



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **25th DAY OF MARCH, 2020** AT 9:30 A.M.

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

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of 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 meeting is available to the public on the City's YouTube Channel, eGov PDX, www.portlandoregon.gov/video and Channel 30. The public can also provide written testimony to Council by emailing the Council Clerk at cctestimony@portlandoregon.gov.

The Council is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

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

TIMES CERTAIN		
239	TIME CERTAIN: 9:30 AM – Update the City of Portland Sustainable Procurement Policy (Resolution introduced by Mayor Wheeler) 30 minutes requested (Y-4)	37483
REGULAR AGENDA		
Mayor Ted Wheeler		
240	Proclaim March 31, 2020 to be Transgender Day of Visibility (Proclamation) 10 minutes requested	PLACED ON FILE
Bureau of Environmental Services		
241	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 (Second Reading Agenda 234) (Y-4)	189902

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<p style="text-align: center;">Office of Management and Finance</p> <p>242 Accept bid of Wildish Standard Paving Co. for the Flanders Crossing Active Transportation Bridge Project for \$6,311,692 (Procurement Report - Bid No.00001377) 10 minutes requested Motion to accept the report: Moved by Fritz and seconded by Eudaly. (Y-4)</p>	ACCEPTED PREPARE CONTRACT
<p style="text-align: center;">Commissioner Amanda Fritz</p> <p style="text-align: center;">Water Bureau</p> <p>243 Accept contract with Shearer & Associates, Inc. for the construction of the Council Crest Roof Replacement as complete, release retainage and authorize final payment (Report; Contract No. 30006340) 10 minutes requested Motion to accept the report: Moved by Hardesty and seconded by Fritz. (Y-4)</p>	ACCEPTED
<p>FOUR FIFTHS AGENDA</p> <p>Mayor Ted Wheeler</p> <p style="text-align: center;">City Budget Office</p> <p>*244 Amend the FY 2019-20 budget to include appropriations for funds to support City services during the COVID-19 State of Emergency. (Ordinance) 30 minutes requested (Y-4)</p>	
<p style="text-align: center;">Office of Management and Finance</p> <p>*245 Authorize a Letter of Agreement between the City and the following City unions: The District Council of Trade Unions, comprised of: AFSCME Local 189, IBEW Local 48, Machinists and Aerospace Workers, District Lodge 24 Auto Mechanics, District Lodge 24 Operating Engineers, Local 701 Plumbers, Local 290 Painters and Allied Trades, District Council 5; Laborers' International Union of North America Local 483; and Professional Technical Employees, Local 17 to establish a temporary agreement during the COVID-19 State of Emergency (Ordinance) 15 minutes requested (Y-4)</p>	189903

At 10:40 a.m., Council adjourned.

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2:00 PM WEDNESDAY/THURSDAY MARCH 25-26, 2020

**DUE TO LACK OF AGENDA THERE WERE
NO WEDNESDAY OR THURSDAY 2:00 PM MEETINGS**

MARY HULL CABALLERO
Auditor of the City of Portland

Karla
Moore-Love

Digitally signed by
Karla Moore-Love
Date: 2020.07.14
11:38:08 -07'00'

By Karla Moore-Love
Clerk of the Council

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

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 25, 2020 9:30 a.m.

Wheeler: This is the Portland city council, Wednesday march 25 morning session of the Portland city council, we are now in session, Keelan could you please call the roll. Who is I see Keelan and Karla, Keelan are you serving as the clerk today?

McClymont: No, Karla will be.

Wheeler: Karla, call the roll.

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

Wheeler: Here. Colleagues, 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 broadcast of the meeting, the public can provide written testimony to council by emailing the council clerk. The council is taking these steps as a result of the covid-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public, health, safety and welfare which requires us to meet remotely by electronic communication. I want to thank everyone for your patience, flexibility, understanding as we manage through this difficult situation to do the city's business. The first item on our agenda today is item 239. Karla, please read item 239.

Item 239.

Wheeler: Colleagues, the sustainable procurement policy guides purchasing decision of the city to take into account the inherent social, environmental, and economical impacts of both products and services we purchase. The goal is to ensure that we are leveraging our purchasing power to influence positive change in markets and for communities by reducing greenhouse gases and exposure to harmful chemicals, foster supplier diversity and supporting safe and fair labor practices. The resolution before you adds to the sustainability procurement policy and requires labor peace agreements and city contracts for a variety of services including janitorial, security guards and industrial laundry services. This requirement was developed with the input and the collaboration of seu local 49 procurement services and policy staff from my office, commissioner hardesty's office, commissioner eudaly's office and our other council colleagues. This measure will help to foster positive working conditions for workers in high-risk janitorial security and laundry industries and ensure quality and consistency services that are provided to the city. The updated sustainability procurement policy also includes the addition of the development of a shadow price on carbon in the section on emerging best practices for greenhouse gas emission reductions. This aligns with the climate policy commitments I made in december to further reduce carbon emissions in city operations, including by adopting an internal price on carbon to help ensure the city purchasing decisions integrate climate considerations. Before I turn it over to the chief procurement officer Lester Spitler, I wanted to ask commissioner hardesty, did you have any opening thoughts or comments?

Hardesty: Thank you, mayor. Yes, I just want to say how grateful I am in the collaborative effort that leads us to this policy today. It is absolutely moving us in the right direction, and it certainly is making sure that we don't have to worry about people being on strike because of the unsafe and unhealthy work environment. I am proud my office, Derek bradley has been intimately involved in this process, and I am grateful that we are here today finally moving this forward, so I want to thank lester and his team for working really

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hard over the last year to make this happen. So, I look forward to the presentation and supporting this effort.

Wheeler: Thank you, commissioner. I am going to turn it over to chief procurement officer Lester Spitler who we are familiar with who will give us more details on the policy updates before we hear from our invited testimony, Yasmin Ibarra, from seiu local 49. Take it away, Lester.

