



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **18<sup>th</sup> DAY OF MARCH, 2020** AT 9:30 A.M.

THOSE PRESENT VIA TELECONFERENCE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fritz and Hardesty, 4.

Due to the COVID-19 Pandemic, under Portland City Code and state law, the City Council held this meeting electronically. All members of council attending remotely by phone and the City made several avenues available for the public to listen to the audio broadcast.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Robert Taylor, Chief Deputy City Attorney.

Item Nos. 225 and 227 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		
<b>214</b>	Request of Sally F. Fronsman-Cecil to address Council regarding Portland Gray Panthers (Communication)	<b>PLACED ON FILE</b>
<b>215</b>	Request of Robert Bickers to address Council regarding Portland Gray Panthers (Communication)	<b>PLACED ON FILE</b>
<b>216</b>	Request of Jennifer Young to address Council regarding Portland Gray Panthers (Communication)	<b>PLACED ON FILE</b>
<b>217</b>	Request of Edith Gillis to address Council regarding Portland Gray Panthers (Communication)	<b>PLACED ON FILE</b>
<b>218</b>	Request of Lew Church to address Council regarding Portland Gray Panthers (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>219</b>	<b>TIME CERTAIN: 9:45 AM</b> – Old Town Community Association, Pearl District Neighborhood Association Joint Task Force Report and Recommendations (Report introduced by Mayor Wheeler) 30 minutes requested	<b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b>
<b>220</b>	<b>TIME CERTAIN: 10:15 AM</b> – Accept the Portland Historic Landmarks Commission 2019 State of the City Preservation Report (Report introduced by Mayor Wheeler) 60 minutes requested	<b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b>

<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>*221</b>	Grant revocable permits to the Portland Rose Festival Foundation to perform activities relating to Portland Rose Festival annual celebration from May 22 through June 7, 2020 (Ordinance introduced by Commissioners Eudaly and Fritz)	<b>REFERRED TO COMMISSIONER OF PUBLIC SAFETY</b>
<b>Mayor Ted Wheeler</b>		
<b>Bureau of Development Services</b>		
<b>222</b>	Reappoint Jessica Molinar to the Portland Design Commission for a term to expire March 15, 2024 (Report) (Y-4)	<b>CONFIRMED</b>
<b>Bureau of Planning &amp; Sustainability</b>		
<b>223</b>	Update Solid Waste and Recycling Collection Code to align definitions with Metro and require commercial collection permits for companies that collect and transport only food scraps (Second Reading Agenda 201) (Y-4)	<b>189891</b>
<b>Office of Management and Finance</b>		
<b>*224</b>	Pay settlement of personal injury lawsuit of Daynelle Banks and Claudius Banks III in the sum of \$120,000 involving the Portland Police Bureau (Ordinance) (Y-4)	<b>189892</b>
<b>*225</b>	Pay settlement of bodily injury lawsuit of Sara Phillips in the sum of \$11,000 involving the Portland Police Bureau (Ordinance) (Y-4)	<b>189898</b>
<b>226</b>	Create a new represented classification of Water Meter Technician IV and establish an interim compensation range for this classification (Second Reading Agenda 202 ) (Y-4)	<b>189893</b>
<b>Commissioner Jo Ann Hardesty</b>		
<b>Portland Bureau of Emergency Management</b>		
<b>*227</b>	Authorize application to the Department of Homeland Security Urban Areas Security Initiative grant program for a grant up to \$5 million to enhance emergency preparedness through planning, training and equipping of emergency responders in the Portland Urban Area (Ordinance) (Y-4)	<b>189899</b>
<b>Portland Fire &amp; Rescue</b>		
<b>*228</b>	Authorize a sole source procurement not to exceed \$1,400,000 for the purchase of an Electric Fire Apparatus (Ordinance) (Y-4)	<b>189894</b>
<b>Commissioner Chloe Eudaly</b>		
<b>Bureau of Transportation</b>		

