



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5TH DAY OF APRIL, 2006** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard, Saltzman and Sten, 5.

Commissioner Adams left at 10:41 a.m., excused.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Gary Crane, Sergeant at Arms.

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

COMMUNICATIONS	Disposition:
<p>411 Request of Bruce Broussard to address Council regarding school funding and parks (Communication)</p>	PLACED ON FILE
<p>412 Request of Linda Schumacher to address Council regarding enforcement of law downtown (Communication)</p>	PLACED ON FILE
<p>413 Request of Steven Hilsabeck to address Council regarding enforcement of law downtown (Communication)</p>	PLACED ON FILE
<p>414 Request of Nick Krahmer to address Council regarding enforcement of law downtown (Communication)</p>	PLACED ON FILE
<p>415 Request of George Vindedzis to address Council regarding enforcement of law downtown (Communication)</p>	PLACED ON FILE
TIME CERTAINS	
<p>*416 TIME CERTAIN: 9:30 AM – Authorize a labor agreement between the City and the Portland Police Association for terms and conditions of employment of represented employees in the bargaining unit (Ordinance introduced by Mayor Potter)</p> <p>(Y-5)</p>	180041

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<p>*417 Authorize a labor agreement between the City and the Portland Police Command Officers Association for terms and conditions of employment of represented employees in the bargaining unit (Ordinance introduced by Mayor Potter)</p> <p>(Y-5)</p>	<p align="center">180042</p>	
<p>*418 Authorize a labor agreement between the City and the District Council of Trade Unions for terms and conditions of employment of represented employees in the bargaining unit (Ordinance introduced by Mayor Potter)</p> <p>(Y-5)</p>	<p align="center">180043</p>	
<p>419 TIME CERTAIN: 10:30 AM – Adopt the National Incident Management System guidelines, protocols and standards to manage critical incidents in the City (Resolution introduced by Mayor Potter)</p> <p>(Y-4)</p>	<p align="center">36395</p>	
<p align="center">CONSENT AGENDA – NO DISCUSSION</p>		
<p>420 Accept bid of Snyder Roofing of Oregon, LLC for the Portland Building Ecoroof Project for \$565,608 (Purchasing Report - Bid No. 104989)</p> <p>(Y-5)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>	
<p>421 Accept bid of Brant Construction, Inc. for the Lents Crossing at Tideman Johnson Park for \$1,437,000 (Purchasing Report - Bid No. 105001)</p> <p>(Y-5)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>	
<p align="center">Mayor Tom Potter</p> <p align="center">Bureau of Planning</p> <p>422 Accept grant of \$12,500 from Oregon Heritage Commission to prepare interpretative historical materials in support of Skidmore/Old Town and New Chinatown/Japantown Historic Districts (Ordinance)</p>		<p align="center">PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>
<p align="center">Commissioner Sam Adams</p> <p align="center">Bureau of Environmental Services</p> <p>423 Authorize grant application for fuel comparison of construction equipment at the East Combined Sewer Tunnel Project to the Environmental Protection Agency in the amount of \$213,191 (Ordinance)</p>		<p align="center">PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>
<p>424 Amend Intergovernmental Agreement with the U.S. Geological Survey to evaluate toxics in sediment and water in the Columbia Slough (Ordinance; amend Contract No. 37535)</p>	<p align="center">PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>	
<p align="center">Office of Transportation</p>		

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<p>*425 Amend Intergovernmental Agreement with the Oregon Department of Transportation to increase project funds for the Hawthorne Boulevard Transportation Improvements Project (Ordinance; amend Contract No. 51754) (Y-5)</p>	<p>180039</p>
<p>*426 Authorize contract and provide for payment for the SE Hawthorne Boulevard Transportation Improvements Project between SE 20th Avenue and SE 55th Avenue (Ordinance; amend Ordinance No. 179612) (Y-5)</p>	<p>180040</p>
<p>427 Authorize Intergovernmental Agreement with the Oregon Department of Transportation for construction of a traffic signal at SW 30th and SW Barbur Blvd (Ordinance)</p>	<p>PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>
<p>Commissioner Randy Leonard</p>	
<p>Water Bureau</p>	
<p>428 Authorize the Bureau of Water Works to execute grants with community partners to fund lead poisoning prevention programs to comply with the Environmental Protection Agency Lead and Copper Rule (Ordinance)</p>	<p>PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>
<p>429 Authorize a contract and provide payment for construction of the Summerplace mains Package (Ordinance)</p>	<p>PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>
<p>Commissioner Dan Saltzman</p>	
<p>Parks and Recreation</p>	
<p>430 Accept completion and Alternative Contracting Process for North Park Square Development, authorize final payment and release retainage to Slayden Construction (Report; Contract No. 34974) (Y-5)</p>	<p>ACCEPTED</p>
<p>431 Apply for a \$53,940 grant from Metro Nature in the Neighborhoods program to improve neighborhood access and enhance wildlife habitat at the Columbia Children's Arboretum in North Portland (Ordinance)</p>	<p>PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>
<p>432 Authorize a grant application for \$15,000 from Metro Nature in the Neighborhoods program to maintain and enhance Portland Parks & Recreation managed natural areas through the Fanno Basin Parks Project (Ordinance)</p>	<p>PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>

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<p>433 Authorize a grant application for \$15,000 from the Oregon Community Foundation Tualatin Valley Water Quality Endowment Fund to maintain and enhance Portland Parks & Recreation managed natural areas through the Fanno Basin Parks Project (Ordinance)</p>	<p align="center">PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>	
<p>434 Authorize a contract for the development of the Holly Farm property as a neighborhood park (Ordinance)</p>	<p align="center">PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>	
<p>435 Contract with Triplett Wellman, Inc. for \$3,922,000 for the improvements to University Park Community Center (Ordinance)</p>	<p align="center">PASSED TO SECOND READING APRIL 12, 2006 9:30 AM</p>	
<p align="center">REGULAR AGENDA</p>		
<p>436 Accept bid of Moore Excavation Inc., for the Conduit Trestle System Vulnerability Reduction Project for \$3,869,000 (Purchasing Report - Bid No. 104932) Motion to accept the report: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>	
<p align="center">Commissioner Dan Saltzman</p> <p align="center">Office of Cable Communications and Franchise Management</p> <p>437 Grant a franchise to Northwest Metal Fab and Pipe Inc. for a period of ten years (Second Reading Agenda 264) (Y-4)</p>		<p align="center">180044</p>
<p align="center">Office of Sustainable Development</p> <p>*438 Accept a \$28,500 grant from the Department of Environmental Quality for a recycling project at Portland State University (Ordinance) (Y-4)</p>		<p align="center">180045</p>
<p>*439 Authorize an Intergovernmental Agreement with Portland State University in the amount of \$28,500 for a recycling project funded through a pass-through grant from the Department of Environmental Quality (Ordinance) (Y-4)</p>		<p align="center">180046</p>

At 10:54 a.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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WEDNESDAY, 2:00 PM, APRIL 5, 2006

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

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Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

[The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript.] * *

APRIL 5, 2005 9:30 AM

Potter: I'd like to introduce some folks. The first group, we have some visitors from china. They are here studying government, and Portland state university is hosting them. Thank you. Thank you very much for being here. [applause] and also, as we do each wednesday, is ask the question of our community -- how are the children? The reason we do that, we know if the children are well, the community is well. And so we invite different experts in to talk with us, and today we have sophie rodgers and madeleine rodgers, who are twins and go to sunnyside environmental school. So sophie and madeleine, could you please come up? Sophie is -- and madeleine are twins, and so at the -- sophie is exactly 22 minutes older than madeleine. So thank you for being here this morning. What would you like the city council to know?