Lester Spitler, Chief Procurement Officer: Thank you, mayor ted wheeler. Good morning, I am lester spitler, the chief procurement officer. There have been a significant amount of time and effort put into this policy. Shortly after I started at the city, a little less than two years ago I met with jeremy simmer and Yasmin Ibarra from seiu local 49 to discuss adding requirements for labor peace agreements into our sustainability procurement policy. At that time we did not know enough about it so we agreed to work with them to include language to address the labor best practices including employee retention, just cause and progressive discipline, and disclosure regarding vendor compliance with occupational health and safety and waging hour and similar employment laws. That language was included in the policy update in 2018. Following that update, there were continued conversations with council offices, city attorney's office, and seiu local 49 to get to where we are today. As the resolution states to including the labor piece as a requirement for solicitations for contracts for high-risk industries such janitorial, security guard service and industrial laundry services we will started to evaluate proposals based on guaranteed compensation for the workers on those contracts. Another addition to the policy as the mayor mentioned is the introduction of a shadow price for carbon. Shadowing pricing is a method of decision analysis that adds a hypothetical surcharge to market prices for goods and services that involve significant carbon emissions and their supply chain. For example, if we are analyzing costs of a new piece of equipment that uses fuel to run, we would use expected energy costs of expected marketplaces plus a charge associated with the carbon dioxide that would be released when the fuel in the equipment is combusted. Shadow pricing can apply in all sorts of analyzes of procurements and other strategic decisions to give an edge to options that are more emissions efficient. All other factors equal. These decisions allow confirms to reduce their emissions gradually up to the incremental cost reflected from the carbon price they applied. Before I wrap up I would like to say some words of appreciation to Derek and Yasmin for being patient but persistent with my staff and I on this policy update. They are both great to work with and respectful of the other initiatives we've been working on. I feel the policy update before you today is one that has been truly collaborative like commissioner hardesty mentioned. I also want to mention that Derek and Yasmin were cognizant of the fact it would be us, procurement services who implement and administer the policy. I appreciate they were sensitive to the effort and resources that would be needed to implement and administer the policy and work with my team and I to make sure we can make sure we are good with the language. I don't have anything further, so I am happy to pass the talking baton to somebody else.

Wheeler: Good. And colleagues, I just want to remind you if you scroll all the way to the end of participants, that gets you to the place where you can raise and lower your hand. If that doesn't work we are sort of muddling through this together. Just go ahead and interrupt. For the staff members joining, if you could be so kind as to change your name and write the agenda item number next to your name, and that will remind me to call on you as part of that presentation. So unless there are any questions for lester right off the bat, I will go ahead and turn this over to our invited testimony, Yasmin Ibarra from seiu local 49. Welcome.

Yasmin Ibarra: Welcome. Good morning. My name is Yasmin Ibarra, I'm the political organizer for seiu local 49, we are a union of 15,000 healthcare and property servers,

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workers, subcontracted janitors, security officers and laundry workers in the city of Portland. These workers are black, brown, white, various ethnicities, countries of origin, religion, gender identities, all united by pride and work they do for the city. Our mission as a union is to improve the quality of life for our members, their families, their dependents by striving to create a more just society, and the supporters of the mission, we engage with the city over two years to ensure that the city sustainability procurement policy would include job quality standards and worker protections to foster economic sustainability. We believe that the city aligned in our shared values and ensuring that our workers have economic prosperity and social equity. By adopting the local sustainability procurement policy for the procurement of goods and services we can raise working standards for Portland residents so therefore, on behalf of the members I am pleased to support the policy for you today. As stated in the resolution, the city has interest as an entity contracting for services in high risk industries such as janitorial, security, industrial and laundry that workers are safe, well compensated and have adequate benefits. As workers in these industries are particularly vulnerable to poverty wages, wage theft, sexual assault in the workplace, increased risk of safety and health hazards, retaliation for asserting their rights on the job and other work related problems. These issues present clear threats to workers but can also threaten to disrupt the city's ability to have continuous and uninterrupted services. The proposed policy does three things to protect the city's interests and workers wellbeing, first it fosters peace with companies that provide services to the city to make an affirmative commitment to a bonafide resolution mechanism. Secondly it requires employee retention meaning when the city chooses to switch from one service contractor to another, incoming service contractor will be trained, qualified employees to keep doing their work rather than pushing them out. Thirdly requires procurement decisions to validate the total compensation, employer's guaranteed to workers rather than benefits that may be offered yet not affordable to workers. These are important tools that when implemented can avoid labor management conflicts and disruption to services provided to the city and its residents and improve quality for the workers who provide services in the city. The current crisis surrounding the global spread of covid-19 highlights the dire importance of strong employment protections for front line workers such as janitors, security workers and laundry workers, while the public has been ordered to shelter in our homes, these workers continue to show up every day to work leaving behind anxious loved and family members to ensure that our public buildings are clean and secure and that our linens and uniform has been properly sterilized. We view the city's proposed sustainability procurement policy that includes vital worker protections as an important component of the largest governmental response to the outbreak of this virus and also set us on a better course towards supporting working families and helping the community weather this time of uncertainty. As we face the evolving changes of our current moment we stand with the city of Portland in supporting this policy. I would also like to give a shout out to Derek Bradley, Lester Spitler, Stacie foreman, jamie Duhamel and Jamey dunphy, and Amanda Watson who like everyone has mentioned was really thoughtful and considerate of the work that we were doing together. Thank you.

Wheeler: Thank you. And we appreciate that very much, and thanks to you and your colleagues for your hard work on this. We appreciate it. Thank you for that presentation. All right, colleagues, is there any further question or discussions, questions for lester, questions for Yasmin or for anybody else? I don't see anybody's hand raised. Last call? Any questions? Just a reminder we, as council members, have received public testimony over the course of the week on all of the agenda items, and so I would refer you to any emails that you received through the council clerk or directly as public testimony. With that, Karla, please call the roll on the resolution.