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<b>*229</b>	Amend Transportation and Parking Demand Management code to exempt Affordable Dwelling Units from Multimodal Incentive Fee to reflect Title 33 Transportation Demand Management requirement for multi-dwelling zones adopted through the Better Housing by Design legislative process (Ordinance; amend Code Chapter 17.107; amend Ordinance No. 188956) (Y-4)	<b>189895</b>
<b>*230</b>	Authorize the Chief Procurement Officer to execute a contract with AKS Engineering in the amount of \$5,213 to complete design for the NE 55th – 57th Aves and Killingsworth St Local Improvement District (Ordinance; C-10062) (Y-4)	<b>189896</b>
<b>231</b>	Authorize a one-time exception to Title 17 Underground Wiring Districts code to allow for the placement of string lighting across SW 9th Ave (Second Reading Agenda 206; allow exception to Code Section 17.60.020) (Y-4)	<b>189897</b>
<b>City Auditor Mary Hull Caballero</b>		
<b>232</b>	Approve Council Minutes for January - July 2019 (Report) (Y-4)	<b>APPROVED</b>
<b>REGULAR AGENDA</b>		
<b>233</b>	Appoint Berk Nelson and Grecia Anahi Segovia Rodriguez to the Open and Accountable Elections Commission (Report introduced by Mayor Wheeler and Commissioner Fritz) 10 minutes requested  <b>Motion to accept the report:</b> Moved by Hardesty and seconded by Fritz. (Y-4)	<b>CONFIRMED</b>
<b>Mayor Ted Wheeler</b>		
<b>Bureau of Environmental Services</b>		
<b>234</b>	Authorize a contract with Brown and Caldwell, Inc. for professional engineering services for the NE 33rd Drive Pump Station Upgrade Project No. E10910 in the amount of \$1,719,235 (Ordinance) 20 minutes requested	<b>PASSED TO SECOND READING MARCH 25, 2020 AT 9:30 AM</b>
<b>Office of Management and Finance</b>		
<b>235</b>	Authorize a temporary interfund loan not to exceed \$200,000 from Portland Parks & Recreation System Development Charge Fund to Pittock Parking Lot Capital Project Fund to provide interim financing for parking meter installation (Second Reading Agenda 209) (Y-3; Fritz absent)	<b>189900</b>
<b>Commissioner Chloe Eudaly</b>		
<b>Bureau of Transportation</b>		

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<p><b>*236</b> Amend Ordinance to authorize a contract with the lowest responsible bidder for the Flanders Crossing Active Transportation Bridge project in the amount of \$6,311,692 (Ordinance; amend Ordinance No. 189621) 15 minutes requested (Y-4)</p>	<p><b>189901</b></p>
<p style="text-align: center;"><b>SUSPENSION OF THE RULES</b></p> <p style="text-align: center;"><b>Mayor Ted Wheeler</b></p> <p><b>*236-1</b> Adopt emergency temporary moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from wage loss due to COVID-19 (Ordinance) <b>Motion to suspend the rules for the purpose of considering the ordinance imposing residential eviction moratorium:</b> Moved by Hardesty and seconded by Eudaly. (Y-4) (Y-4)</p>	

At 10:13 a.m., Council adjourned.

<p style="text-align: center;"><b><u>WEDNESDAY, 2:00 PM, MARCH 18, 2020</u></b></p>		
<p><b>237</b> <b>TIME CERTAIN: 2:00 PM</b> – Adopt the Second Amendment to the Lents Town Center Urban Renewal Plan (Resolution introduced by Mayor Wheeler) 60 minutes requested</p>	<p style="text-align: center;"><b>REFERRED TO COMMISSIONER OF PUBLIC SAFETY</b></p>	
<p><b>238</b> <b>TIME CERTAIN: 3:00 PM</b> – Appoint Adam Green, Megan Bigelow, Carol Johnson, Taylor Snell, Shaina Pomerantz and reappoint Andrea Chiller to the Citizen Review Committee, an advisory board to the City Auditor’s Independent Police Review and the Police Bureau’s Internal Affairs (Resolution introduced by Auditor Hull Caballero) 15 minutes requested</p>	<p style="text-align: center;"><b>RESCHEDULED TO APRIL 1, 2020 AT 10:45 AM TIME CERTAIN</b></p>	
<p style="text-align: center;"><b><u>THURSDAY, 2:00 PM, MARCH 19, 2020</u></b></p> <p style="text-align: center;"><b>DUE TO LACK OF AGENDA THERE WAS NO THURSDAY 2:00 PM MEETING</b></p>		

**MARY HULL CABALLERO**  
Auditor of the City of Portland

Karla Moore-Love  
Digitally signed by Karla Moore-Love  
Date: 2020.07.14 11:36:59 -07'00'

By Karla Moore-Love  
Clerk of the Council

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

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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.**

**March 18, 2020 9:30 am**

**Wheeler:** Good morning everybody this is the March 18, 2020 morning session of the Portland city council, Karla please call the roll.

