small chunk of the funding was set aside for commercial buildings. That's the piece in front of you now. The ordinance in front of would enable us to provide the commercial funding directly to the businesses that are installing the improvements in these small buildings. Specifically, this is focus on energy improvements in buildings of up to 50,000 square feet, the funds would pay for the, the 50% Of the eligible costs of the energy efficiency part or for nonprofit organizations, it would pay 75%. The total amount is \$30,000, so it's capped at that, and this would pay for insulation, heating and cooling equipment, and lighting and controls, in some cases food service equipment. It's intended to work side-by-side with the energy trust of Oregon incentives, so this is integrated to make it easy for contractors for the building owners, as well as consistency. We have a limited amount of funding. We are putting it out. Proposing it put it out on a first come, first serve basis. The funds have to be spent by the end of the federal fiscal year. So we are eager to get it out there. And lastly for very small buildings, those under 10,000 square feet, we also have the ability to offer technical assistance to figure out what improvement the building needs so people call and request that assistance and figure out if there is a project that they can do to help them access the funds. Historically small commercial buildings have been extremely difficulty to reach. Our hope is with this relatively small amount of money is to support building owners to make these improvements and learn from that as to what the barriers are and how we can help make those improvements going forward. Hopefully position ourselves and our businesses to get access to more federal funds as they come available. I'm happy to answer any questions you have.

Fish: Mayor, I have one question. Michael, it looks like a wonderful program. The one piece that I'm still not clear about is the first come, first served. I've been trying to think of other programs where we reward the first in. Most of our programs, we set a deadline for people to apply, then we rank or evaluate them. We have some criteria designed to make sure that there's geographic distribution, or equity—whatever our values are. My only concern with first come, first serve, is it might reward people that are either in the game or have a special connection to this program and might end up limiting the reach of the program. I wondered if you considered any -- I realize it is a small amount of money. If we're talking about a maximum rebate of 30,000, it could be as few as, you know, 13, 14 projects, but did you consider any other method for evaluating that was other than who was first to the door?

Armstrong: We did. It is a really good point. I think a lot of this goes to the need to spend the funds quickly and to learn from them. So, in essence, doing this as a pilot program. We need to have a number of buildings go through this process and understand what has kept them from doing it up to now. A little money to help them complete the project and then figure out how we can

February 13, 2013

help others do it on an ongoing basis. Part of this obviously is funding. You know, we wrestled some with the first come, first serve bit as well. We have tried by establishing the criteria for participation, as well as having various trade allies aware and -- they are eager to take this out and it is a pretty broad reach. But it is true that the program will serve a relatively small number of actual projects. So our intent is to do that as a pilot and learn from it.

Hales: The companion question might be how do you plan to market this or make people aware of this so that if we are doing this on a first come, first serve basis, it is a fair contest among people who have been insiders and paying attention and those who don't fit those two descriptions?

Armstrong: Absolutely. The key allies, the people who are prepared to take this out, you know, business assistance program that we have, planning sustainability at work, Portland development commission's direct services to businesses -- it is largely the trade allies, so there is an existing set of contractors and there are trade allies who routinely work through the energy trust of Oregon programs. They're all aware of the likelihood of this program. And so because anyone who is going to do a project is almost certainly going to want to tap into the energy trust of Oregon, by reaching the contractors serving those projects, think we're well positioned to make sure that anyone who might hit these criteria will be aware of this. Timing is always a challenge. Anybody who did their improvement last year didn't have this opportunity. Anybody who had been planning to do it next year, you know, they also will lose that opportunity. That's unfortunately the situation we're in. We have a limited time to use these dollars.

Fish: I'm not suggesting that we create bureaucratic headaches for you. For example, during our budget work we divide the city into zones. We look to see how are we delivering services and other things by zone? That keeps the focus on making sure that we are doing things in east Portland, north Portland, other places. I wonder if even a simple modification that says there will be some guarantee of geographic distribution and some allocation that modifies first come first serve so that when you come back to us with your -- whatever you've learned from this, we can, you know, say that we have spread this out throughout the city, and captured experiences small business, medium sized business in every business district and maybe not just those in downtown in a particularly well organized business association.

Hales: I like that suggestion.

Fritz: Could you market them as the mayor and commissioner Fish said? For instance in the neighborhood prosperity initiative districts?

Armstrong: Absolutely. That is one of the other channels that is our position to take this out. So, it certainly is our intent to get the word and in part by targeting on smaller buildings, almost by definition, expecting to reach buildings that historically have not been able to participate in these programs. I guess I only hesitate to say -- we absolutely can achieve certain quotas for geographic distribution, because I'd hate to leave money on the table and have it go back to the federal government and not get spent here in Portland. It is our intent to get this out through the neighborhoods, through the prosperity initiative, all of our business assistance programs. I welcome suggestions about other ways to make sure that we are getting this out as broadly as possible and as quickly as possible.

Saltzman: What I would suggest is make the attempt to get geographic distribution. But recognize you need to get the money out the door, you have a limited amount of time and we may not get applicants from every geographic area, but you make that effort.

Armstrong: We absolutely will seek applicants from every geographic area. I could follow up with specifics on how we're trying to do that and enlist your assistance in connecting us to other ways as well.

February 13, 2013

Hales: I think the neighborhood prosperity initiative suggestion is very good. The venture Portland network neighborhood business organizations, there are some ways and means to use to get the word out to a lot of people simultaneously.