Madeleine Rogers: Well, first of all i'm here because this seemed to be the perfect opportunity for me. So i'm here today with my twin sister sophie, my dad keith and my teacher tara. We go to sunnyside environmental school. We learn a lot of things other than just like the fundamentals, like math and science and history and stuff. But like art and garden, and environmental studies. We also have service learning, which is where we go out and we can learn about the community and people who are less fortunate than us, and also help out and have fun at the same time at places like the blanche chase. We also are a k-8 school, which means we have buddies, and I think that's really good, a really good quality in a school, because then maybe older kids who wouldn't be as pleasant try to set a good example for kids, the younger kids so it's a safe community for everybody. At our school we have lots of hands-on activities such as the current project where we are creating a museum. And I think that more schools should be able to have opportunities like this because it allows them to excel. My school is also an environmental school, and every tuesday we go to a place such as, like, a creek, or farm, or somewhere we're ecan learn about and help the community. And I think more people, especially children, should be able to learn about nature, because, like, children are the future, and without the environment and nature, the earth pretty much has no future. I think these issues are being really well brought to the attention of the public, because an environment is not only nature, but communities. And in a community there are more than just schools like houses, stores, businesses, and stuff, there are places that allow people to prosper and a personal goal. Places like these are arts schools and these theaters. I think these places of the arts should be well supported, because they help children and adults pretty much all around and to express their feelings. I know for our lives it really has enriched our lives. Now i'd like to bring to mind a thought that my mom actually inspired because she did this while in high school. When she was in high school she was the student representative on the city council, which might be an excellent way to reach the city. Like when my mom did this she learned a lot, and I think the city council of her town learned a lot too. Now i'd likes to give the opportunity if any of you have any questions of us at all.

Potter: They said you're in the sixth grade? [laughter]

*****: M-hmm.

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Potter: That was my question. Maybe sophie would like to say something?

Sophie Rogers: Not really.

Potter: Your sister said it all?

Sophie: I wasn't brave enough. I'm a songwriter and when she was august talking -- talking about the arts, expressing your feelings, it's like, I play the guitar, and i'm a songwriter, and me and my brother, just like -- my brother went to davinci, which is a really good school for arts, and -- I know this is against my school, but I don't really --

Potter: Where did your mother serve as the student representative on the city council?

Madeleine: In corvallis.

Saltzman: She was in high school, or college?

*******:** Yeah.

Saltzman: That's a good idea.

Potter: Thank you for being here this morning. Thank you. [applause] [roll call]

Item 411.

Potter: Thank you for being here, mr. Broussard. Please state your name when you speak.

Bruce Broussard: Bruce broussard, Portland, Oregon. In regards to the school closure aspect of it, if you notice in "the Oregonian," according to the Portland public school they're going to be close ball game seven schools. My thought was one we shouldn't close, but at the same time, in regards to parks, maybe there's -- there might be opportunities, maybe you're already entertaining this idea, but people in Portland really value their parks and their park land, maybe that's a creative way of maybe getting the parks if you will to include that as part of the -- part of that is already there to begin w. But it might be a way of keeping those schools, and maybe those kids can continue to do that. And maybe other government facilities that might be interested in new construction, they might consider maybe housing themselves in the schools. And I think that's very, very important. I'm also remind of the fact in that article in one -- in today's article they talked about the fact that some 10 years or so ago one particular school there was a major roof leak, if you will, some 10 years ago. My time with the in state with the custodians i've learned it was about that time if not maybe before that time that custodians were pretty -- the maintenance crew were watered down. In fact, they had, if you will, a roof or repair crew within the school system, and that could have averted a lot of cost. It indicated in this particular school it was going to cost something like \$1 million to replace that roof. What would have happened if they had to maintain that small crew and those people were making minimum wage at that point? We wouldn't be looking at that million dollars, if you will. That is something I -- I appreciate the fact that it's -- it was you, mr. Mayor, that put those summons together and got the public on board and got the issues on the table as far as the schools are concerned and I think we're going to solve this problem, the budgetary situation, and the money is going to be there, and you can put the moneys back here for a rainy day fund. Thank you, sir.

Potter: Thank you.

Item 412.

Potter: I'm going to ask people not to put their signs up. Ma'am? Thank you. Please come forward. Thank you folks for being here. I have to explain the procedure. This is part of the council meeting where any citizen can come in and speak for three minutes. So each of you can have three minutes, but you can't exceed that.

Linda Schumacher: Can I take some of his time?

Potter: No. And please state your name when you testify.

Linda Schumacher: My name is Linda schumacher. Before I begin my speech, I would just like to thank all of you for coming today. Thank you for your phone calls, letters, emails, and stopping by the store. Also, thank you to clean and safe for a job well done. I'm not a public speaker, but I feel so strongly about these issues, that's why i'm here today. It's not just a schumacher issue, these

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are issues that affect all of us. My husband owns schumacher furs and outer wear which has been in business in downtown Portland for 111 years. This last week there's been lot of talk about why i've asked to speak to the city council. Let's set the record straight. I have not just come here to talk about the fur issue or just protestors. I have come here to ask why the laws are not being enforced in downtown Portland. This is not a schumacher issue, this is an issue that not only concerns business owners, but every citizen who lives here and every person and family that comes to visit our city. For the past 21 weeks we have had crimes committed against our property and employees.

We met with commander benson, laurie abraham, binyon's eye world, zell's, Nordstrom, shoe pavilion and tom moyer theater, represented by strugent in regards to the issues happening to us. It has affected all of us. We were told a film audio and take photos of happenings at our store. We did so. Plus we hired a security officer for saturdays. He was there to help secure the safety of our customers, staff, as well as my husband, Greg's, and my safety. We had been screamed at that we were going to be killed, our house burned down, and they also put on their website, "let's give the schumachers a death of a thousand cuts." all the information was turned over to the police department and we still cannot get any action. Someone chalks nordstrom's property and that person gets arrested. With us, nothing. I have sat back and waited for our system to work, it didn't.