**Fritz:** Here. **Hardesty:** Here. **Eudaly:** Here.

**Wheeler:** Here. Under Portland city code and state law the city council is holding this meeting electronically, all members of the council are attending remotely by phone and the city has made several avenues available for the public to listen to the audio broadcast of this meeting. The public can also provide written testimony to the council by emailing the council clerk at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov) again that is at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov). The council is taking these steps as a result of the covid-19 pandemic and we need to limit in person contact and promote social distancing. The pandemic is of course an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. I want to thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the core function of the city's business and the first item of consideration today is to adopt an emergency temporary moratorium on evictions due to no-payment of rent for residential tenants where the failure to pay rent results in wage loss due to covid-19. There is an emergency four-fifths ordinance, Portland city charter section 2-113 in city code section 3.02.030.c.5 provide that matters not appearing on the agenda may be considered for a suspension of the rules at any section. This provision in our rules exist exactly for this type of emergency situation. Do I hear a motion to suspend the rules for the purpose of considering the ordinance to pose a residential eviction moratorium.

**Hardesty:** So moved.

**Eudaly:** Second.

**Wheeler:** I have a motion from commissioner Hardesty and a second from commissioner Eudaly. For the record four votes are necessary to suspend the rules under pcc 3.02.040.1.8 in charter section 2-113.

**Wheeler:** Karla please.

**Eudaly:** Mayor.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** I have my hand raised. I want to express a concern before we take the vote and that is since our ordinance mirrors the county's moratorium that doesn't protect evictions for unpaid rent.

**Wheeler:** Commissioner Eudaly this is merely a motion to suspend the rules.

**Eudaly:** Ok, I'm sorry, I'm sorry.

**Wheeler:** Commissioner Hardesty is your hand raised.

**Hardesty:** No.

**Wheeler:** Very good, Karla please call the roll on the four-fifths agenda which is to suspend the rules for the emergency situation.

**Fritz:** Obviously we're in an unprecedented emergency situation and I want to start the meeting by thanking mayor Wheeler for his leadership over the past several days and I of course support the motion, aye.

**Hardesty:** Aye. **Eudaly:** Aye.

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**Wheeler:** Aye, the emergency ordinance is adopted, the rules are suspended. Karla can you please read the four-fifths agenda item.

**Item 236-1.**

**Wheeler:** Colleagues thank you for taking up this matter on such short notice, we are in a very serious health situation and our community is following guidance from our state and county officials about how and whether to gather socially. We're also in the early stages of what is shaping up to be a very serious economic situation, my colleagues and I are laser focused on supporting the resilience and recovery of our community, both social and economic. Put another way we're trying to keep our community both safe and solvent, this is a dynamic and unprecedented event and the county and city have been in constant communication about our joint response. We are united in protecting this community. Last week Multnomah county chair Deborah Kafoury and I announced executive orders declaring states of emergency in Multnomah county and in the city of Portland. Yesterday morning she and I amended our orders to freeze evictions during our respective states of emergency. Today I'm asking council to further ratify this action by approving it legislatively, we've worked with Multnomah county to build this policy and we're each adopting the same language. The policy applies both county wide and city wide, so whether you're incorporated or not you are protected. At its most basic this moratorium says that anyone who is unable to pay their rent because of the impacts to covid-19 will not be evicted, after the moratorium is lifted, renters will have six months to repay the rent they owe. This action does not freeze rents, it gives people extra time to pay, rent freezes are preempted by state law, we are exploring all options. I'm also working with my colleagues on a economic task force, this is a group led by prosper Portland who is working on immediate near term and medium term actions to keep people in business. Immediate action is already underway and there's much more to come. I'm very proud at the way that this council has come together in unified manner to respond aggressively in a unified way to this crisis. I'm proud of the partnership we have with chair Kafoury and Multnomah county, the advice that we have consistently got from our public health officials is the best way to slow the spread of this economic virus is to big and go early with public health measures. I believe that the best to slow the spread of the economic fallout of this virus is to go big and to go early with measures that support local residents, workers and employers. We will get through this together and on the other side we will rebuild together. Robert Taylor is here to answer any questions and as you know, this is an emergency item, so we will be voting today, Robert.