Fish: If the language is modified to stay we are looking for geographic distribution, for profit, nonprofit, and a caveat thrown in that ultimately the final decision is at the discretion of the bureau, first come, first serve is the general rule. I would carve out the discretion to pick and choose if you have the luxury of more asks than the funding requires, you can come back to us and say that you made some judgment about the pool. But I don't believe under any contracting rules you are required to say absolutely, first come first serve. That may be your general rule. I would build in discretion so that you can ensure that the values that we have identified are reflected in your selection.

Fritz: I note that the very phrase, first come, first serve, implies that we are waiting for people to come to us. I would like to see that you go first to neighborhood prosperity initiative districts, first to the underserved communities to tell them this is on the table. It is whoever applies first but we're here to tell you about this program rather than, as has been pointed out, expecting people to come to us.

Armstrong: I think that is exactly right. That is our intention.

Fritz: Right.

Fritz: Do we need to amend the language at all, commissioner Fish?

Fish: Let me ask our esteemed council. Do you feel like the sense of the council has been established on the record sufficient to give the bureau guidance, or do you believe we need to amend the ordinance?

Ben Walters, Chief Deputy City Attorney: My understanding in working with staff on the project was that first come, first served was intended not so much as a goal as it was that they're trying to get the money out the door. They don't want to have money sitting, waiting for additional applicants on some criteria. I think staff is well aware now of the council's desire to have geographic distribution as a goal in and of itself in the projects, and it really is up to council, if council is satisfied that staff has gotten the message, then I don't think an amendment is necessary, but it is up to the council's prerogative.

Fish: I would be satisfied mayor, if it is the sense of the couple we want there to be robust outreach and to the extent the director has exercised her discretion, some consideration for geographic distribution, i'm satisfied that that is the sense of the council and it does not have to be reflected in the ordinance.

Novick: Mayor, commissioner Fish, just from a nitpicking standpoint, I wonder, the ordinance does refer to the language of exhibit a and exhibit a does have the sentence about first come, first served. I mean, just to be as clean as possible, would it be -- would there be any problem to amending it to delete that language with the understanding that the -- that there is -- that the city does know what we want the city to do? But just a little uncomfortable leaving that language in there as an attachment to the ordinance.

Hales: Exhibit, attached to the ordinance, in effects the rules and procedures for this program. Actually I like that suggestion, deleted that line, but have a sense from the council an aggressive outreach effort for geographical diversity, use neighborhood prosperity initiative districts and venture Portland network of neighborhood business associations, first come, first serve is the default or baseline for this program. We will do better than that at every opportunity. I don't believe we have to have that in exhibit a for you to proceed as long as that is the sense of the council.

Fish: If that's the amendment, I would say let's extend it to -- from exhibit a also to exhibit b, recital two, so that we're consistent and we're simply saying we have this financial incentive

February 13, 2013

program. We understand first come, first serve is the default. Given the sense that the council would like to see robust outreach and geographic distribution.

Fritz: Delete it from section five also of the findings.

Fish: Second the motion.

Hales: Any problem with us from a contracting standpoint if we do this?

Walters: If we could be a little more specific in the amendment to recital two of exhibit b, if we could strike the language about first come, first serve, financial incentives and it also says provide support for energy efficiency in small buildings. Otherwise that is part of the intent of the program.

Fritz: It is providing financial incentives. Couldn't we just delete first come and first serve?

Walters: You could do that.

Fish: I second the motion which would amend the documents as has been articulated by commissioners novick and Fritz.

Hales: We are in several incidences going to delete the reference of first come, first serve, but leave the remainder of the recitals and provisions in exhibit a and this record of the council's instructions to the bureau should be sufficient to the task. Any further council discussion? Anyone else that has signed up to testify on this?

Moore-Love: No one else signed up.

Hales: Let's vote on the package of proposed amendments. Vote on the amendments, please.

Fritz: I greatly appreciate the on the spot amendment to make this better. Aye.

Fish: Aye. **Saltzman:** Aye. **Novick:** Aye. **Hales:** Aye.

Hales: This is an emergency ordinance, so a vote on the ordinance itself.

Fritz: Thank you for this program that is part of the \$20 million that we got from the federal government. Implements the last part of that program and now that we have been thoroughly aired that it is available, people should hurry up and sign up for it. I appreciate the work that has been done and will be done. Aye.

Fish: I want to thank the obama administration for actually making stimulus funds available to cities like Portland. We've used them not only around energy efficiency, but also in affordable housing and many other core projects in our city. I thank the administration for that and I join with commissioner Fritz to say this has been a very constructive conversation, aye.

Saltzman: Aye.

Novick: Aye.

Hales: Thank the council for improving this initiative and want to compliment the bureau, maybe it is flippant to refer that \$340,000 is money rattling around in the drawer but they found a very creative way to be sure that all of the funds get used for community improvement to create jobs and make Portland a more energy-efficient city. I appreciate of the good work. Aye. Okay. Item 135 please.

Item 135.

Hales: Good morning.

Lance Lindahl, Portland Bureau of Transportation: Hello. Right of Way acquisition, Portland bureau of transportation. Before you is a proposal to vacate an unimproved portion of ne summer street, approximately 5,000 square feet in size, located west of northeast 14th place. Initiated by mr. Guy skeele, owner of the abutting property to the north. The purpose is to eliminate the dumping of garbage and other debris along the unimproved public street. City bureaus determined that this dedicated in longer needed and in support of the vacation that is proposed. I am available for any questions. Thank you for your time.

Hales: Anyone here to testify?

Saltzman: How will vacating this property improve the dumping of trash situation?