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Fritz: It really is significant that this is one of the first things that we are doing after the covid-19 crisis has really escalated, and as Yasmin mentioned I really appreciate all the staff who are providing basic services in our buildings. This is, actually, one of those things that I thought that we had already done some of these measures. I appreciate commissioner eudaly when she came into office looking into this. Commissioner Hardesty helping to get over the finish line, and it's also very important that we are all putting the carbon piece to this policy. Even though we have a short-term crisis, we also have a long-term crisis that we are all facing, and so putting in place the carbon offset I think is really meaningful. Thanks to mayor ted wheeler, commissioner Hardesty, Lester Spitler, service employee's union local 49, and everybody who has worked on this. Aye.

Hardesty: I just want to again really appreciate this real big collaboration. As commissioner Fritz just said, after we get to the other side of the crisis we are currently in, it is really important that the city of Portland is a model of living our values. I want to appreciate seiu, all the other offices that put a whole lot of energy and effort into coming up with this agreement. This is good for workers. This is good for the city of Portland. I am proud to vote aye.

Eudaly: Well thank you commissioner Fritz, for the reminder. Now I do remember this goes way back, and the beginning of the conversation about sustainability -- I am sorry, just a moment. I don't believe we were addressing workers rights or conditions, so I am just thrilled with the outcome. Happy to support it. Thank you, everyone, who contributed, and I vote aye.

Wheeler: Yeah, this is a good collaboration. Thank you, colleagues. Thank you, procurement services, seiu local 49. All the commissioner, staff has worked super hard on this. Great job. I vote aye. The resolution is adopted. Karla, could you move to the regular agenda, read 240, please.

Item 240.

Wheeler: Good morning, I want to take a couple minutes out of our day to recognize something that unfortunately often goes unrecognized. March 31st is transgender day of visibility, or tdov. We were planning to have a celebration together in council chambers, and I was looking forward to that, but this has been mitigated by the covid-19 crisis and social distancing, of course. It still is an important and much needed day, meant to empower the beautiful and growing transgender community we embrace, and to give them a platform that's often denied to them. These are rough, scary, and unprecedented times. There is no denying that, and covid-19 is a roadblock to making progress towards addressing some of the transgender community's issues but I know we will get through this together as a Portland community. I want to let our trans-brothers, sisters, and non-binary friends know even during these difficult and trying times we hear you. We see you. We celebrate with you. There are folks, I want to thank in particular who have put a lot of themselves into an event that unfortunately didn't go quite as planned. To Mickey, basic rights Oregon, Aaron Waters from the trans-health coalition, Alexa Woods from Bradley Angle, our friend at Smirk, Neely, and her team outside the frame. Amir from Transpose PDX, the LGBTQ and friends of affinity group. The happy, lucky team. And others. My own staff members, Sarah, Asha, and my office's LGBTQ community liaison Matthew Palmer thank you all and hopefully when things start to get back to some semblance of normalcy we will get to have that tdov celebration in council chambers that you all had hoped for. Council, are there any comments you would like to add before I read the proclamation? I will read the proclamation. Proclamations, of course, are a statement of values.

Hardesty: I am sorry, mayor.

Wheeler: Go for it. Yes. Commissioner Hardesty and then commissioner Fritz as her hand up, too.

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Hardesty: Thank you, mayor. I did want to take an opportunity to just say how important this recognition is for our transgender community. What we know is that we have not been effective as providing good services. I am thrilled that Marc Jolin with the joint office of housing services is working on a shelter for transgender youth who are the most vulnerable in our community. I look forward to us being able to be in the same room together and actually being part of the celebration that we will have. It is important that all community members feel valued and feel that we are all in this together. So thank you, mayor, for your leadership and making sure that we both pass this resolution now but also with the commitment that we will celebrate when this is over.

Wheeler: Absolutely. Thank you, commissioner Hardesty. Commissioner Fritz.

Fritz: Thank you, mayor. Obviously now more than ever we are reminded of the importance of our connectedness and centering communities that have been silenced and marginalized. And the transgender day of visibility is about embracing our transgender friends, family, and community members and the courage it takes to live openly and authentically. And we do acknowledge the discrimination that transgender people have suffered, including right here in Portland. And we look to do better as a city and follow policies like offering transgender healthcare benefits to the employees. I look very much forward, like everybody else, to getting back together and being able to come together in city hall to honor our transgender friends and community partners and thank them, particularly, to Sarafi Allen, on the mayor's office staff for all your work on this.

Wheeler: Thank you, commissioner Fritz. Without further adieu I will read the proclamation, and again this is a statement of values on behalf of the entire city council, and thereby, by extension the city of Portland. Whereas transgender, non-conforming in two spirited individuals under the law, in additionally, in the hearts and minds of the greater Portland community, and whereas a means of achieving full equality is through visibility of this community and collaborative action towards remedying their concerns. And whereas the first step towards remedying the trans-community's concerns is acknowledging their shared struggles and successes, confronting the cities and other's role in historically ignoring the said struggles and successes, and committing to a more productive and mutually beneficial future. And whereas Portland is home to the second largest percentage per capita of LGBTQ plus individuals in the United States who each deserve to have their humanity and needs recognized. And whereas Portland strives to be a safe harbor for the transgender community that finds itself vulnerable to attacks in an increasingly trans-phobic political climate acutely felt by black, brown, and indigenous transgender women. Whereas this body seeks to demonstrate its commitment to addressing the historic and foundational causes of housing instability in the transgender community by acting towards solutions explicitly advocated by and for the community itself. And against hate crimes and violence based on sexual orientation and gender identity. And whereas as Portland values are those of acceptance, diversity, equality, and love. And whereas transgender day of visibility is an opportunity to learn and confront issues often ignored by people often silenced in a setting often inaccessible, and whereas transgender day of visibility is an opportunity for our community to affirm to all transgender individuals, particularly transgender youth their identities are valid. Their struggles are recognized. And their achievements are celebrated. And now therefore I, Ted Wheeler, mayor of the city of Portland, Oregon, the city of roses do hereby proclaim March 31st, 2020 transgender day of visibility in Portland and encourage all residents to observe this day. Thank you. I am looking forward to that party. Next item, Karla, 241, second reading.