I believe the police officers have done the best job they can do, but their hands are tied. By whom? Their superiors. Our attorney, Rick Todd, addressed these issues with chief foxworth. Nothing has been done. Please see the attached letter. His recommendations. I understand commander dave benson has been working with your attorney Mr. Rick Todd to assist with the crimes that have occurred against your business. Commander benson's suggestions have included modifying or eliminating hours on saturday for a few weeks, removing all references to fur in the front display windows and adding glazing to the windows so protestors couldn't see in. Another email from dave Leonard -- dave benson to randy Leonard. One of the solutions is for them to relocate to a boutique type mall at bridgeport. A third party sent me another email. This was dave benson talking to mike caitenhall from Portland business alliance and mr. Schumacher's landlord, who is Vanessa Sturgeon from tmt development who is displeased with mr. Schumacher. This is the first we've heard of it. They're considering and may take action against mr. Schumacher. Now they are threatening to evict us. We are a retail store. We don't and can't close on saturdays. Our employee was issued a stalking order against one of the individuals. The stalker showed up at our store a few days later. We called the police. No response. The following day we were told it slipped through the cracks by a sergeant. A couple of days later on a saturday the stalker showed up again. The police were called. A police officer did respond this time. He talked to the stalker, talked to our employee, looked at the paperwork the judge signed and left the store. Again, nothing. Let me read the orders. The law in regards to --

Potter: Your time is up.

Greg Schumacher: Greg schumacher. Owner of Schumacher furs and outerwear. The stalker order she was talking about says, "police in core practices vary from county to county. Violation of a stalking order is a crime and you should report this to the police. The police must arrest the respondent when they learn a stalking order has been violated. Their discretion is not supposed to be had by a police officer in a case like this. This is to whom I may concern. I wanted to take some time to describe to you a picture that I have been seeing in my mind since december 2004, 2005. My wife's son and myself were on our way downtown to see santa claus on Christmas eve. We parked in a downtown smart park and proceeded to take in the local festivities of the christmas season. When we stepped out of the parking structure we were hit with several fur protestors in front of schumacher fur company. The sight we saw was very repulsive. They were not protesting in a peaceful way, they were shouting obscenities and basically causing a scene. One thing I explicitly remember was a couple trying to get into the schumacher store. The protestors blocked the couple's way and proceeded to call the women a cunt. The man a murderer and another colorful

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word. One protestors shoved a video camcorder in the couple's face and continued to fire obscenities and crude remarks. The couple walked away from the store and the protestors, but the protestors followed them up the street to who knows where. Across the street from this scene Portland police officers stood by and did nothing. Basically I wanted to tell this story because it bothered my family and myself. We wanted to come to downtown Portland and enjoy the holiday. I've been surprised to read are about the continued harassment and the protest in the local newspaper. I am -- this is someone else writes to us. I'm the mother of four children and six grand children. Who would want to bring their family, children, and grandchildren to downtown Portland if this is what they were going to be confronted with. I took this photo from inside our store. Take a look. Shame on you. We have you to thank for this. If you can't do the job, we'll find people who can. We as citizens, business owners, and taxpayers of downtown Portland deserve better than this. We want the law enforced. You have allowed this situation to get out of hand by not enforcing the law. We demand you make the arrests in regards to the law that's have been broken.

Potter: Ma'am, you have to put the sign down now. I asked the protestors to put their signs down. Please continue, sir.

Greg Schumacher: Quit turning your heads the other way and making excuses. Do your job. This is from fur information council of america from keith kaplan, president. The fur information council of america our membership respects the rights of every individual what to eat, wear, shop. We encourage open discussion about the issues and respect all first amendment rights. Similarly, we recognize we have the right guaranteed by law to conduct our businesses without obstruction, free of intimidation. Acts of trespassing, vandalism and assault just as have occurred at Schumacher Furs are outside the boundaries of first amendment rights and call for police action. Further, it is important to know the groups such as a.l.f., who have been involved in actions against schumacher are considered domestic terrorists by federal law enforcement and commonly engage in anarchist activities that have escalated into actions resulting in significant damage to business and property.

Potter: Thank you folks for coming in. I appreciate it.

Leonard: Mayor. As you know, normally this is a time for citizens and -- to say what they want, and we sit and listen, but because of the seriousness of the allegations the schumachers make here and have continued to make, I want to clarify a couple of things that occurred in your absence while you were gone. A week ago this past friday I got a call from a person who knows the schumachers who described briefly what you heard here today, and said is there anything I can do to help. And I called them, I want to make that clear, I picked up the phone, I called them. I talked to mrs. Schumacher on the phone. Briefly heard a description much as you've heard this morning, and asked if she and mr. Schumacher could relay that to me in written form in an email, which they did. I forwarded that email to the police bureau asking for a reaction to what the schumachers were alleging. In the middle of that I got a call from jim redden of the tribune saying he understood that I had been talking to the schumachers to help. This was within an hour of that. I immediately began thinking that maybe this was going in a direction that I was unfamiliar with. And I wished I at that point would have listened to my instincts and moved on to the other business I had to do that day. But I didn't. I got a reaction from the police bureau, and over the weekend I think on sunday, I wrote a fairly long response to the schumachers to their original allegations and basically the conclusion that I reached was there is another side to this that the schumachers do not talk about. Yes, the pictures they show are authentic, and yes, those things have happened. And yes, i'm concerned about those things. And that's why I called them, to see if there was anything I could do to facilitate some kind of a resolution. But what I got back from the police bureau, and i've got some copies over there and i've handed each to the council, is that the schumachers too have had posters, one of which reads -- that was in their window, "all protestors should be beaten, strangled, skinned alive, anally electrocuted." another says "poster boy for birth control." Certainly the

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Schumachers have the right to do that. It's their first amendment right. But those first amendment rights aren't exclusive for you. Think also belong to others. Who want to protest as well. So understanding that, I sent them back an email and I just want to read part of it. The only time I have addressed to the schumachers their business environment was, I recommended that they cease engaging the protestors because there's also allegations of some verbal confrontations by the schumachers, there's allegation their security guards have followed one person to their school and to their home, and so what I said was, that I hope that they will agree to work with me and the police bureau to find a resolution. And I said, i'm attempting to give you my most thoughtful advice. I hope you accept it in the vein I am making it. I would truly want you to be able to conduct your business in as healthy an environment as is possible. That's all I said about the business environment. Later I was asked by a reporter from the tribune, yeah, but the police bureau suggested they move to a mall. And I said to the reporter, if the schumachers aren't going to follow the police bureau's advice, and the schumachers aren't going to follow my advice, and that is, quit putting up provoking messages on their own store, quit going out and engaging the protestors, it would be safer for them to move into a controlled mall, such as, and I used the example, lloyd center, or mall 205. Both in the city of Portland. I agree, and I worked -- a number of you see I in the audience, i've read have written about this are rightfully upset if you think we went and told a business to move out of town. That's not what happened. You're all reasonable people. I work with you on a daily basis. What we don't want in Portland is behaviors from anybody that's going to contribute to violence. And violence that may contribute to somebody being hurt or worse. And my primary concern is the public safety of everybody, including the schumachers. And my attempt, and I know mayor, I appreciate your involvement, since you've been back to set up a meeting between the protestors and the schumachers, but my intent first and foremost is to make sure nobody gets hurt. And if nobody gets hurt, then we can find solutions after that. But that's our primary responsibility. And i'm sorry this has been spun the way it has, but it has been spun. And I regret that representations have been made that are inaccurate and in some cases false, and again, i'm -- first i'm very glad the mayor is back in town. [laughter] he will now handle this. But my goal certainly was to make the schumachers in my email to them in a safe environment, to be able to do their business and do what I could to help meet that end. Thank you.