**Robert Taylor, Chief Deputy City Attorney:** I am here to answer any questions. We are in coordination with the county, and the county issued their emergency rules, and the city would likewise adopt that rule by this ordinance and any further ordinances adopted by the county on this topic would also apply in the city.

**Wheeler:** Commissioner eudaly has her hand up, commissioner eudaly.

**Eudaly:** Thank you, mayor. Mr. Taylor, I have a concern that I think is just an unintentional loophole, and a very simple fix. Some tenants pay certain utilities, utilities directly to their landlords and can be evicted for non-payment of utilities and we saw that last week, so I am hoping that we can add very simple language to close the loophole because we would not want someone to be evicted if they are currently in arrears on say their water bill. That could happen.

**Taylor:** Commissioner, this is Robert Taylor from the city attorney's office, thank you for pointing that area of clarification out. We are working with the county attorney's office as they fine tune the ordinance that they are going to adopt, so their emergency rule, we expect that issue to be addressed in the county's ordinance.

**Wheeler:** Commissioner Hardesty has her hand up.



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**Hardesty:** Thank you, mayor. Thank you, robert. My question has more to do with the burden of proof. The way it is written, the tenant would have to make the case to the landlord. Is there any situation where the landlord would not be obligated if a tenant is unable to pay during this time?

**Taylor:** The moratorium would apply to the landlords so that they could not evict tenants who are impacted financially by the covid 19 pandemic, it provides a process where tenants provide notice to the landlord of the impact, at which point the landlord is prohibited from evicting them. The ordinance of the city and the county would provide a legal basis for the tenant to object, and we expect the port would give deference to the county and city ordinances. I understand the county is also, in their ordinance, going to provide penalties and enforcement mechanisms.

**Wheeler:** And just one sort of technical thing here. I see commissioner hardesty has a follow-up question. Commissioner eudaly has a question. Let's do this. Keep your hand raised. Once I call on you, keep your hand raised, and then if you have a follow-up question, keep your hand raised and I will know that you have a follow-up question. When you are done asking your questions, unraise your hand, so I assume commissioner hardesty has a follow-up followed by commission eudaly and followed by commissioner Fritz.

**Hardesty:** Thank you, mayor. My apologies. No, I am lowering my hand now.

**Wheeler:** Okay, good. Commissioner eudaly.

**Eudaly:** Thank you, mayor. Yes, I had a follow-up question for Mr. Taylor. So if we are not going to adopt language today that says that associated housing costs would also be included, and the county is going to adopt language, are we going to come back and amend this?

**Taylor:** Thank you, commissioner, this is robert taylor from the city attorney's office. Under the city's ordinance in the directive, it says that the city of Portland will be governed by the current order of the county and any subsequent ordinance adopted by the county on this topic. So when the county adopts their subsequent ordinance, to fine tune and clarify this, those rules will also apply in the city. This is a way for the city and the county to be in total alignment and unified in addressing this public health hazard.

**Eudaly:** Okay. Thank you for that clarification. I don't have any further questions.

**Wheeler:** Very good. Thank you. Commissioner Fritz.

**Fritz:** Thank you, mayor. Obviously, we are hearing from the property owners as well as from tenants and everybody is Vvry worried. I am suspecting that this is the first measure that we are taking and that we will also be pushed to get the state to handle the federal government to help out the property owners as well, is that correct?

**Wheeler:** That's correct. There are many discussions taking place that include conversations with representatives of building owners, landlords as well as tenants. This is but the first step. We are early on in this pandemic, and there are many other options that are on the table for consideration.

**Fritz:** Thank you. I have appreciated being copied of some of the things that you've been doing and again, appreciate your leadership. Everybody is very worried in this emergency, and we are -- there will be many other things. I also want to assure everybody from the water bureau's perspective that all properties have, even ones shut off before, have water. There will be no shut-off during the emergency. As in the rent ordinance, people will eventually, as things get back to normal, need to make payment arrangements, so right now, if people could reduce the number of calls to the water bureau, we have fewer staff working so that we can have them at appropriate distances, so there are longer wait times if people have questions about water service. Please email them. We will try to get to them as quickly as we can. Thank you.

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**Wheeler:** Thank you, commissioner Fritz. Is there any further discussion of this item? Hearing none. Karla, please call the roll.