February 13, 2013

Lindahl: The homeowners to the north and south have recently moved into this neighborhood and they would like to see it back to their private property lots and improve with new sidewalks, lawn, garden space.

Fish: I'm always confused about this. Is this particular procedure that we follow subject to remonstrances or is it just whether we -- does the public have an opportunity to weigh in either support or oppose this prior to the hearing?

Lindahl: Yeah, the public gets to weigh in at the bureau level, also at the planning and sustainability commission level. They have a hearing on it.

Fish: Have we had any opposition to this?

Lindahl: No opposition at all to this one.

Hales: Thank you very much. This moves to second reading. And item 136, please.

Item 136.

Hales: Roll call.

Fritz: Does this include the amendment to take out the one property that we discussed last week?

Hales: I believe so.

Moore-Love: New ordinance that was in your packet.

Fritz: So it is the revised ordinance.

Moore-Love: It is. **Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Novick:** Aye.

Hales: Aye. We will recessed until 2:00 p.m. This afternoon. Thank you.

At 11:31 a.m. Council recessed.

February 13, 2013
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.

FEBRUARY 13, 2013 2:00 PM

* * * roll call.

Hales: So we have one time certain item this afternoon.

Item 137.

Hales: Ok. We have a presentation here, jack?

Jack Graham, Chief Administrative Officer: Good afternoon, mayor. Commissioners. I'm jack graham, chief administrative officer. I'm joined by one of our citizen members of the technology oversight committee, ken neubauer at the end. And also we have our newest member of the committee, colleen gadbois, who is in the audience today. We have a couple other members who were not able to be here today. Some of you may have already met but i'd like to introduce our new chief technology officer for the city, ben berry. He's been on the job for a long time starting january of this year. And so he's got -- he brings to the city a lot of technology leadership, and also a lot of perspectives on the projects that we are engaging and reviewing. That's because he was a member of the technology oversight committee as an appointee of commissioner Saltzman. So I thank commissioner Saltzman for bringing the challenge to the table. Ben actually participated in a national search that we did for this position, and he came up on top. He went through a process of being involved with stakeholders and also his leadership team, and i'm pleased to say the leadership team at bts unanimously select him and no one else. He comes highly recommended from the committees and also the team he's con going to be working with. I would also like to introduce abby, who is actually on our omf leadership team. And as far as communication team at omf, I know she wants to be on the leadership team one day. And she provides the bulk of all the day-to-day support for the committee, and handles a lot of the communications for the committee. So i'm going to be very brief, because I want to turn it over to abby who is going to talk to you a little bit about the role of the committee, and what the committee's charge is. And then ben is going to provide you with some information regarding past quarter activities of the committee, the projects that are outstanding, and the projects that the committee is actually overseeing at this time. So with that i'll turn it over to abby.

Abby Coppock: Great. Thanks, jack. Well, as a background on the technology oversight committee, we refer to it as the toc in the bureaucratic acronym. It was established back in the spring of 2011, it's an Independent five-member citizen committee that reviews select city of Portland technology projects. Projects may be selected for the toc portfolio based on the size of the project budget, the potential risks, the impact to operations, and community interest. There's a formal intake assessment that both project bureau directors and the chief technology officer complete that determines whether a project is selected for toc oversight. As cio jack is the final arbitrator if needed. We encouraging bureaus to involve the toc at the front end of their projects in the early stages when it's still in its planning phase. The toc's primary goals are to increase transparency and accountability by looking at whether projects are completed on time, within budget, and within the determined project scope. One of the required components of projects overseen by the toc is that they have quality assurance, provided by external contractors. The role of qa consultants on these projects is to review and provide guidance to bureau project staff, ultimately they report the qa's unbiased findings to the toc. Bts has established a pool of flexible

February 13, 2013

service contracts with qa friends to help expedite the contracting process for bureaus. The toc serves as an advisory body to city council, jack is the city council appointed advisor and liaison to the toc. Council members may remember Updates on the toc's activities and recommendations through jack, and through these quarterly reports to council. You may also receive individual briefings when necessary from your appointed citizen member. Currently we have one remaining vacancy on the toc, so we'll be working with a new council -- with the new council members on their appointments. The toc meets monthly on the third monday of every month. At those meetings the committee reviews project updates from both bureau project staff and the q.a. Consultants, several projects are selected each month for in-person discussions with the toc, and the toc portfolio currently consists of five projects. You should also be aware in addition to myself, there are a few other city staff that help support the committee, and the day-to-day resources that go into supporting it. I'd like to take a quick moment to introduce them. Please stand when I call your name. Emily rice from the bureau of technology services. And sarah lowe from the city budget office. Before we move on to the quarterly report, do you have any questions about the purpose and the intent of the toc?

Hales: Nope. Great. Please proceed.

Coppock: I'd like to hand it over to chief technology officer ben berry, who will provide an overview on this quarterly report.