Item 241.

Wheeler: Colleagues this is a second reading. Any further discussion? Karla, please call the roll.

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

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Wheeler: I would like to thank everyone in the bureau of environmental services who worked hard on this. Asena Lawrence, thank you for your hard work on this, as well. I vote aye. The ordinance is adopted. Next item. Is item 242 from the office of management and finance.

Item 242.

Wheeler: I will turn this over to Lester Spitler.

Lester Spitler, Chief Procurement Officer: Thank you Mayor Wheeler. Good morning again my name is Lester Spitler, I am the city's chief procurement officer, on July 31, 2019 the city approved 189621 for procurement services to competitively solicit the Flanders Crossing Active Transportation Bridge project. The engineers' estimate was \$5.5 million and the confidence level was moderate. We issued the invitation of bid on December 2, 2019 and responses due on January 14, 2020. We received four bids. Wildish Standard Paving Company was the low bidder, \$6,311,692.24, which is 14.8% over the estimate, we attribute this to higher than anticipated prices for the steel truss bridge and unit prices for asphalt and concrete items. Another reason is that the engineer's estimate was not able to accurately quantify the costs associated with the increased contractor's risk of constructing a bridge at such a constrained site adjacent to and over an existing interstate freeway where the high material costs due to the small pieces of work to be performed at multiple locations at different times. The city's standard 20% aspirational goal of certified subcontractor utilization applied to this project. Wildish intends to self perform 60.9% of the work, they identified 14.68% to CobiD certified subcontractors and 16.38% for non-certified subcontract utilization. Although Wildish is not meeting the 20% goal, we reviewed their good faith efforts to obtain certified subcontractors, and after reviewing those efforts we have determined they did meet the requirements and expectations for a good faith effort. To provide more information on their efforts Wildish was on targets to meet and exceed the goal during the additional estimating process. The certified subcontractor withdrew their \$2 million bid because they were too busy to perform the work. The subcontractor happens to be one of a few certified subcontractors to be able to perform work on a steel bridge, so following that withdrawal, Wildish was at 8.8% of the participation. While they did not meet the 20% goal, they submitted documentation that substantiates that they have made exceptional good faith efforts to increase their percentage from 8.8% to 14.68%. Also throughout the term of the project as scopes of work come up, if they cannot self perform, our compliant staff will be sure to work with them to identify the certified subcontractors that could perform any work that comes up. Wildish Standard Paving Company is located in Eugene, Oregon and is not a state certified subcontractor. They have a current city of Portland business tax registration and are in compliance with all the city's contracting requirements. If there are any questions I am happy to address them, if not my recommendation is that council accept this report and authorize execution of the contract with Wildish Standard Paving Company.

Wheeler: Lester Commissioner Fritz and then Commissioner Hardesty had questions, Commissioner Fritz.

Fritz: Thank you, Mayor and thank you Lester for your presentation. You used the term "CobiD." could you tell people what "CobiD," stands for?

Spitler: Yes, as soon as I said it, I realized, CobiD stands for the state certification office of business inclusion if diversity.

Fritz: We might want to just say that rather than use the acronym. I am wondering, you said the certified subcontractor was too busy, is there an opportunity to go back and ask them if all of the work that they were going to be doing, they are still planning to do?

Spitler: Yeah, that's a great point. We definitely should. I believe it's the subcontractor that happens to be working on the PBOT project, the Sullivan's Gulch, the pedestrian and bicycle

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that goes across I-84 We could go back Wildish and if their subcontractors have dropped out [inaudible] increase that percent. That's a good point. Thank you.

Fritz: There might be a disruption in the supply chain. So my question is then, can wildish take any -- are they allowed to change what they have done as it improves the representation of the minority businesses? By accepting this report, we are not -- we are not locking them in to what they say they are doing today, but that this is the minimum, is that correct?

Spitler: That's correct. So when they are submitting their bid, you know, they are contacting as many subcontractors as possible, it's a race to the lowest price because it's a low bid. So, with their subcontracting plan, that is you know, based on their outreach efforts at that point. Once the construction starts, and things, you know, obviously change a bit here and there, and subcontractors drop out and others emerge and there is new opportunities, we are working very closely with contractors throughout the term of the project to increase that as high as possible throughout the project life cycle. So we are not limiting their ability to achieve a higher percentage by accepting this report.

Fritz: Thank you very much.

Wheeler: Commissioner hardesty.

Hardesty: Thank you, mayor, and thank you, lester. Commissioner Fritz asked most of my questions, but I guess I have one additional one, and that's saying the theme and my question is I suspect as these construction projects start, the universe would have changed radically. And so one question is how many contractors has this prime contractor had previously with the city of Portland?

Spitler: I don't know the exact number, but I know that they have had a handful. I know that they have bid on a lot of pbot projects in the past three to five years, so they are a vendor familiar with the city and have done business with us.

Hardesty: And so I would hope that any time a prime contractor is submitting a bid, that we are reviewing with their past history has been in achieving our aspirational goals, and that we could work more closely with them to help them identify additional subcontractors so that we reached a goal that we set. I appreciate that we are at 14, but the goal is 20, and I am concerned that we consistently approve proposals that are woefully inadequate as it relates to the goals we set. So I appreciate the questions that commissioner Fritz asked, but I would hope that we would be more proactive rather than reactive to what the prime contractor has recommended. Thank you.

Wheeler: Very good. Any further questions from any of my colleagues? Seeing none, I will entertain a motion to accept the report.

Fritz: So moved.

Eudaly: So moved. Second

Wheeler: We have a motion and second, we have a motion from commissioner Fritz and a second from commissioner eudaly. Any further discussion? Karla, please call the roll.

Fritz: Thank you for your work, lester. I know you and your team share our goals and are constantly working to improve our participation. Aye.