**Fritz:** Aye.

**Hardesty:** I just want to reinforce my appreciation of how solidly this city council is working together during this emergency. I am so grateful at that my colleagues are stepping up in enormous ways. This is the right thing to do, and I agree with commissioner Fritz. This is just one piece with a lot of moving parts. I am very proud to vote aye.

**Eudaly:** I want to thank the mayor and the chair for acting swiftly on this, and I want to make it clear to the public that this is simply a, an immediate stopgap measure as one of the easiest things that we could do as far as keeping people stable in their housing, and it is like everyone has emphasized, a first step. The next steps are going to require coordination and collaboration with the lending institutions, with the state and with the federal government. Please don't think that this is all that we are doing, and that already cost burden renters are going to be stuck with massive rent's rears that they won't be able to way and will be evicted at the end of this. We are not leaving it there. This is the first step, and I am happy to vote aye.

**Wheeler:** Aye. The fourth agenda item is approved, the ordinance is adopted on emergency basis. Next up, I just want to note that the current agenda reflects items that have been postponed, and this notice went out. That includes all of the communication slots. It includes items 219 and 220. And items 221. With regard moving onto the consent agenda it is my understanding, Karla, that item 225 has been pulled. Item 227 has been pulled. And I would ask at this time have any other items been pulled? From the consent?

**Moore-Love:** No. I have no other requests.

**Wheeler:** Okay. I have a note here that 228 from Portland fire and rescue might be pulled but no confirmation. Commissioner hardesty, is 228 remaining on the consent agenda?

**Hardesty:** Sorry, mayor, it took me a minute to unmute. As far as I know 228 remains on the consent agenda.

**Wheeler:** Very good. Karla, please call the roll on the remainder of the consent agenda other than 225 and 227.

**Fritz:** Aye. **Hardesty:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye. The consent agenda is adopted. With regard to the regular agenda, item 233, and then we will circle back to the pulled items on the consent agenda. 223, or 233, please, Karla.

**Item 233.**

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you, mayor. Actually, could you please do the other items first? I am having difficulty pulling up my talking points on my phone.

**Wheeler:** Certainly, and I noticed commissioner hardesty has her hand raised. Commissioner hardesty?

**Hardesty:** Yes, thank you, mayor. All of a sudden the volume went way down for me, is that only me?

**Wheeler:** I didn't hear it. Did anybody else? Can you hear it now?

**Hardesty:** Barely. I will figure it out on my end. Thank you.

**Wheeler:** Okay. Sorry about that. There will undoubtedly be more glitches as we get through this. Karla, call item 225, please.

**Item 225.**

**Wheeler:** Very good. This ordinance settles a lawsuit filed against the city by sarah phillips for an injury in emotional distress resulting from an encounters with the police officer during a protest in the city hall all the way back on october 12 of 2016. Phillips who uses the pronounce, they, and them, has one leg amputated and was wearing a prosthetic leg and using a crutch while acting as a legal observer during a protest against a vote on a



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union contract. They claim that the city was negligent in the manner in which the protesters were ejected from the building. The city asserts that the video evidence of the event does not support all of miss phillips' factual allegations, but in order to avoid further litigation costs and a possible adverse jury award, risk management in the city attorney's office recommended a payment of \$1,000, which includes medical bills, pain and suffering, and attorney's fees and costs to settle the case, and I see that we have Becky Chiao here for further comments on this issue.

**Becky Chiao, Office of Management and Finance:** Hello. This is Becky Chiao. The settlement is \$11,000.

**Wheeler:** Sorry, I have got a typo.

**Chiao:** I don't have any prepared remarks, unless anyone has any questions, I am here.

**Wheeler:** Questions of becky? Who pulled this item? Okay.

**Moore-Love:** Mayor? This is Karla. We had an earlier request for this, but they did not confirm it. It was on the Tuesday memo to be pulled.

**Wheeler:** Understood. Could you please call the roll?

**Fritz:** Aye. **Hardesty:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye. The ordinance is adopted. Item 227, please.

**Item 227.**

**Wheeler:** I will call on commissioner hardesty.

**Hardesty:** Thank you, mayor. As you know this is an annual application to homeland security for planning and emergency preparedness. I think that that's all that I need to say. Clearly, this is an mix that we put in annually, and we are very hopeful that they will expedite this grant because we need to do this work now. Happy to answer any questions.