Ben Berry, Chief Technology Officer: Thank you, abby. Mayor hales, commissioners, i'm ben berry, the chief technology officer for the city of Portland. I'm going to cover the majority of the remainder of the property, and we'll take questions after that. I'll cover project management, a component we've added, review of projects, i'll cover toc discussed protocols for handling input into tocs by the commissioners, i'll cover the project intake documentation process, i'll cover the toc recent changes in membership. I will also take a look at upcoming milestones for the next quarterly report and then i'll give you a thumbnail sketch of how the project have gone over the last quarter for the toc. First up is the project management for the toc implementation. Several updates came in monthly reporting forms for the quarter, which are used by the bureau of project staff. These updates will help the toc better discern projects' conditions and whether there are risks related to the budget, scope, or time line. Two things here, the project management, number one, one of the updates is a new personnel tracking template. Before our labor hours weren't always captured in our projects, this template will allow for labor hours to be captured. Something that's really big in terms of what the toc is looking for. The other update is revised budgeting reporting template which creates a baseline budget that uses standard categories And time periods. Second up is this toc discussed potential for how to handle information requests or toc opinions. The city council members or other city staff who want to give these updates. The committee decided that any kind of written statement should be vetted and sent on behalf of the entire toc, not just individual toc members. Certain situations may still require one-on-one conversations between toc members and their council member. But the toc wants to recognize those are informal conversations, and not representative of the full toc opinion. So if we get a request in from one of the members of the council members to a toc member, if it's written the entire toc committee will have that vetted and discussed and recommendations, but if it's just an informal discussion, those are not vetted by the toc. Number three, on the project intake documents, these documents were submitted for several sap-related projects this quarter that were determined not to warrant toc oversight. The ones that were were saps, treasury module, sap's learning management system, and the sap's h.r. Forms and processes. We looked at those but did not think those warranted toc reviews. Number four, regarding toc membership, jack has mentioned several, I also bring to mind they've listed commissioner leonard, myself and berry Resigned as commissioner Saltzman's representative in december 2012, becoming a new cto. And colleen has just been recommended and received as commissioner dan Saltzman's representative. Staff are working with commissioner novick on his

February 13, 2013

appointments to come forth. Number five, incoming milestones. This next quarter includes two projects that have recently been completed and will be off the toc portfolio. The storage area network, we call it the san, and the affordable housing software project. Each project will be completing a post-project implementation assessment, which is completed 90 days after a project has concluded. This is intended to capture best practices and lessons learned for future technology projects. So I think this post-implementation review is going to be a good thing for the city, so we can learn from our mistakes, we can learn in terms of putting things forward for future projects, and in general it should help improve for continuous measurable improvement. And finally, i'll report on five different projects that we looked at over the last quarter. I'm not going to touch all these bullets, just some of them. For the itap project, the bureau of development services has an information -- itap project, this is a large and complex project that would transform the way bds and its Customers do business by creating a paperless permitting system and digitizing historical records. Initially it was 1.3 million dollars for the prework, up to this point. And it is estimated 11.3 million expected for the total implementation phase, depending on contract negotiations. The affordable housing software project, the affordable housing software project of the Portland housing bureau is a project that provides single data repository for the city's affordable housing programs. This effort replaces multiple systems with a modern and effective single core system. The exact price of this project was \$836,000. This project has completed, and we will be doing a post-implementation review of that project as well.

Fritz: My understanding it is underbudget, is that correct?

Berry: Is that correct, abby, under budget?

Coppock: We'd have to go back and take a look. I don't think we actually have the actual totals from what their final numbers were. But it looked like they were on target.

Berry: We can get back to the council with the exact.

Fish: Leslie is here from the bureau. We might ask her to confirm, because it wasn't my understanding it was actually completed.

*****: [from audience] No, it is not totally complete, we still have a couple of modules.

Berry: So we will update the record to show that. Storage area network, the need For data storage of the city continues to grow. The bureau of technology services is addressing this through a storage area network that is not only increasing storage capacity, but also increasing the flexibility for how data was stored. This was a \$1.6 million project, this project is complete, it's one of the bts projects, and we would do a post-project implementation review a bit. Monthly billing statements, city council directed the water bureau to modify its billing system and processes so that customers receive monthly billing statements instead of quarterly. The project was revised to allow optional monthly payments which require the customer to sign up for electronic billing. This is expected to be \$40,000 in total, the existing vendor is being used to modify the currencies item. Upgrades to the current system have gone well, this reporting period, but the new modifications have encountered several delays. The project implementation date was revised again from january and mid april, 2013 because of key pieces of the underlying structure didn't pass the city's approval. We just heard earlier this week the go live was pushed back again to july 2013. At this point cayenta must provide patches for outstanding defects for work to continue. The q.a. Consultant on this project met with the water and revenue bureaus, bureau directors earlier this fall on The topic of cayenta delay and poor performance. He encouraged them to meet with cayenta leadership. Unfortunately because of how the contract was written the city has very little recourse to ensure cayenta compliance. Tlc is continuing to monitor these delays and some minor increases in cost. That was the summary for last quarter, and we just had another toc meeting last night, we're starting to get more information on where we are with this particular project. Enterprise network technology refresh. The bureau of technology resources maintains the city's enterprise data network that supports data and voice communications between surfers, application computers, and the

February 13, 2013

internet. Project replaces all network equipment over a five-year period to maintain vendor support and performance and reliability standards. The expected total cost of this project is \$500,000, during this quarter the project implemented new core network equipment in the data center and migrated the server farm. The toc used this project as a routine migration and the most risk in the early phases such as building the core and the city's servers migrations. The committee agreed to provide oversight for the first three milestones which have an estimated completion date of July 2013, similarly the toc suggested a q.a. Provide quarterly report rather than monthly to use funds most effectively. We also have Ken Neubauer from the toc membership.

Ken Neubauer: Thank you for having me here. I know I speak for all the toc members when I say we're very pleased with the work we have produced today. But realize none of it would have been possible without the support staff, Abby, Emily Rice, Celia, and Dan provided excellent support. They've been instrumental in our ability to focus on the projects and deliver on the city's resolution to oversee large complex i.t. Projects. Idles like to comment on the professionalism of the bureau staff. They have gone out of their way in answering our questions, providing data and making themselves available in helping us oversee these projects. Thank you.