Hardesty: I also want to give my appreciation to lester. I know that he is committed to improving our outcomes with minority and women contractors, but he also knows that I will continue to push him to do better. I vote aye.

Eudaly: Aye.

Wheeler: I would like to thank lester. As always for your hard work on this. I would like to thank my colleagues for refining the procurement report process over the course of the last year or so. I think that these reports have really gotten very, very good, and finally, detailed. And I am appreciative of that. Thanks to amanda watson in my office for following this on my behalf. I am happy to vote aye. The report is accepted. Karla, can you please read 243.

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Item 243.

Wheeler: Commissioner Fritz.

Fritz: Thank you. I believe we have Teresa Elliot here from the water bureau to talk about this, as well, but essentially this is a post-project evaluation for council, the risk analysis that the council crest water tank revealed that risk associated with the tank to be high based on the likelihood and consequences of failure. So I will turn it over to teresa. Are you available, teresa?

Jodi Inman, Portland Water Bureau: Mayor and commissioner Fritz, this is Jodi Inman representing teresa this morning.

Fritz: Great. Go ahead.

Inman: Okay. Again, good morning, I am Jodi Inman with the Portland water bureau. And I am here to request acceptance of the contract with shearer and associates, inc. For the construction of the council crest roof replacement project as complete to release the retainage and authorize final payment. A little background the council crest tank is the highest elevation tank in southwest Portland it serves 1,300 customers, approximately. The roof had extensive corrosion, making it vulnerable to failure from earthquake, ice, or windstorms, and failure would require long-term boil water notice and nightly outages, as well as additional stress on the system. The scope of the project was to replace the steel roof with an aluminum roof, increase the height of the tank walls by 2.5 feet to improve the seismic performance, install a new ladder, projection equipment platform and hatches and railings for worker safety, install protection systems to prevent corrosion inside the tank and repaint the entire tank wall exterior. During construction it was discovered that a portion of the interior was in poor condition and required removal and replacement, and this was added to the scope. There was significant public involvement, included prior to and during the construction of the project including email notifications of friends of the Markham nature park, southwest hills residential league, bike Portland, four trail, run, walk, hike, there was a type 2 land use review notice that was sent out, non park use permit was obtained for adjacent properties. It was posted on the bureau web page and there was informational signage at the park. The construction contract was solicited through a low bid process. Shearer and associates, inc. was the selected contractor, and on may 31, 2017 city council approved the city procurement officer's recommendation to award the contract to shearer and associates, inc. The original contract amount was \$996,247.80. Two change orders were executed for the construction contract, change order number one added \$159,828 to the project for removal and recoating of the poor condition interior lining, some additional engineering analysis, and a change to the overflow piping. It also added 24 days to complete the additional work. The change order number two actually resulted in a reduction by reconciling the bid items to actuals and it added an additional 24 days for completion. The overall increase in the contract was \$87,223 bringing the revised contract to \$1,083,470, which is 8.76% higher than the original amount. The equity goals for the project, which is the cobid or certification office for business inclusion and diversity goals was the aspirational goal of 20%. The cobid participation for the contract was \$55,611, [inaudible], the cobid participation did not meet the aspirational goals. The prime performed 44% of the work with four specialty subs that performed 48% of the work. The specialty subs included firms T bailey and purcell that were [inaudible]. The scaffolding firm of [inaudible]. So all fairly specific and unique specialties. The original engineer's estimate for the contract action was \$550,000. As stated above the final contract was \$1,083,470. The confidence level for the project was identified to be high. The total project estimate was \$1.3 million and the total final project cost was, is approximately \$1.883 million. That concludes my presentation, and I am happy to answer any questions.

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Wheeler: Thank you, Jodi. Any questions? Very good. I have one just sort of basic question, Jodi.

Inman: Yes.

Wheeler: Could you tell us, you know, periodically I drive by those large tanks. I have always just sort of forgotten to ask you or somebody else from the water bureau, what are they actually for and what did they do? I know that they hold water but is that on an ongoing basis? Is it for gravity feed? Is it for emergency purposes? What do the tanks do that we see all across the city?

Inman: Actually all of the above. The tanks provide pressure to the higher services in our system. And they provide storage to mitigate high demand so that we don't have to -- it makes it easier during the morning and evening when you have the peak demands, they mitigate that flow instead of trying to provide instantaneous flow. They also provide emergency storage for things like fires.

Wheeler: So the big tank, for example that, we are talking about now where we want to replace the top of it is at the very top of council crest, which is the highest point in the city of Portland. So I assume the water is pumped there through a pump house somewhere? Is that a good assumption?

Inman: That is absolutely correct. We pump up to council crest tank and right in the middle of the park so if you have been there you have seen it. We pump up to it and right now this is the only feed. We don't have any other feed to that tank.

Wheeler: And then it sounds like what you are saying is it also it is pushing down, so it is providing water pressure to that elevated neighborhood, and so I would guess that the tank fills regularly then. Is it usually in a state of being full?

Inman: I couldn't answer exactly how full that we keep it, but we do -- we do cycle it up and down and keep it fairly full. Yes, it is important.

Wheeler: All right, that's very interesting. I did not know that. It's good to have that clarification. So this is a report that's hard for people to see, so whoever raises their hand first I will assume wants to move this, as commissioner Hardesty, is that correct? You are moving is if.

Hardesty: Yes, mayor, I move the report.

Wheeler: Good. Commissioner Fritz has raised her hand, and commissioner Fritz you are seconding the record?

Fritz: Second.

Wheeler: Is there any further discussion on this item? Seeing none, Karla, please call the roll.

Fritz: Well, mayor, thank you for your questions, I am sure a lot of people have wondered the same things, thank you jodi inman for your presentation. It's really good to see these kinds of projects completed and to have the report. Normally this kind of end of project report would be on the consent agenda. And I think that it's appropriate that we are highlighting the work of city staff and contractors and using an asset management approach that uses the cost benefit analysis, which ultimately, saves us time and money in the long run. Thanks to teresa elliott and the water bureau staff who completed this project with great community outreach and communication. And I also want to note that this project benefited from mayor wheeler's reassignment of my portfolio between parks and water because I was able to get that non-parks use agreement negotiated having gone from one bureau to the other, and my staff were instrumental in that, so thanks to tim crail on my staff and everybody who has been involved in this project. Aye.