Linda Schumacher: May I please respond?

Potter: I'll give you folks two minutes.

Linda Schumacher: Ok. That one saturday another business person brought those posters to me. We did not make those protestors. I admit, I was the one that hung the posters up at of pure frustration. I wanted them to take a look at these and say, wake up. Look what you look like. They were up for an hour and a half until one of them rushed our door almost knocking over two elderly ladies and knocked them almost knocked them down. Should I have put them up? Probably not. But I did, because I was so frustrated. Like I said, they were up for an hour and a half. That was all.

Greg Schumacher: We've been protested for over 115 hours, if you count each saturday. So these protestors were up for 1½ hours until one of the protestors barged through the doors when he had been told not to go on our property, almost knock over an elderly customer, fortunately I grabbed her and held her. And grabbed the posters out of the window. I think everyone is exaggerating this whole thing that we're antagonizing the protestors. That's not what's going on. We have been conducting a business for 111 years, our family has in this town. We've been paying our taxes, and we moved five months ago to this new location and all we want to do is be in business and do what we know how to do best, and that's retail fur and outer wear.

Linda: All we've asked is that the law be enforced. I wish you had been down there for the last 21 saturdays and seen what has gone on to have people pounding on the windows, yelling at you,

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going naked, keeping your customers from coming in the store. I think you would be saying a different tune.

Greg: Throwing red paint on our building.

Linda: I admit --

Greg: And we have it on video, and we have the person who did it on video and the police have done nothing.

Linda: I admit, if I walked out the door and they call me an f-ing whore, I will respond back. Now it's gotten so I do not even leave the store because they are on me in a second screaming at me. You do not know what has gone on. You have not been in that store.

Greg: We're not closing our business because of this.

Potter: First of all, we want you to stay in Portland. Let there be no question about that. Secondly, I would hope you folks would continue the discussions we've set up so we can resolve this issue. I think that's really what you want, is a resolution.

Linda: A resolution, but how do you negotiate with someone that says they want to close you down? They want to kill you and burn your house down.

Potter: I'm just saying we're trying to balance out people's rights.

Greg: All we need to do is enforce the law and arrest the people we have -- that have committed the crimes. These are crimes.

Linda: It says in foxworth's letter there have been crimes committed against us. That's why we're here today. We want the law enforced. Everyone in downtown wants the law enforced and we have that right.

Leonard: There have been three arrests.

Linda: Excuse me.

Greg: When a police officer got attacked. That's when they happened. Not when schumachers' got attacked.

Potter: This is not the place for the debate. We have tried to set up some meetings. We hope you attend the meetings --

Linda: We were trying to get the facts straight so the press and everyone in here knows what has happened.

Potter: Thank you.

Greg: Thank you for your time.

Potter: Read the next communication.

Item 413.

Potter: Please state your name when you speak, and have you three minutes.

Steven Hillsabeck: Good morning, gentlemen. Steven hillsabeck. Just so the record is straight, I am the only security guard for the schumachers. Unfortunately the fact that people in the store wear leather jackets, they've been identified as security officers, and they are not. So there have been several issues downtown in the schumachers'. I've been working with Portland p.d. in different issues. Keep in mind, Oregon constitution does state no law shall be passed restraining the free expression of opinion, but it also states but every person shall be responsible for the abuse of this right. There have been violations and criminal mischief charges, things that have occurred, things that have been put on film, and I think the frustration from the schumachers is the fact that when this all started, we have had different officers come into the store and state different things that are and are not allowed by the protestors. So when they contact Portland p.d., they come out, we get a different officer, he changes the story. Now this is ok, this is not ok. So at what point is Portland p.d., along with their supervisors, the d.a., city attorneys, city council, can we get together and put one set standard of law? You've got to follow the law. Freedom of speech is freedom of speech. Nobody is denying that here in this room. But violations and laws are broken. It makes my job harder to sit there and go to the Portland p.d. And ask them to do something, and then they have a

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different interpretation of what that is. Now, I know you all have copies of the city -- the Oregon revised statutes. We've got menacing, we've got harassment, we have graffiti, we have criminal mischief charges all of which have been put on film. I do have a vhs tape of some issues that we deal with on a regular basis. You're welcome to have the tape and look at it. If you want more video from us to see what is going on from our eyes, you can contact me at any time. City ordinance laws here, offensive physical contact prohibited, blocking the sidewalks, obstructions as nuisances, these things are all occurring. At what point can we get the Portland p.d. involved. And -- in determining which is right and not right for protests? A protest is supposed to be according to the Oregon constitution here, assembly together in a peaceable manner. I assure you, this right here will cancel that whole thing out. A peaceable manner is not on this tape. And this is multiple days and times that we have. I believe Portland p.d. protests in general, they're good on the streets. But we need to focus more on the laws on individual businesses or surroundings. That's pretty much all I have to say.

Potter: Could you please give the tape to our council clerk?

Hilsabeck: Absolutely.

Potter: Thank you.

Item 414.

Potter: Please state your name. You have three minutes.

Nick Krahmer: Nick krahmer. I'm the accountant for schumacher furs and outer wear. What brings me here is the lack of support I feel from the city. Since december of this year i've dealt with constant harassment and stalking by the protestors at our store. In early march it reached a level where there were two arrests in front of our store and I felt I needed a stalking order. Since receiving this order, and having it served. It has been violated twice. On the first occasion I called the police, and they didn't respond for two days. At that time I was assured he would be arrested. On the second occasion, I was informed by an officer that my stalking order was temporary and open to interpretation. What I don't understand is why my personal safety is not honored by Portland police. Thanks.

Potter: Thank you.

Item 415.

Potter: Thank you for being here, sir. Please state your name, and you have three minutes.

George Vindedzis: George vindedzis. I have worked at zell brothers for the past four years, and so have had a bit of a bird's eye view, if you're not familiar, zell brothers is right across the street from schumacher fur. And since schumacher moved in, what i've seen is a pretty civil protest on the weekly basis, and then of course a day after thanksgiving, this protest has grown into something I think very volatile. I have seen people followed down the street, being screamed at by protestors, screaming at the top of their lungs. I have had fellow associates that I work with, same thing, be screamed at, be cursed at. I have witnessed graffiti being put up on the walls of the schumacher fur business. Acts of nudity, and when you see the pictures show this in this folder, the amount of people standing outside of that business, even though they aren't technically right in front of the door, I sure wouldn't want to walk in there. I did one day, and when I came back out I immediately had someone with a mask on their face come out, literally get up in my face and started shouting at me. That's intimidation, that's harassment, and as far as I know, that's against the law. So it's just gotten out of hand, and I think there needs to be something done that certainly everyone has a right to protest, i'm as liberal as the day is long, but I just think it needs to come back to a little bit more of an even keel. Thank you.