**Wheeler:** Any further questions, colleagues? Karla, please call the roll.

**Fritz:** Aye. **Hardesty:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye. The ordinance is adopted. Thank you. Next item is 233. Commissioner Fritz, are you ready for that or should I go to the others first?

**Fritz:** I am ready. Thank you.

**Wheeler:** Go for it. Go ahead and do your introduction.

**Fritz:** Thank you very much. Very difficult managing all these electronic devices, and this is another very happy occasion to point to the people to fill vacancies to the open and accountable elections commission. The commission makes recommendation on how to implement the open and accountable elections program, which as we've been hearing over the last weeks is going extremely well. The commission meets the third wednesday of the month at 7:00, and also multiple other times. They have subcommittees, they are so efficient in getting us recommendations whenever we ask for it. So I am pleased to recommend the appointment of berk nelson and anahi segovia rodriguez. Berk is an attorney who lives in southeast Portland, he has a background working with the business community and can bring his perspective to the commission. He has a strong grasp of local governance since he served as a senior advisor to mayor wheeler, and anahi is a community activist from outer east Portland. Anahi runs a spanish immersion program in an elementary school in gresham and works with many immigrant families in Multnomah county, Anahi spent time working in congressman blumenauer's office as an intestinal these two individuals were both prepared to be present in person today, but because of the emergency we asked them to stay home, but I'm very pleased they will get to make an excellent contribution to the commission.

**Wheeler:** Thank you. Commissioner hardesty.

**Hardesty:** Mayor, I guess I forgot to take my hand down. [laughter]

**Wheeler:** We are all finding our way through this. Thank you. Any further comments on this item? Very good. Karla, please call the roll.

**Moore-Love:** Do you want a motion to accept the report.

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**Wheeler:** I am sorry, it's a report, I will accept a motion.

**Hardesty:** So moved.

**Fritz:** So moved.

**Wheeler:** We have a motion from commissioner hardesty and a second from commissioner Fritz. Karla, please call the roll.

**Fritz:** It's really inspirational as we are going through these tough times we have people who are willing to step up and volunteer and do whatever that they can to help make the city run smoothly, so I am grateful to these two people. Aye.

**Hardesty:** I am so impressed with the work that commissioner Fritz has done to continue to move the open and accountable elections process forward. I hope that she is very proud of the work that she has done, and I am thrilled that we still have community members that are willing to volunteer their time to actually help us to make sure that this is the best city it can be. I vote aye.

**Eudaly:** Aye.

**Wheeler:** These are two great appointees. Anahi segovia rodriguez, and berk nelson, who I have known some time and had the pleasure to work with. Commissioner Fritz, thank you for continuing bringing very good people to the commission these are great appointees, I am happy to vote aye. The report is accepted. Next item, Karla, is item 234, please.

#### **Item 234.**

**Wheeler:** Colleagues, environmental services manages the stormwater and sewer infrastructure, which includes 99 pump stations that connect 2,500 miles of pipes to the city's main wastewater treatment plant. This pump station, which sits near the columbia slough, was built in 1973 and hasn't had any significant upgrades to the electrical and mechanical systems. This ordinance would authorize the bureau to enter into an engineering services contract to upgrade the pump station systems to ensure reliability in protecting public health and our environment. Here today with a brief presentation is Paul Suto, the engineering manager, with environmental services, and quite possibly Philip McCormick with paul, and he's the project manager. Paul, go ahead.

**Paul Suto, Bureau of Environmental Services:** Thank you, mayor wheeler, for the record, this is paul Suto and Philip McCormick the project manager is with me today, so with that, I will hand it off to phil right now. Thank you.

**Philip McCormick, Bureau of Environmental Services:** Good morning, mayor wheeler, my name is phil mccormick so I work with the bureau of environmental services in the project management office, and I am the project manager for the northeast 33rd drive station upgrade project. We are here to request the council approval of an ordinance to authorize a p.t.e contract with brown and caldwell for design services, and the pump station is located approximately two miles east of interstate 5, and about a quarter mile north of columbia boulevard. It's a very small site bounded to the north of the columbia slough and to the south by private property, which is zoned general industrial. The site is very small. The president size is about 40 feet wide by 50 feet deep, so that's the property that the pump station sits on. And the proximity to the columbia slough presents some challenges for seismic design and environmental permitting, and it will also present challenges during the construction for access and staging of the equipment and materials. As mayor wheeler indicated this was constructed in 1973, and the pump station's mechanical and equipment and electrical components were installed in the original, to the original installation. And they have reached their -- the end of their service life. The station has been evaluated several times since 2005 for project consideration. The work was deferred in order for higher priority projects within the bureau. The project has moved up on the priority list due to the increase of the mechanical and electrical and control system failures. And our pump station operations and maintenance work group has requested that the pump decision upgrade project be accelerated to start as soon as possible. So one of