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

Wheeler: Thank you for bringing this forward, commissioner Fritz, and thank you for those insights. Those are important, and I want to thank jodi for answering my questions. Those are bucket list questions, and finally got them answered. I am happy to vote aye, the report

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is accepted. We have two 4/5 items we need to get through, as well so Karla, if you could please read both of the 4/5 items together, please.

Item 244.

Item 245.

Wheeler: Thank you, Karla. This covid-19 crisis obviously is unprecedented and a response has also been unprecedented. I am very proud of the work that the city has done so far. We have stood up our emergency coordination center and built new emergency response structures that are appropriate for a pandemic. We prioritized Portland tenants and small businesses and ensured their resiliency and recovery from the crisis with our resources and our focus, and we are successfully pushing for aggressive statewide action to slow the spread of this virus. We have coordinated with our county, state, and federal partners to make sure that we are pulling every lever to get the critical needs in the community addressed. And most of all, we have come together as colleagues and as the city and as a community. I have a refrain you probably have heard me use in the last couple days. Your health and your safety depends on me. My health and safety depends on you. Portlanders understand this, and we're all taking care of each other, and I want to thank the people of the city for that. Today we have these two emergency items before us. The first funds the initial emergency incident budget for covid-19 response work, transferring \$3 million from contingency and other reserves. This fund supports the emergency needs that cannot be absorbed within existing budgets. Within that is \$1 million that will be pushed out to the economic impact task force work focused on small businesses that felt the economic impact of this crisis first. They are reeling, and they need our help. It also approves reallocating just over \$1 million in Portland housing bureau resources to support the emergency household support. The second is a letter of agreement with our labor partners. It recognizes the dynamic evolving nature of this crisis, and I believe it will help us to continue to work together as this pandemic impacts the city in both the short-term and the longer term. There is a lot of people that I want to thank, and I will probably accidentally leave some people out, but I want to particularly thank Carly Edwards, Commissioner Hardesty's chief of staff, and Cathy Bless our interim human resources director for their great work on this. It's a very thoughtful product and it was done in an exceptionally compressed amount of time. This virus is pandemic is going to take enormous toll on the world. We know from a public health and from a social and an economic perspective. We know that the city of Portland won't be immune from this reality. Every part of the city's budget and operation will be affected and this will impact our workforce in ways that we understand, and in ways that we have not yet imagined. As we grapple with these very hard questions, we are guided by these core values. First of all we know that we must minimize the damage of this virus. We also know that we must take care of our employees the best we can, recognizing that there is increased and unavoidable risk and will provide increased care. And finally we must stay flexible on both sides because we are in this for the long haul. So I want to thank you both, Carly and Cathy. Cathy is here to answer any questions, and Jessica Kinard, the city budget director, and Cathy are both here to explain these actions and answer any questions that you may have. So with that I will turn it over to our budget director and to Cathy. I am not sure who wants to go first.

Jessica Kinard, Director, City Budget Office: Well, I will go first, this is Jessica Kinard, thank you mayor and good morning. As the mayor mentioned there are a couple items in front of you. 244 is a budget ordinance and does two things. First it transfers \$3 million in unrestricted contingency and policy set aside discretionary resources to fund an initial incident budget to respond to the state of emergency and this includes the economic task force work allocation that the mayor referred to. Secondly, the ordinance also reallocates resources within the Portland housing bureau's budget to prioritize and deploy the

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resources for emergency household assistance. So establishing an incident budget is a critical to support the city's emergency coordination center's ability to effectively and rapidly deploy the needed actions under our state of emergency. This incident budget will be centrally administered by the emergency coordination center finance chief, sheila craig, under the terms outlined in the emergency operation center finance and administration worksheet. Expenses are going to be centrally tracked through the emergency coordination center so that they may track expenses to request reimbursement from fema. It's important to note all our eligible expenses that are properly tracked may be 75% reimbursed by fema. In terms of the allocation from contingency, about \$1.3 million of the \$3 million total will be grown from unrestricted general fund contingency, and this leaves an unrestricted contingency balance of \$1.1 million. Approximately \$1 million is also being drawn from a policy set aside to address habitat restoration costs associated with the Portland harbor cleanup. These are costs not needed in the next fiscal year or in the current fiscal year. And approximately \$700,000 is being drawn from the columbia river levy policy set aside which council took action to proactively fund during the 2019 fall bump. So both these policies set aside accounts represent best practices in setting aside resources for future liabilities, as I mentioned neither of these are needed in the current or next fiscal year so it makes sense to reallocate the reserves for the urgent needs now knowing that the city will need to fund these costs at a future date. I am available to take questions on this particular portion of the allocation and also shannon callahan is here if there are questions related to the phb the Portland housing bureau portion, and kimberly Branam is also available to answer questions related to the economic task force allocation.

Wheeler: Very good. Do we have any questions at this particular moment? All right, I am not -- wait, we do, sorry, commissioner Fritz, and then commissioner hardesty. Commissioner Fritz, go ahead.

Fritz: Thank you. Are we going to have a presentation on the economic packages? The economic strategies?

Kinard: I believe that kimberly has some information that she is able to share related to the allocation. Kimberly, are you on the line?

Kimberly Branam: I am. Yes. Thank you. I am happy to provide some context.

Wheeler: One moment, kimberly, before you do so, could we ask everybody else to please mute? We are hearing a lot of noise coming through on our end here. Go ahead, kimberly.