Potter: Thank you, sir. Is that the end of the communications? That's perhaps a good way to close this part of our council meeting. As the last gentleman said, sort of strike an even keel. That is my desire with the business community, with the schumacher furs in particular, and with the folks who are there to protest. Our job is to first protect the rights and secondly, to enforce violation of law.

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And i've had many discussions with chief foxworth, commander benson, and others. At this stage, though, we're in a conversation, and I would hope that both sides come to the table and discuss the issues, that we can find common ground. And I hope that can be the case. If it's not, then we will take as a city the action we deem necessary to protect the rights of the protestors and protect the rights of the schumachers. And failing any infraction or violation in law, we will take appropriate action. So again, thank you folks for being here. I appreciate it. I know it doesn't leave much time, but we do have a busy schedule today and I apologize for that. And thank everybody for being here, and we will now continue on with our regular agenda. So if you folks wish to leave, that's fine, if you wish to stay, that's fine too.

Potter: Please read the consent agenda. Please call the roll. Are there any items commissioners wish to pull from consent agenda, or any member of the audience wish to pull from the consent agenda? Hearing none, Karla, please call the roll.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] move to the time certain. Read item 416.

Item 416, 417, 418.

Potter: I think we will hear items 416, 417, and 418. Read the other two, please.

Potter: Thank you folks for being here. Let's start with ms. Yvonne Deckert.

Yvonne Deckard, Director, Bureau of Human Resources: Good morning, council. Yvonne deckard, i'm the director for the bureau of human resources. We want to take all three of these ordinances, even though you'll vote on them separately, but we want to take them together and i'm going to start off by doing a presentation, and then i'll allow the unions to comment. I'm here today to present agenda items 416, 417, and 418 regarding contract ratification between the city of Portland and the Portland police association, the Portland police commanding officers association, and the district council trade unions respectively. From this point forward, i'll refer to each of these unions as the pp ryan anthony, the ppca and the dctu. The tentative agreement was these bargaining units were obtained through a combination of prenegotiation dialogue and good faith bargaining the. They have each ratified their contracts. I want to note that council and labor leaders met twice in january to brainstorm possible solutions to address health care issues. The significant common themes resulting from these discussion were health care and health care cost, compensation, engaged in collaborative strategies to mitigate health care cost trends, predictability, and stability for employees and the city, continue the improvement of a long-term labor management relationship. The terms of all four of these agreements are a four-year contract beginning july 1 of 2006, and expiring july -- june 10 of -- june 30 of 2010. A cpi wage increase of 2.8% for the first year of each agreement effective july 1 of 2006. A cpi wage increase for each additional year with a floor of 2% and a ceiling of 5%. On health care, the city shall contribute 95% of the combined total medical, vision, and dental rates as adopted by council, and employees shall contribute 5%. The level of benefits shall remain in effect for the duration of these agreements. The labor leadership also have committed to the following over the four-year term of these agreements. That is to work with the city on wellness, health, disease management strategies, and programs that improve enrollees' health and moderates medical and drug plan increases. To work within a joint labor management framework to help craft a wellness program. To work with the city in a multi-year joint health and wellness strategy that is aimed at reducing self-insured health care cost trend increases by 3% to 5% over the next four years. To commit to educating their members on matters of health, wellness, and disease management and health care costs. To work with the city to produce an annual work plan on wellness and health care costs mitigation. To work collaboratively with the city in all -- and all bureaus to identify changes in work processes, systems, and other requirements that could result in cost savings and/or efficiencies to help offset fixed costs and bureau budgets. To meet with the council and other labor organizations representing employees over the three times annually to discuss program and review progress to date, and to commit to

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using labor management committees process to address operational issues that may arise during the terms of the collective bargaining agreement. It is important for council to know that each of these unions have signed off on a four-year health, wellness, and disease management strategy. We have worked collaboratively to achieve these agreement and look forward to working long-term to resolve health care costs containment issues. I recommend that the council ratifies these agreement.

Potter: Thank you very much. We'll start with item 416, which is the agreement with the Portland police association. Robert king, would you like to address us?

Robert King, President Portland Police Association: Thank you, mayor. Robert king, the president of the Portland police association. It's remarkable and historic that we're here today, and that we're ratifying these contracts in the way that we are on this very short time line, after the lengthy process, all the union were involved in previously. So I thank each one of you for your leadership and for your support, and really getting all of the 70 labor unions -- city labor unions on working together over these next three years, and resolving some of the real concerns that are out there for all of us. Health insurance is of course one of the most serious concerns for officers for their families, and this proposal, this settlement, this contract really represents the security and the stability and predictability they need for their families so they can be focused on their work, which is the critical important work they do in our city, and know they're being cared for and that their benefit levels are remaining intact. Our executive board passed this proposal, this four-year contract, this 95/5 health insurance split, and all contract language. We sent this matter out to our membership and 568 of our members voted in favor of this contract settlement, and 13 voted no. There was I think the largest turnout of votes for a contract. Who are the 13? It passed by 97%, the highest pass rate of a contract in our history, at least the history i'm familiar with. And so I personally am grateful. I am very thankful and appreciative specifically of evonne deckert, and of the role she played in bringing all of us together in a way I think is going to be good for employees and for the whole city. I look forward to working together with evan and with ed ruttledge and peggy, all other city labor union leaders, and all of you over these next three years to address the concerns we all have about health insurance, and i'm mostly here to say i'm very thankful, and i'm grateful, and it's just remarkable how much less work we'll all have to do in struggling through this contract, and we can focus our energy on addressing and solving problems.

Potter: Thank you, robert. We'll move to the next ordinance, and it's with the Portland police commanding officers association. Commander benson.

Dave Benson, President, Portland Police Commanding Officers Association: Good morning mayor and mixes, dave benson, president of the Portland police commanding officers association. I too would like to join robert king in thanking the council for your support and making this happen. I also have to really extend a hand of thanks to yvonne deckard and ed ruttledge for bringing this all together. Certainly this -- these agreements at least from my perspective are driven by the volatility in the health care industry, both labor and management understand that, and we understand we have to work together collaboratively, and I think this is an excellent first step down that road and keeping health care increases at least down as much as we can, and controlling costs. So again, please accept my thanks, and I believe this is a fair equitable agreement for all concerned.

Potter: Thank you. Move on to the next ordinance. Representing the trade unions is james hester.