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the problems, the existing pumps are original, and those pumps have degraded in pumping capacity over the years. We went from about 1600 gallons a minute pumping capacity to 1300 gallons per minute. Primary objective for this project is to improve pump station performance and reliability. The pumps will be upgraded with high efficiency motors to restore the pumping capacity for the future wet weather flows and to improve the reliability and performance. The features like odor control and permanent standby generator will be added to bring the facility into compliance with the current codes, regulations, and best design standards. Standards for operability and maintainability have changed since the station was initially constructed. The design team will look into options to reconfigure the pump station to shift the electrical room from the top of the case into a stand alone electrical building. These changes will make access to the site and equipment safer and more consistent with the modern facility. Budget and schedule, so this request is for the professional technical expert services contract for, again, \$1,719,235. This contract does include contingency to allow some flexibility to resolve unforeseen issues during the design. Contingency line items in the contract are owner controlled and will not be used unless they are authorized by best. The total project budget is estimated to be \$7.5 million, with \$4.2 million estimated for the direct construction which would be the construction contract. The confidence low rating for the budget, the overall budget is low, as the project is still very conceptual at this point, and the estimate will increase in confidence as the project progresses through the design. We have a proposed schedule, essentially, looking at trying to kick off the design in June of 2020. Obviously, we will monitor how things are going with COVID-19. That's the current plan with construction starting in June, or January of 2023. So we did receive this.

**Wheeler:** One moment, commissioner Hardesty has a question.

**Hardesty:** Thank you, Mayor. I am so sorry, I thought that Philip was coming to the end. I don't have a question but I just wanted to compliment Philip on his inclusion and equity participation in this contract. This is one of the better ones that I have seen at this stage of the process, so I just wanted to acknowledge that and be very grateful that this is very impressive. I have some questions about how he got there, but I can wait for those answers.

**Wheeler:** Very good.

**McCormick:** Okay, so consultant selection so we did receive three proposals during the competitive selection process for the contract. The selection committee included one participant from the minority evaluative program, and Brown Caldwell was selected in accordance with city code 5.68 and a negotiated fee for the contract is \$1,719,235. So the disadvantage, or the MWESB percentage for this project is 41.9% of the total contract value which equates to just over \$720,000, so we do have five sub-consultants, which all have certifications. The certifications and ownership information, we have from the certification office for business inclusion and diversity, so we have structural engineer, DMBE certification, ownership Hispanic male, Elcom Associates structural engineer for the project, DMBE certification Asian Pacific male ownership. And Merriam engineer and associates will be the traffic engineer on the project certification, African-American female ownership, Rinal One LLC geo technical engineer. DMBE certifications, subcontinent Asian male, and Rivero Design LLC will help with CAD design, they have a DMWESB certification and the ownership is Hispanic female. The only other feature council requests that we have planned is the authorization to go to bid in late 2022. And that's all that we have, so if there are any questions we can handle those now.

**Wheeler:** Very good. Colleagues, any questions at this point? And just as the whole council received testimony from Edith Gillis on one of the consent items via email. Karla, I have not received any public testimony on this item. Are you aware of any public testimony that you would like to share?

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**Moore-Love:** We have not received anything on this.

**Wheeler:** Very good. Any further discussion? This is the first reading of a non-emergency ordinance. It moves to second reading. Karla, item 235, please.

**Item 235.**

**Wheeler:** Colleagues, there is a second reading. We have already heard a presentation and taken public testimony on this item. Is there any further discussion? Karla, please call the roll.

**Moore-Love:** Fritz. Fritz.

**Wheeler:** One moment, Tim Crail has a question.

**Tim Crail, Office of Commissioner Fritz:** Not a question. I just want to let you know she was disconnect and had is trying to reestablish the connection.