Branam: Good morning, mayor ted wheeler and commissioners. I am pleased to be able to talk about the Portland small business relief fund, and I am joined by Tray Campbell our economic development director who also is here and available to answer any questions. I want to start by thanking each of you for your guidance and leadership as we developed and refined this proposal over the last week. So as our colleagues engage in the essential steps to protect our public health, as you are aware we've been working diligently to develop and refine the economic stabilization interventions with our partners. Our first priority, if allocated, the initial million dollars of city general funds would be available to support Portland small businesses experiencing hardship as a result of these crucial public health interventions, in the form of emergency relief grants. The goal of the fund is to help provide interim relief to businesses and enable them to retain their businesses, and employees. We think of this as something of a stopgap measure understanding that the federal government and state also have resources that will be coming in the next month ahead. The five to \$10,000 that is available for each business will likely be insufficient but an important part of the solution. So we anticipate that the million dollars would support at least 150 local businesses. The Portland small business relief fund prioritizes the businesses public facing and have been directly impacted by the covid public health requirements, and/businesses who have experienced at least the 25% decline in revenue.

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It also prioritizes the businesses owned by black, indigenous, asian pacific islander and people of color and women. Businesses for whom resources will help them stay in business, and businesses who can continue to pay employees or continue to provide their employees healthcare and other insurance while they are furloughed. Some examples of the businesses who might benefit from this fund include a black owned food cart in north Portland, a neighborhood coffee shop in rosewood, a native american owned catering company with 25 employees, or a neighborhood serving restaurant with 16 days of operating reserves in the bank. Using these equity and vulnerability criteria prosper Portland would manage the application and selection process for these emergency relief grants, and in order to rapidly disperse the resources, our community development financial institution partners will process grant payments once applicants are selected. We plan to make the applications available this coming monday, march 30, and to get resources directly into the hands of the grant recipients within no more than 10 business days. The process to develop and refine the proposal incorporates the input of equity centered networks and advisory bodies, leaders from other cities, and financial partners and including partners from the inclusive business network, neighborhood prosperity network, culturally specific chambers of commerce and our community development financial institutions themselves. Prosper Portland also is an active conversations with private, public, and philanthropic funding partners with the goal of increasing the grants and loan resources and coordinating funding for the purpose. We are joined in those conversations by our city council leaders, and just finally I would like to appreciate and recognize all our tremendous partners who provided their input and will continue to engage in the implementation as well as the incredibly hard working team at prosper Portland who brought this together. So very happy to answer any questions that you have.

Wheeler: Thank you, kimberly, and before I move to commissioner hardesty, commissioner Fritz, did that answer your question?

Fritz: Thank you, yes, it did.

Wheeler: All right, great. Commissioner hardesty.

Hardesty: Thank you. I only wanted to say just how impressed I am with the work that prosper Portland has been able to pull together over this time, and I wanted to share with my colleagues that this is just one small piece. We are also talking to the banks about them investing in small businesses, and so everything is moving at the speed of light, but I am very proud of the work that kimberly and her team has done to come up with this proposal so I want to say thank you.

Wheeler: Thank you, commissioner hardesty for that and cathy bless, did you also have some comments?

Cathy Bless, Interim Director, Bureau of Human Resources: Yes, I do. Thank you very much, mayor wheeler and commissioners. This is cathy bless, chief human resource officer for city of Portland. I am also joined this morning with the city attorney heidi brown to request approval of the item 245. I would also like to acknowledge and thank carly edwards from commissioner hardesty's office for her collaboration and support of which ordinance as well as heidi brown and our labor partners. I would also like to thank your staff, mayor wheeler, on the quick turnaround in getting this ordinance on the agenda today. As we work to reduce the spread or possibility of spread of covid-19 to all city employees, we acknowledge the state of emergency may create operational impacts to city business that requires employees to be flexible with their work assignments or work site locations. This ordinance provides an agreement around the safety concerns and the personal protected equipment, vacation cap limits and carryover, and a number of covid related employee leave provisions. Thank you for your consideration of this ordinance. Both heidi and I are available to answer any questions that you may have.

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Wheeler: Great. Any questions? All right. With that we have two items we will need to vote on both of these items separately, so we will start with item 244. This is the budget amendment. Any further discussion on this item? Commissioner Hardesty, did you have a question?

Hardesty: No. Sorry, mayor, I moved too soon.

Wheeler: No worries. Shows you are paying attention. Karla, please call the roll on ordinance 244.

Fritz: So just as a reality check, the emergency was announced on the 12th of March, and here it is the 25th. There is only 13 days later, and our staff has put together this amazing package, and I know that small businesses in particular have been extremely anxious about looking after their employees, paying their bills, etc. There are a whole sweep of strategies that prosper Portland has worked out that will be unveiled in the next several days for discussion. So it's just amazing work that's been done by the team, and I very much appreciate how everybody has been pulling together, and especially when we've been doing it so remotely. Thank you Commissioner Hardesty as the president of the council representing Commissioner Eudaly and me in the discussion, obviously, we can't have meetings with a quorum, and so Commissioner Hardesty has been doing amazing work with Mayor Wheeler and Mayor Wheeler, just outstanding work over the past 13 days in coordinating with the state, in looking at all these strategies and for getting these emergency funding mechanisms on today's agenda. So just to recap what we heard. There will be grants, the applications will be open on March 30 for \$5,000 to \$10,000, and they expect to get it out within ten business days. Also particularly I appreciate Dr. Markeisha Smith and her participation in the task force, and the fact that prosper, city, everybody is thinking through, who are the most disadvantaged in our community and how can we prioritize getting the support for them. I would venture to suggest that hasn't happened in any previous crisis, and it is a testament to the work that the staff in the office of equity and human rights have been doing over the past nine years. Is it nine years? No. Not quite. We have come a long way and we have a long way to go. And the measure of how we're doing is how well we do in this crisis. Thanks to everybody, and I am happy to vote aye.