Hales: Your criteria for picking projects makes sense. High cost, high risk. Are there -- are there capacity questions? In other words, are there a whole bunch of them, unmonitored projects right now, only a few, just small ones? Give us a sense of what we're not carefully monitoring.

Graham: I'm going to turn to Ben on that question, because he has in two unique positions, one as a committee member and also as the cto for the city. But I think from what I've been reading from the reports, they are not like a backlog, they're trickling in at a rate in which I think it gives the committee time to review them. I appreciate the fact that they're reviewing some because everybody wants to come forward to say, do I need this type of oversight. And so that's a positive thing. For Ben, do you want to elaborate?

Berry: Mayor Hales, commissioners, we have approximately 97 projects that are overseen by the bureau of technology services. There are some projects that we are not overseeing at all, very small number. The big ones, we're seeing those. The toc at any given time has looked at between four and five projects, and that's from a capacity standpoint. But since I've been cto, I am seeing projects that I want to have go through the toc. Because I think we can use some more over-- citizen oversight for some of these projects. I think the ones that we have looked at to date have been the right ones of the 97. But I think I want to put more in front of the committee. And the way we do that is a bureau director has the opportunity to submit an intake form for the toc, or the chief technology officer can submit an intake form for a particular project. If we can't come to terms on that, then the -- Jack Graham, the council's executive overseeing toc, makes the decision whether or not it goes to toc or not.

Hales: And then you mentioned concern about the strength of the contract provisions in one of these projects. Does your scope of review authority extend to making recommendations about how to improve the contract revisions in the future so we have more leverage?

Berry: Mayor Hales, commissioners, I feel that the toc has the latitude to address any part of a project. If they feel a contract does not have the kind of gotchas or deliverables required for a contractor to perform in a manner they're meeting the budget or meeting the schedule or the scope, then the toc should be able to read into that and render an opinion to this council.

Hales: I have one more question, which is, comparison was other cities, for example, on the permitting software, we're not the first. You're concerned about costs there, the committee has raised a flag about potential cost issues on that project, are we looking at what other cities have spent to -- that have completed that process? For example, I'm familiar with Salt Lake, they have completed it, it's working well. What did they spend? Are we in the scope of the committee's work and staff work for that matter? Are we looking at compare errors in terms of other cities that have purchased similar products?

February 13, 2013

Berry: This will be a comparison question. I was not part of the review when they first did the project. Do we have a member from the Water bureau who can speak to this?

Hales: That's actually bds.

Ross Caron, Bureau of Development Services: I'm ross with the bureau of development services, i'm the information -- to the question, we did some research into that. But I don't have any numbers to share with council today. I could look into that and get back to council.

Hales: I would be interested at some point. I don't have to know today. As a matter of practice, not just on this project, but there are some new things under the sun, but lots of cities are purchasing software and hardware that do similar things, I would hope we would be consistently looking at other cities for their experience. Do get back to us --

Caron: I'll do that.

Fritz: If I might follow up on that question, the enabling ordinance for the itap was 3 million, and the budget last year was four to 5 million. I think I heard mr. Berry say it's 11 million? Why? And I appreciate all the good work that's done, I appreciate having the technology oversight committee, but this was a project the committee was in on from the beginning. How come the cost is so different?

Caron: So there's what was in the enabling ordinances was the vendor cost only. And the total project amount that I believe ben shared with us was the \$11 million amount is Both city and vendor costs. So there's that difference between those two costs. And then what was provided in the enabling ordinance was an estimate of vendor cost based on the information we had at the time, and then the actual vendor cost was the actual vendor cost they provided to us based on the criteria set out in the request for proposal, which was very detailed and comprehensive. So that's really where I think the primary part of that difference came out of.

Fritz: What's the vendor cost now?

Caron: The vendor cost now without hosting is \$7.8 million.

Fritz: I think chief administrative officer, this does call into question our bidding process, our contracting process. That's double what we were estimating it was going to cost.

Caron: Yes, it is. I would just share one more point on that. So there were three vendors that went all the way through the selection process. And the top vendor which was -- was 7.8 million, the second place vendor, which is asella who provides the permitting service which we would tie into, and which we were originally going through contractor negotiation with, that cost was at around \$7 million. So there's definitely -- there's a big gap between the -- our ability to estimate the cost of a project and then what the ultimate cost is.

Fritz: I wonder if there should be a conceptual come back to council. Do we even move forward with something like this? We get the contract back after it's been bid and agreed to. We should perhaps be revisiting, is this now the right time to do something? And following up on the previous discussion about the cayenta contract, how are we revising our contract in general? It shouldn't be up to the technology oversight committee to advise us on having clauses in our contract that if the vendor is not performing that we can't recoup some of our money.

Graham: One of the things I think we need to look at, and I think it is good with have this committee, many times when they look at a contract, the contract has a direct relationship back to the work that's being performed. A lot of times organizations don't look at the contract, so if they see something in the contract and bring it back to our attention, it gives us that ability to actually take it up the chain either with our procurement or with the city attorney's office that's approving those contracts. So i'm really -- I think it's a value that this oversight committee would look at it from all perspectives seeing if there's a cost increase, or if there's a cost increase that would relate back to the project.

Fritz: Are we looking at in general all of our contracts should have that clause? Is that something I need to be looking at in every contract That comes through council?