James Hester, President DCTU: Thank you, mayor Potter. James hester, the president of the district council trade unions, and the council representative for afscme council 75. Before I get into my thanks and acknowledgments of everybody that was involved in this process, robert recognizes this as historic, I agree with that. I would say that also say that we moved into a new universe, so to speak, for the dctu it's been a long time, six years since our strike year back in 2000-2001. As many of you have probably heard me say, there's no winners in a strike, and it's taking five, six years to

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repair those relationships between the unions, between council, between management, and the bureau of human resources. So given that, I would like to thank the council for taking the step and committing themselves to this new process. It was definitely unique, it was not part of a normal bargaining process, but you took that step forward. I also would like to say thank you to the bureau of human resources, because I know that they were out of their element, as I was as a union representative, trying this new fascinating approach to bargaining. I also would like to thank management, because I know, as they had issues that they wanted to bring to the bargaining table, our members also had issues they wanted to bring to the bargaining table, and we all had to set those issues aside for four years. I'd also like to thank all the representatives, all the city unions, my brothers and sisters in the district council trade unions, all the other city unions, including Robert King, David Dave Benson, members of COPEA, and the firefighters, big thanks to all of them, because we as a union, a group of unions in the city have been meeting for the last 12 to 18 months trying to look at this very big problem of health care in the city. And I believe the council, management, this city, and our unions are committed to trying to find a solution for that within the city. Not just for the city employees, but for all citizens of the city of Portland, children, mothers, fathers, families. So with that said, I would also like to thank all the represented members out there for the district council trade unions. All 1800 members. They took a big step forward. They took a step of faith as the council did, they set aside some needs of theirs that they wanted to see at the bargaining table, some of those were issues related to discrimination, etc. But we believe that through this new process and this agreement we can still address those issues through the labor management process. And that we have a new relationship as I said, amongst each other, and we believe we can move forward. And in closing I would like to acknowledge Richard Beetle, Labor Local -- John Kirkpatrick, District 5, who are also in the audience. We have a chance and an opportunity for new beginning, and I'm looking forward to working with council in the next four years during the course of this agreement. So thank you.

Potter: Thank you. Karla, please call the roll on item 416.

Moore: We have testimony.

Potter: Excuse me, I'm sorry.

Potter: Good morning, folks. When you speak, please state your name and you each have three minutes.

Dan Handelman: Good morning, Mayor and members of Council. Dan Handelman, with Portland Cop Watch. Portland Cop Watch is a part of a progressive community which fully supports the rights of workers to bargain for safe working conditions. We are concerned the Portland Police Association's contract with no changes except for the cost of living increases actually act negatively impact public policy and public safety. A Portland Police officer investigated for possession of marijuana late last year was not tested to see if he was using drugs on the job. Because the Portland Police do not have a policy on drug test can. The November 15 Oregonian reported the reason Chief Foxworth did not order him to be tested is under Oregon law the police union must negotiate the terms of any drug testing -- test can. The Portland Police emphasized they must police their own ranks and call for random testing or testing based on reasonable suspicion. This -- the citizens of Portland -- during the public scrutiny of the issue last November the President Robert King said he was surprised there's no policy and see no problem testing with reasonable suspicion. So here's the thing. We believe strongly in civil liberties, however we also believe an officer is involved in an unusual incident such as a shooting, death in custody or any other case that would lead to a hearing by the Use of Force Review Board it's important for the policy to require the officer to submit to a test that screens for drugs, alcohol, and steroids. A shooting is investigated as a homicide with the -- were the topic of drug testing policy, police in the public eye, the Council should take this opportunity to act. The independent Police Review Division's report showed 23 sustained misconduct complaints, six of them were for officers driving under the influence. Yes, in the

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contract is -- I understand I spoke to ms. Deckerd before the council meeting that this is being negotiated separately from the union contract, but whereas the -- where is the public dialogue and the public input and where is the discussion about these issues that i've raised this morning and we're hoping that if it's not going to be part of the contract that gets ratified today or some time soon, that it is brought up for public discussion before any kind of agreement gets finalized.

Potter: Thank you.

Richard Beetle: Richard beetle, i'm the business manager of labors local 483. Behalf of the hard working members of local 483, would I like to thank the council for their strong commitment to affordable health care. Our members made it very clear in our survey that was their number 1 concern. We heard that message, and we thing the council heard it as welt. We also in our dialogue understand that the cost of health care is soaring, it's a problem all across the state, everybody has the same concerns. And so in that flavor we understand that we have made a commitment to work with the council in a collaborative fashion to try to work together to find ways to slow down these increases. To be responsible spenders of health care dollars. And so we want to make a strong commitment to the council that we are willing to work with you to hold down those costs through wellness and through lobbying efforts or whatever it takes to work together to try to show the public that we are going to be responsible spenders of their health care dollars. Thank you very much.

Potter: Thank you.

Deckard: I want an opportunity to address the testimony that you just heard, especially as it relates to the drug testing policy. There are within all of these bargaining units there are operational issues and policy issues that we have chosen to continue dialogue on through a labor -- a collaborative labor management committee process. And the police bureau and the chief along with the the unions are working on their drug policy, so that is not something that has just fallen by the wayside because it wasn't folded into the labor agreement, as there are other critical issues within some of the other bargaining units that we are dealing with differently. So I want council to not lose sight of that. The other thing is that I want to just comment on real briefly that council gave bhr very clear directives and support in bringing these bargaining -- these agreements to fruition, and so I want to thank you for all of the help and the assistance you gave us, direction, and a lot of your offices, they continued to work with us as we worked with the unions. Soy think all of our efforts have brought us to this point today.

Potter: Thank you.

Saltzman: Yvonne, what's the benchmark for the health care costs? I seem to recall after four years we're hoping for something. What was the outcome benchmark?

Deckard: The outcome benchmark is 3-5%, the outcome you're look for is the reduction in self-insured plan cost trend into hold those increases to 3-%% over the four years. -- 3-5% over four years.

Potter: And that's the total?

Deckard: I'm sorry. Woe want to reduce the increases by 3-5% over the next four years.

Saltzman: Ideally at the end of your four --

Deckard: We should see as far as our -- in our self-insured plan as far as our cost trends, we should see a decrease of 3-5% through our wellness efforts is what we're hoping to gain.

Saltzman: Is that written in here?

Potter: Yes. It's under the joint commitment.

Deckard: Right. It's under the joint commitment notice. We took a two-pronged process that was one, the tentative agreement, and we also signed an addendum with the unions committing to those efforts.

Saltzman: Ok. Thanks.

Potter: Please call the roll.

Moore: Item 416.

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Adams: We'll be voting on these individually?

Potter: Yes.

Adams: I'll make my comments at the beginning. I want to thank my partners in organized labor, I want to thank evonne and her team for the good work, I want to thank my colleagues on the council.