Hardesty: Thank you, Commissioner Fritz, for those kind words, and I want to also echo the strong leadership that Mayor Wheeler has provided through this crisis, and the extremely hard work that Kimberly Branam and her team have put in. It has been remarkable to see how thoughtful folks can be in the midst of a crisis where everything is moving at the speed of light. I also want to appreciate us walking our talk. We talk a lot about front line communities, we talk a lot about equity, and I was thrilled to know that the first resources that we sent out the door were in support of businesses in the Jade District who have been economically devastated over the last two months. And so I am very proud to be part of this council. I am very proud that we are being thoughtful in leading with our values, and I am very proud to vote aye.

Eudaly: I just want to thank everyone for their hard work on this. Community members and in particular business owners and workers are extremely fearful of the longer term impacts of the crisis, and anything we can do to let them know that we are taking action is very helpful. I want to thank Andres Oswald from my office for sitting in on these phone calls so that we don't have an issue of a quorum, and just mention that I am following them as the liaison to venture Portland and also a former small business owner. I am particularly concerned about retail restaurants, event venues, and our arts community, just that they have a voice in this conversation, as well. So I appreciate what you have done to include them, and I vote aye.

Wheeler: I would like to second all of the good thoughts that people have said. I feel very, very positive about the way that this council has comported itself thus far during the crisis.

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The city bureaus have pulled to go, and they have been thoughtful, direct, and innovative in their approach. Commissioner eudaly just said something that really strikes home with me, and first of all, commissioner, I want to applaud you giving your perspective as a former small business owner and operator. I know that's been indispensable through these discussions and your role as a liaison to venture Portland has been important to us throughout this process. But what really strikes home is what you just said about protecting restaurants, food culture, the arts community, and those who are more broadly engaged in the cultural aspects of the community, small business owners, and operators, maker spaces and the like. These are the very things that make Portland, Portland. When we think about the Portland economy, these are the types of businesses that define us, and they are at the highest risk during this crisis. It starts as a public health crisis, of course. There is no question it's also becoming a social and an economic crisis. Director Branam, I want to thank you for your strong leadership during this time bringing to go your team and our teams and nearly 100 different types of business owners and operators, large and small, as well as representatives of employees to figure out how to best know how to weather this storm and how to rebuild from it when the storm passes. And director kinard, I want to thank you as always. You are something of the angel of death during these times in terms of bringing the hard, cold realities about what resources we have available that you and your team have been incredibly thoughtful and innovative in terms of helping to guide us towards what resources we do have available to help get through this storm, and I want to acknowledge the great work you and your team have done, as well, so I am happy to vote aye on this ordinance. Item number 244 is adopted. To item 245, Karla, if there is no further business, could you call the roll.

Fritz: So each of us brings our experience from the rest of our lives to our work on the council and in the city. I kind of kicked into my 27 years of working in the hospitals as soon as the state of emergency was announced, and my staff started working about that immediately. I think that particularly I applaud carly edwards, commissioner hardesty's chief of staff who was able to bring her experience with labor unions to this resolution, to this ordinance that we're adopting, and thanks to cathy bless who has been with the city for a long time and is trusted and admired and was able to get to, again, an agreement which, you know, if, to get to the agreement with all these unions within 13 days. I think three weeks ago people would have laughed but in fact, no, everybody is pulling to go. In addition to the folks that I thanked in the previous ordinance, I want to recognize government relations that they are doing an amazing job both in salem and in Washington, d.c. because the city can do some things, and we are doing a lot of things, but as was noted in the director Branams presentation, we can do a small amount, it's going to be a lot coming from the federal government and the state government. So this is a big piece of it and also I thank the technology services and emergency management in the city who have really been doing an excellence job of coordinating as has tom Reinhart, the chief administrative officer, so again, thanks to everybody who is working so well together under challenging circumstances, and thanks to everybody in our community who is staying home. That is the thing that you can do, stay home, stay safe. Just make sure that we shut this virus down as quickly as possible by doing the things that remotely that we need to do right now. Thanks to everybody. Aye.

Hardesty: I think it's clear that when you value your employees and they know they are valued, in a state of crisis, people come to the table with an open spirit. I appreciate all the kudos to my chief of staff. She's fabulous, and I knew it, and now you all know it. And also cathy bless because again, this was hard work. It wasn't easy. Everybody came with the spirit of making sure that we were leading with our values, and our employees trust that. What a fabulous 13 days. Who would have known that we could get so much accomplished in 13 days without actually seeing each other. I vote aye.

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Eudaly: I would like to take a moment to say that I have been isolating for several days now, shuttling back and forth between my home and my son's home, and I am not going out in public at all because my son is very high risk. And that's why no one is seeing me out in the community, but I want to thank all of the workers who are able to continue to do their jobs despite the risk that they face. Our system of failures are clearly on display right now as a country with so many vulnerable workers, working under precarious conditions who have no protections and no safety net, and I am really proud of the city for working with our public employee union to strike this agreement. I want to thank Carly Edwards from Commissioner Hardesty's office, and Cathy Bless and the unions, of course, for coming to such a quick agreement. I vote aye.

Wheeler: There's no question that these are challenging times, that the community is going through a time of hardship and sacrifice, and our city employees are right out there on the front lines. They are continuing to provide critical services to make this city resilient during this global crisis, and I want to thank all of our employees for that, and my message for them and for the city at-large has been yes, this is a difficult time, but we will get through this. We will get to the other side. We will be a better city for it, I believe, and we will get there together. In the meanwhile, that requires us to work together. I've been very, very proud of the partnership that we developed at not only the leadership level and the managerial level, but also our front line employees have worked very closely with us, and this is one more example of how we have come to an agreement quickly to be able to do the business that the public expects us to do come hell or high water. I want to thank Cathy and your team for your great work on this. I want to thank my colleagues for their excellent work on this, and I am happy to vote aye. The ordinance is adopted. Before we hang up I also just want to acknowledge Rick Nixon and the good work that's being done by our BTS team in record time. We have had to move to completely different platforms to keep our democracy functioning, and Rick, you have put in long hours to make this all work for us. I just want to thank you and your colleagues, as well. With that, colleagues, we are adjourned.

At 10:40 Council adjourned.