**Wheeler:** Karla, can you call her last, please?

**Moore-Love:** Sure.

**Hardesty:** Yes. **Eudaly:** Aye.

**Wheeler:** I vote aye and I want to thank everyone who worked hard on this. The parks bureau and everett from commissioner Fish's office put a considerable amount of time into this, and I want to thank him, and while I am also stalling to get commissioner Fritz back on the line, I also neglected to mention on the previous item that we just moved to the second reading, Asena Lawrence has been actively involved in shepherding that through, so I want to thank her for that previous item. I vote aye. Do we have commissioner Fritz up yet? Tim, do we have any progress on commissioner Fritz?

**Crail:** She says she's having trouble reconnecting so you should probably move on.

**Wheeler:** Would she like us to take the vote and move on?

**Crail:** I think you should go ahead.

**Wheeler:** Okay. Okay. So item 235, second reading ordinance is adopted. The next item will be, we will need commissioner Fritz on the line. Is item 236. Karla -- can you please read item 236.

**Item 236.**

**Wheeler:** Very good. Commissioner eudaly, before I turn this over, if we cannot reconnect commissioner Fritz via zoom I will call her on my cell phone and we will do our best to get her patched in. The old patch, but highly reliable way. Commissioner eudaly.

**Eudaly:** Thank you, mayor. I will just run down the basics of this contract bid. The original ordinance authorized a contract of up to \$5.5 million. A low bid of \$6,611,692.24. Well, that's confusing. Oh, yeah. Came in \$811,692.24 higher than the authorized amount due to the higher than anticipated prices for the steel truck bridge and unit prices for asphalt and concrete item. The engineer's estimate was not able to accurately quantify the cost associated with the increased contractor's risk of construction of the bridge at such a constrained site adjacent to and over an existing interstate freeway or the high material cost due to the small piece of work to be performed at multiple locations at different times. Although the northwest district, pearl district and old town chinatown neighborhoods in northwest Portland are some of the densest residential areas in the state of Oregon, to pedestrian and bicycle modes are significant lower than mode splits from southeast and northeast Portland. The significant reason for this discrepancy is the lack of space crossing of I-405, with people walking, cycling and rolling. This project will reconnect the grid over i-405 and provide a Safe and comfortable process for pedestrians and cyclists. The project was funded, is funded with a combination of funds from an Oregon department of transportation grant and transportation system development charges. This ordinance will authorize the pbot to bid and award the contract to construct the project. And that is it.

**Wheeler:** Very good. We have Nicole Peirce here to testify on this item. Nicole?

**Nicole Peirce, Portland Bureau of Transportation:** Yes. Can you hear me?

**Wheeler:** Yes.

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**Peirce:** Yeah, well, thank you for having me here this morning. Good morning mayor wheeler and commissioners. I am Nicole Peirce, capital project manager and pbot's capital delivery division and I'm the project manager for the flanders crossing bridge project, and actually, commissioner eudaly did a great job of covering it. The council did approve the ordinance to bid and authorize the contract back in july of 2019. That was for a not to exceed amount of \$5.5 million. As commissioner eudaly mentioned, when we opened the bids in January, the low bid was significantly higher than we had anticipated, a little over \$6.3 million from wildish standard paving, so the ordinance before you today is to amend that july ordinance to allow us to authorize that contract with wildish standard paving. We identified the funds, and we don't see a problem funding it, and we are looking forward to getting -- to moving the construction of the project. So does anyone have any questions?

**Wheeler:** I just want to confirm commissioner Fritz is back on the line. Commissioner Fritz, are you back on the line? Hang on. Stand by.

**Fritz:** Hello.

**Wheeler:** We are taking the vote, we can't hear you over zoom, can I plug you in live?

**Fritz:** Yes.

**Wheeler:** Okay, there's no further discussion on this item this is an emergency ordinance, Karla, please call the roll.

**Fritz:** Sorry, I have lousy cell coverage at my house and my phone just hung up on me without moving a muscle. I was able to reconnect to hear the presentation and I vote aye.

**Hardesty:** Aye.

**Eudaly:** Thank you, Nicole. Aye.

**Wheeler:** I vote aye. The ordinance is adopted. We have prevailed. We are hereby adjourned. Thank you.

**Hardesty:** Have a good day. Bye-bye.

**Eudaly:** Bye.

**Council adjourned at 10:13 a.m.**