February 13, 2013

Graham: I think what we will do, we'll get back to you, we can look at the prior contracts and do a review of that, and be able to tell you whether that is a systemic problem or whether it's a one off.

Fritz: That would be helpful. Thank you. My final question is, what are we going to do the cayenta contract? Do we have a time line for looking at another vendor in the near future? I was looking for the option of monthly billing for a constituent who emailed me and I can't even find that on the water bureau billing -- water bureau site. What's the plans for moving forward with that?

Graham: I'm going to have to get back with the water bureau and revenue to see where they're at with those negotiations. Because i'm not aware of that at this time.

Fritz: Seems like what we had before is now not an option for customers. Hopefully maybe during the budget process we can get an update on that. Thank you.

Fish: I appreciate the questions that commissioner Fritz has raised. I've been trying to recall some of the earlier conversations about the decision making that led to green lighting the computer system at the bureau of development services, and I do remember extensive conversations about cost, cost benefit, there was some talk about an existing vendor that was providing a Service for another government that we could piggyback off of. There was an extensive conversation about how we were going to pay it, and I believe it was at a time when the bureau of development services was having a revenue shortfall. And whether we have to backfill this somehow. Frankly, I almost feel like we've got to go back to square one on this one after listening to that exchange. So i'm give you an analogy. We have a system where we're supposed to give a level of confidence in an estimate of a cost for certain kinds of capital projects. The one that I remember because it's the most recent was, and my colleagues asked most probing questions, was the greenway in south waterfront. This is the greenway that is -- it's a technically greenway to nowhere because it terminates -- it doesn't go north and south, but it's the piece that was promised that's roughly where elizabeth caruthers park is, at that stretch. And I remember a presentation from the parks bureau where they said they had a low degree of confidence in some of the numbers because they wouldn't know about certain risk factors until they removed the top layer of dirt and found out whether there was contamination. They couldn't forecast the river height and so there were things beyond our control beyond the water level and how that impacts timing and every change that mother nature brought to the project changed the sequencing and timing of the project, which Added more cost. So there was -- I remember a presentation where at the end I was quite confident that if nothing else the bureau had said, that we have very low confidence in these estimates. And after questions from my colleagues, they reaffirmed that we have very low confidence. And I felt that was a terrific hearing. Because we all left with great -- with very little confidence in those estimates, but we understood why. And I am a little surprised by the exchange on the bureau of development services, because I do not remember the same sense when we took this up, that there was such a range. And frankly, i'm not even sure, and I work with commissioner Saltzman, who was the principal author of this technology oversight committee, but I was a cosponsor, i'm not even sure this is logically within your wheelhouse. Because this strikes me as an intersection of our bidding, our contracting, how we conceive of these things, and I don't think we're asking you at the front end to tell us whether we need new technology and whether we should -- you're an oversight committee. And I think we're upstream, and I think there might have been lessons learned upstream of what you do to find out why there could be such a variance between what we thought was going to be the price and what we're now looking at as a price, and then the council's role to weigh in once we got that new Figure. So I think -- I thank the mayor and commissioner Fritz for their questions but I think there's a big issue that's been framed here and i'm not sure I have a clear sense of how we tackle it.

Saltzman: One of the charges is to look at request for proposals before they're issued. So to try to get more upstream and flag issues where there could be things that drive the cost beyond what maybe we're anticipating. I do think -- it maybe totally out of the wheelhouse of the technology

February 13, 2013

oversight committee but I think there's an effort to get them involved at the earliest stage possible to try to avoid situations where costs are diverging from estimates.

Graham: Commissioner, many of the projects that the committee is working on, they had already been underway. Commissioner Fish, as you stated, the confidence level, one of the things is that a lot of the times some of these projects have gone forth and they didn't state in the ordinance that this was a low confidence level moving forward. And many times it's then taken that that is a higher confidence level. By the time it gets to the technology oversight committee, these projects that already once had been approved to move forward, they're actually in the point of saying, you know, are the things you're doing now, are the steps you're taking, the plan that you put in place, is correct, and if you run into a Problem they'll say, what did your contract say? And they'll look at it from that perspective. The newer projects that are coming up, they'll be able to get engaged as commissioner Saltzman said, at the front end of the rfp process to look at it and have a lot more questions on those projects. So I think we'll probably get there somewhat, and the engagement between council at that time and back with the different bureaus and getting back to the commissioners.

Fish: I think what you're hearing from us, we want you to scream loud and hard if even after the council has given a green light, if at that point you think we're going down the wrong path. The technology area to me feels like it's merging with the automobile area. I think some day we're going to go to a dealer and they're going to give you the car because they know where they make their money. They make the money on services your car and telling you that six months later you need something replaced that costs half the cost of the car and you're shocked. I think that's where they make their money. We often get in these relationships and then we end up being beholden to people who have expertise in technology that we don't. And the cost goes through the roof. And I just want -- I hope our esteemed committee understands if we've made a Decision and you at the front end think we've made the wrong decision, we hope you'll come and tell us that before we contract.

Hales: And the name of the committee members.

Graham: And we will take a more assertive role in that area. I think you're spot on, commissioner, and giving us that advice, and we will take it and we will make sure we're more assertive in getting that information back to council.

Hales: Since you're here and the subject has come up, and since people's meter of concern is moving, let's -- can you bear down for a few minutes on the itap project. You haven't seen a contract yet.

Caron: That's correct.