We do have a huge challenge to face as has been noted, and is in the newspapers, well documented in the newspapers regarding the rising costs of health care, not only for us, but for everyone, public and private entities across the country. And I think that what we've done here and the partnership that we've created with our approach to settling these contracts really provides the platform for us to tackle those challenges in the most productive way, and I have high hopes and will be an enthusiastic partner at the table. So thank you all very much, and i'm very, very enthusiastic in voting aye.

Leonard: I join in commissioner Adams' remarks, and I would add that for the public that's watching this, this product that is a result of the city's agreement or side of the bargaining is the result of months much really very good vigorous discussion amongst the council, and evonne, and others, and it produced I think a really excellent result, and it does, as robert said, mark the beginning of a new era, but it isn't as painless an era as it might appear on the surface. Interestingly, it will be more painless for us and -- excuse me, less painless for us on this side and more painful for labor organizations in my experience, because when you engage in a true labor management process, a true process, not one you just call labor management, you actually have a form within which employees sit at the table and help find solutions, then as in the case that mr. Handleman brought, there is an expectation that you find a solution to all problems. And not take the defense on either side that while we have a contract and we're not talking about it. So each side as it has an issue that's a legitimate issue, has the right, and I would argue the responsibility during the term of the contract, to bring that issue to labor management and find a resolution. And the hard part is that sometimes where these systems work the best is that the labor organizations have to go out and explain to their members why they agreed to something that in the past they may not have had to agree to, because they would have taken the traditional position that is in the contract, we don't have to talk about it. But that works both ways. So labor comes to management, and that's happened in this kind of a process with us that evonne has been fabulous in helping us find a resolution, our inspectors of the bureau of development services. We discovered during the last contract based on their input that in fact we were at a competitive disadvantage, the city, to get inspectors. We were losing them to surrounding communities because of our pay scale. During the term of the contract we will to do our part and sit down and listen to that and go, you're right, that's right. And amend the contract to change the pay. So it's a two-way street, and it's exciting, and I work with a group of people here who are each one of them are committed to this kind of a process. It's a little frightening for some because it's new, but I think it's going to pay off in having an outstanding work force, better than what we have now, because if you know you have the support of your employer and you know you're helping your organization go in the right direction, it vests you in -- personally in that organization. And I have some experience with that kind of an organization, and I think we're going to -- we're getting there with each of our bureaus, and i'm very excited about it, and I appreciate more than Potter's leadership on this. It couldn't happen in my experience without the mayor being out there on the front line, pushing this kind of an initiative, so it's a fun time to be on the city council. Aye.

Saltzman: I want to thank all of the unions and evonne and ed, and peggy for their great work in bringing these agreements forward. I go to a lot of meet cans these days, and everybody wants to know why we can't do certain things. And -- or why we can't do more things. That usually boils down to money, and I say, well, there's a very simple answer, and it's true of us, other governments too, the rate of expenses, rate of growth of expenses exceeds our rate of growth of revenue. That simple fact leads us to trimming two or \$3 million every year from our general fund. And I think

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my concern has been as all of you know, my concern has been that the 95/5 health care split is not sustainable in that context over time. However, I do feel, in this case that I was impressed with the two days much meetings the council and the labor leaders had, and really the idea of a four-year agreement with the 95/5 with the goal, the joint goal, the shared goal of reducing the rate of increase of our health care costs by 3-5%, I felt that was a deal worth taking, and the consistent vain of entering a new era of labor management cooperation. And I will be watching closely to make sure, because quite honestly i'm not sure wellness is going to get us there. It's got to be other things too, and those other things is going to be tougher. But I think those have to be part of the mix or we're not going to succeed. But this is a good agreement, and I appreciate all the parties that have come to the table to do this, and I certainly think a four-year agreement with the allowance for wage increases and continuation of the 95/5 with a clear outcome in mind is definitely a sound agreement, one I feel comfortable going out and telling people why i've supported it and why I think it's a good thing for the city. And its workers. So i'm pleased to vote aye.

Sten: I want to thank everyone involved, from the labor leaders to my fellow council members, to evonne for a great job with your team. I believe two things fundamentally here. One is that adequate health care is an employer's responsibility, period. And the fact prices are going up does not take an employer off the hook. Prices are going up faster than wage is, and as employers we have to solve that, but we can't expect to push that off to our employees, and I think you're seeing a strong message we're not going to do this. This country cannot function if working families don't have adequate health care. And there's no possible way given that the gap in what's happening between the rich and the poor in this country to expect that the failure at the national level to deal with prescription costs, to deal with a runaway problem of too much influence in congress by the large health care companies and others, I think this is a fundamental issue that our democracy is failing to address, and I think it has a lot to do with the issue -- the lobbyis in d.c. But at the end of the day that doesn't get an employer to the point we can say we're not going to provide adequate health benefits, because it's fundamental toward our children's future and our employees need to know, and the city is on the front line. If we walk away from adequate health care benefits, I think lots of others will follow very quickly. So for me, this is fundamental as an employer as to what we have to do. Given the very difficult nature that we've talked about this issue, it's also fundamental, which I believe I just talked about, that we have to work together between labor and management to come up with new ideas, new solutions, and I think the bottom line isn't -- it's not so much wellness, which is a key part of it, it's coming up with strategies that allow the individual to make better use of their health care to get themselves healthier and get our costs down. And I think it's partly people keeping in better shape, partly people making fiscally better choices in terms of how they use the benefits that -- and I think the set-up we're moving towards helps both sides benefit, and in the real world people don't make different choices unless there's benefits on both sides. Soy think the structure will help us get there. I also believe we need to work harder on building some actual financial incentives to employee that's basically say you will do better if you work with us to make better use of the benefit that's are out there. I've been looking into it in a very small number of our employees who could benefit from pretax savings plans to pay their share use those, because I think they're clunky. And I think people don't understand them. So I think that's a place where we could make a lot -- we could all save a lot of money without anybody spending anything. Soy think there's a lot of work to do. Having been on the council for a little while, my experience with long protracted strike votes, arbitration, and other pieces is that we rarely end up with a solution that either side wants after we go through that process, and we burn even though we don't count it against the contract, we both burn more resources sometimes than we're arguing about. Sometimes there's more resources, but essentially what I see with this agreement is a terrific opportunity to actually make progress on all of the issues by putting the health care strategy to the side because

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we've made a good decision on both sides. So I think everyone has showed quite a bit of foresight and for me it's a great pleasure to vote aye.