Hales: The estimate of the cost of the project is rising, maybe that's not a fair characterization. Has risen. There's still time I guess my message would be, as someone who used to be on the other side of the contracting relations with governments, it ain't a contract until it's signed. And that's true for both parties. And so there's always time for one much those parties to say, never mind. Or, time out. So this one included. And frankly as a former consultant involved in situations where we got pretty far into contract negotiation and realized we weren't going to make any money on a project and we said never mind. On the other side of the table, if it looks to the governmental entity that's contracting for the service like a vendor is going to take us down the road that commissioner Fish just described, there's also the opportunity to say never mind on our side of the table as well. So i'm not trying to rattle the saber here, but if you as a committee or as managers of any of these projects are exercising your oversight responsibility here, and see that we are in danger, we -- I think the sense of this council is we do want you to not be shy. You're managing this project, so we're kicking this around here.

Caron: I think there is a difference between what was in the enabling ordinance that allowed us to enter into the request for proposal process. I feel strongly that the outcome of the request for

February 13, 2013

proposal process ended with the most qualified vendor able to meet the most technical requirements showed the strongest project management, ability was the outcome of that rfp process. And I think there's a lot of value that came out of a very detailed and comprehensive rfp process selection process. And that the vendor that we have will provide us with the best solution not only for the city, but for our customers with the most functionality with the most efficiencies. So my feeling as a project manager that it's a valuable project, that the -- that it is a good investment, we're currently utilizing an almost 12, 13-year-old system that does need to be replaced, So we would be faced with costs there regardless of what we do to upgrade that system. And the efficiencies that we realize out of the new project or the new system is I think it's a valid project. That's my feeling. With that said I would agree with council that there was a difference between the original estimate of vendor cost and then what the outcome of the -- the outcome of the rfp, which was a larger vendor cost.

Fish: That was beautifully stated. Very succinctly stated. Thank you. So that because you're now uniquely in this position to give us advice, at what point in the contracting process might you have had a different opinion? We're talking about a 100% -- we're talking about almost a doubling of the original estimate, but from your point of view and bds, having the system might be worth 13 million or 15 million. What should be the trigger in your judgment where we would come back and reevaluate our original assumption?

Caron: I'll start with where -- about a month or three weeks to a month into the contract negotiation process. Thus far it remains positive about that interaction and that it will end in a place that all parties can agree on. What the -- what the trigger is between what an estimated cost that's provided to council and an enabling ordinance, and then the outcome of the rfp process is -- I don't really have an answer to that.

Fish: I'm thinking of that old credit card commercial where the answer was "priceless." depending on the bureau and the circumstance, just having a qualified vendor may be such a relief that paying a multiple can be rationalized, but I think for purposes of oversight, i've just wondering -- you may not have a comprehensive answer now, maybe we have to think about this, but what should be the trigger which causes us automatically just to say gosh, that's enough variance from what we originally estimated, someone needs to take a fresh look that isn't directly involved in it? I don't know. I'm just throwing out an idea.

Berry: If I can add one piece to this, the toc was concerned our labor hours were not being included in the total cost of ownership of projects. We asked this project to include the internal city labor hours. Which dramatically inflate that amount. I think that's what we did in this case. So even though we heard that we were up to \$7 million, which was doubling the initial bid, the 11.3 includes those sunk hours of city labor time which I want to make sure the council hears that part too. Which is the right way to cost these projects with labor.

Neubauer: I've done quite a few of these large projects, and to your question specifically, that coming back conversation would usually be when I receive my rfp. I looked at all the vendors' price and said, hmm, those are all higher than what I thought they were going to be. Maybe we need to go back and check back with my project sponsor and see if that's the same track we should be on.

Hales: Or did we write specifications that drove the cost up in ways we maybe don't value as much as when we wrote them? I think the project is very inclusive of all the city's needs. We thought for the whole year it was one of the projects we started with and we're still overseeing. But I think we're all a little surprised when the rfps came back and we saw what the price tags were.

Fish: To the mayor's point, one of the things you might learn in the debrief is that we were either overly prescriptive or we added something the rfp which was a big cost driver that if you -- if we changed would bring down the cost.

February 13, 2013

Hales: This isn't confined to technology. The council had a similar discussion about a boat house here a couple weeks ago. Where the question of, did we write specifications that were so unique it made an \$800,000 boat house into a \$1.6 million boat house. This is not just a -- this is more a contracting issue than a technology issue.

Fish: We had the same problem recently with our fair housing rfp. In two rounds we Basically got secret shoppers, but not qualified testers. And so we had to go back and look at what is the barrier, what in here are we being overly prescriptive, why are with driving people away from bidding on this thing?

Neubauer: I don't think the specification were overly complex. The team, the technology team has spent a lot of time putting the details together, they interviewed more than just these three vendors they selected. But what I don't have insight into is what they used to estimate that.

Hales: Other questions, comments?

Novick: Just to follow up on a comment commissioner Fritz made, on the cayenta contract, the comment is because -- because the contract was written the city has very little recourse to ensure cayenta complies, what I see how it's written it sounds more like a lawyer issue than a technology issue. So i'm wondering from we have a process across the board in contracts that sort of collecting issues that arise and sort of building a checklist of issues to avoid so the city attorney's office has that with them whenever they review any contract of any kind.

Graham: In procurement we get a lot of though questions, and they do collect issues and work with the city attorneys on those. This particular one we will take back and particularly look at that. So we do collect those issues and try to resolve those in Future contracts and everything, so we do that on a regular basis.

Fish: I think this is precisely the kind of conversation we were hoping this process would stimulate, and it's not to single out one contract or one process, because no one up here is a technology expert, with the exception -- I don't think any of us are. And so this I think mayor is the vindication of what commissioner Saltzman was thinking about having a forum where we could actually talk to experts about these things and then fine tune our process to make sure we're getting the best value and we're not letting the tail wag the dog. And the problem with technology is, it often feels like we're sitting across the table from someone that has an advantage. They've designed it, they're selling it, they're going to get a contract that maintains it. And it feels like we're at a slight disadvantage in some of these contract negotiations.

Graham: Mayor and council, I appreciate the feedback you're providing to us. This is still a work in progress in terms of looking at all these projects and trying to identify both areas in which there may be cost overruns. So the feedback that you give to us is going to help us strengthen the process and I appreciate that.

Hales: Thank you.

Saltzman: I think one of the issues that preceded the formation of the technology oversight committee was something I think we all know, In the past each bureau was technically free to do its own thing, and some part of the technology oversight committee ordinance I believe requires every bureau to run by the technology oversight committee. Regardless of whether it's a bureau of technology service issue or not. So if it's a water bureau issue, bds, they still have to go now through the technology oversight process. So that's an improvement in and of itself. It doesn't mean we're any happier necessarily with some of the answers we hear, but at least we have the technology oversight committee having these briefings so all of us as a five-person council hear this. Regardless of our bureau assignments. We all hear it, have the ability to answer questions, and -- so.

Hales: Good. Other questions for the panel? Thank you all. This is very good.

Graham: Thank you.

Hales: Anyone else planning to present or testify on this Karla?

February 13, 2013

Moore: No one else signed up.

Fish: I move to accept the record.

Fritz: Second.

Hales: Further discussion? Roll call.

Fritz: Thank you very much for this presentation for taking the time to be here today and for the amount of time that the volunteers spend on the technology oversight committee. It's significant, giving your expertise to the Citizens of Portland to oversee expenditures of taxpayers' money is greatly appreciated. I particularly want to thank Dave Lister who is retiring as commissioner Leonard's appointee, and encouraging anybody who's interested to serve on this committee to contact Commissioner Novick, because we certainly want to extend that invitation. We need a lot of folks having eyes on our budgets. I want to particularly note that the technology committee was very helpful in last year's budget, and bringing to our attention the issue with the budget line item for the 2% was estimated for the amount that it would cost Cayenta to implement this billing. So that was an early heads up that was an interesting number or number we should look at more closely, it's obviously turning into even more of that -- and I think Commissioner Fish's comments regarding once we've gone with a vendor and something we keep -- seems like we keep paying and paying, so that is something that I know office of management and finance will look into and indeed as each project highlights particular concerns, revising our overall practices, and I certainly will be having my staff look through the contracts to look at can we get out of them or what is our recourse in the future. But I very much appreciate the work that's been done and hope you'll continue to give us your diligent attention to all these projects. And in particular, I'm very much hoping that the 3-1-1 project will move forward. I appreciate your preliminary advice on that, and that's one that you will have been involved in from conception to hopefully fruition in the next four years. Aye.

Fish: I really appreciate the discussion today. And sometimes in these kinds of settings, the value is just imposing the question. And making sure that everyone is on the same page. And I'm delighted to know the mayor as a consultant used to be on the other side of these negotiations, so we need a full debrief of all the tricks of the trade that he mastered at our expense. No. Thank you all for your service on this. And to the committee members and particularly -- not particularly, but I'm grateful to Ken for being -- accepting my invitation to serve. But all of you for your service and none of us up here are experts in this area, but we've created a space where we can have this conversation. And the goal is to get better outcomes, save precious resources, keep projects on task and I do know that the housing bureau that has one of these complicated projects, it's shifting things over from PDC and setting up this system, has greatly benefited from your oversight and your guidance throughout this process. So thank you for your good work. Aye.

Saltzman: I want to thank the committee for its good work. I think this has been a great discussion, probably the best yet since the technology oversight committee has started its quarterly reports to council. I also just wanted to take this opportunity to introduce Colleen, maybe you could just stand. She's my appointee to replace Ben Berry on the technology oversight committee. Colleen has gone from being a music store owner and a clarinet and saxophone player to a senior i.t. process engineer with Providence Health and Services so she is a great replacement. I will be bringing her for formal council approval but she probably will not be here that day, so she's here today to absorb that and start contributing next meeting. Thank you and aye.

Novick: I spent the past year working for the state health insurance exchange on what was largely a big i.t. project trying to automate Medicaid and exchange eligibility, and dealing with these contractors that did mysterious things and speak a mysterious language and could I have used a technology oversight committee. I'm delighted to have one here and we'll work quickly to get an appointee. Thank you for your work. Aye.

Hales: This is really esoteric and complicated and hard to explain to people, but it's also really important and affects people's lives, if we can issue building permits electronically and do it in a

February 13, 2013

way people will be able to access easily, that's a huge benefit for the community. If people can get their monthly water billing statements online and pay them, that's going to have a profound effect on people's lives and their ability to make their monthly budgets work. And then on the negative side, in the private sector if there's a project that goes over budget, and you're privately held company, nobody knows. If you're a publicly held company you might have a slightly lower earning statement. If we have a project that goes over budget it's on the front page of the newspaper. So it's really important we have quality control and that we have oversight to try to make sure our performances optimal as often as humanly possible. And that's why you created this committee, commissioner Saltzman and this is why the work is so important. I appreciate the good work. Let's keep it up. Thank you. Aye. And with that we are adjourned until next week. Thank you all.

At 2:51 p.m., Council adjourned.