Potter: Yvonne and ed and peggy, thank you for leading up the city's effort. And also from my office, austin was very much involved in all of these negotiations, and I appreciate what she did. And robert king and james hester, and dave benson, thank you, and your members, please pass along our appreciation to your membership for what they did. They're the ones that voted it in, and we know we have many issues till in front of us u. But part of this union -- these union contracts are to work with the management, labor management committee process, and I think that will be some -- another hurdle that I think we can overcome, is resolving more problems at that level rather than going to the grievance procedure arbitration. So i'm looking forward to the positive aspects of all of this, because I believe that it is a shared responsibility that the workers of this city and the city council have in sharing responsibility for reducing health care costs. I'm still very much interested to see what we dock on a national level. Myself through the mayor's -- national mayors association as well as the league of cities, as well as other avenues that we can take, and with the union national leadership in -- because as we've said before, the culprits for the problems with health care were not in the room that's we were in. It was elsewhere. And I think that we need to have some national reform of health care. I think it's disgraceful that a state like Oregon can have 120,000 children without any health care. So we've made some steps here in Portland with our folks, but I still think there is much to do both on a state and national level to ensure that every child and adult has health care in our country. It is such an essential right, I just don't understand why we ignore it. So I want to work with the unions, with our -- bureau of human resources to see what we can do to begin to effect change. If change starts locally, I think we've started that, and we can take what we're doing here, extrapolate it to a state and national level. So thank you all for being part of that change, and thanks to the council for sitting down and working with the unions. I remember seeing all those long sheets of ideas that we had, and it came to fruition. And I think when good people sit down, we can find good results. So I just want to say thank you, and eyre. [gavel pounded] please read the next item.

Moore: Roll call on 417.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read 418.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] thank you all. We'll now go to the 10:30 time certain.

Item 419.

Potter: Good morning, mike. How are you?

Mike McGuire, Portland Fire & Rescue: Very good. I'm mike maguire, deputy chief with Portland fire, assigned to the Portland office of emergency management. I'm representing the any director who is at a county pandemic planning meeting. Just very briefly I wanted to give you a little summary of what this resolution represents. Really, it's our city's intent and our commitment to comply with the homeland security presidential directive number five, which is the adoption of the national incident management system. Very briefly, nims is really our nation's first standardized management system that works for all types of emergencies and disasters that brings all levels of government various responders together so that they can work together better. It's in essence a template that allows all these agencies to work together. It's also a requirement under homeland security presidential directive five that agencies adopt and utilize nims as a condition for federal preparedness assistance, which is grants and we're intended to do that at the end of fiscal year 2005. That date was changed to the 2006 date, and it's very important that we formally adopt this. This has been used -- nims has been used in the wildland, fire and firefighters community for years, and it works well. Some of the key element that's are important for us is number one, to recognize and adopt nims, to provide training, and actually use it and exercise it. And in honor of

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our operational plan. So very briefly in summary, the resolution helps us comply with the requirement, and brings the city's compliance level up. Currently it's about 28% nims compliant, we need to bring that to about the 100% by the end of the fiscal year, federal fiscal year. With that, home recommends that we adopt this resolution.

Leonard: Excellent presentation. Thank you.

Saltzman: Did you say by the end of the federal fiscal year we need to be 100%?

McGuire: Yes.

Saltzman: October?

McGuire: October we actually need to not only have it adopted, but have our training programs and have it integrated into our operational plants. We're well under well with complying with the training elements, where we've lacked is having a formal use. Many of the bureaus have their resolution, but citiwide we do need this resolution.

Saltzman: So you don't see any problem with us being 100% compliant?

McGuire: Actually, 2007 in my understanding from talking to fema is 2007 is going to be more of the compliance year, so it's very important that we have a plan to get there, and from the folks i've been talking to with fema, they recognize it's difficult to get there are and we have a plan in place and are taking the steps this, is just another key component of finalizing that plan.

Potter: Other questions? Karla, was there a sign-up sheet?

Moore: There was, but no one signed up.

Potter: Ok.

*****: [inaudible]

Potter: Please come forward.

*****: Veronica --

Potter: Please sit down and speak in the microphone. Please state your name and have you three minutes.

Veronica Bernier: I'll take less than that. Veronica, community health education, p.s.u., public health. And sports health. And of late, nutritional health. We're working on the schools. But I wanted to speak to something that is actually related to fire and e.m.s., and it has a lot to do with what's going on here, but basically what i'm talking about right now is that I think we need more firehouses in this city, and I know it's not specific to what you're talking about right now, but the ratio of citizen population has grown. We've got a 17% increase in our town now. A very free floating population that sometimes shifts between one area and another. As this relates to that, there's going to be more car accidents. There's going to be more injuries. Child problems, where children need immediate fire assistance, and I found just recently when I called for fire and e.m.s. response for three children that two of which were real sick, they ate something and got sick, it was prolonged, about 4.5 minutes to five. And I thought it should have been under three, since there's a firehouse within 50 feet, or 100 feet. I'm talking about second and ankeny, which remains a hot spot for children, crime on the street, everything. We all know the red light district. So I just wanted to say that wherever possible we need to hire more fire service people, number one, and we can use a little more e.m.s. support in that area. And I would like to go even further, would I like to actually put some police response in fire engine one. I think it's engine one or two at second and ankeny. Because a lot of what --

Potter: Ma'am, this is -- you're on another subject now, and this is specific to authorizing us to proceed with the nims national model. Thank you very much.

Bernier: Thanks. I made my point.

Potter: Is this an emergency vote?

Moore: It's a resolution.

Potter: Resolution. Please call the vote.

Leonard: Aye.

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Saltzman: This is a very important work, and I want to thank mike maguire for his service as the interim director for the last almost a year, I think. You've done a great job, and I just want to thank you for doing that and I don't know whether you'll be continued to be assigned to it or not, but we'll miss you if you're not. But I know you'll be doing a good job for us elsewhere. Thanks. Aye.

Sten: Aye.

Potter: I too would like to thank mike. I know he'll be here for a little while longer as he helps the new director, but mike, you are a godsend in a lot of ways, and I really appreciate you stepping in at a really difficult time, and the leadership you've demonstrated. I remember when we responded to katrina, you were there day and night, and it was greatly appreciated. And I think this nims is so important to ensure that all of the different agencies, not just in the city, but in the region and the state, use the same management system so that we work hand in glove and not at odds with each other. So thanks for bringing this in today. I vote aye. [gavel pounded] ok. The regular agenda. Please read item 436.

Item 436.

Potter: Is this the second reading or the first?

*******:** First reading.

Potter: Ok.

Jeff Baer, Director, Bureau of Purchases: Good morning, mayor and members of city council. I'm jeff baer, the director of the bureau of purchases. Before you is a request to execute -- accept the bid from moore excavation on the columbia trestle system vulnerability reduction project in the amount of \$3,869,000. Just to do a real quick overview of that specific site or project, we have a representative from the water bureau in case there there are project specific questions i'm unable to answer, this involved three different sites, and one of which there had some different site projects -- site specific issues related to it, that's why we ended up receiving a much higher bid amount than what we had on the engineer's estimate. Water bureau had asked the consultant that had done the design work to go back and actually review those independently to make sure the bids that we did receive were in line with what we were expecting to achieve through the project. And to look specifically at the minority women and emerging small business participation, it is only 4.9% of the total project value, and mayor, yourself and commissioner Adams a couple weeks ago were hesitant and had asked me questions about the lack of participation in the small numbers, and so I went back and asked our team to look at that and see what was going on that might have -- might resulting in some of the low numbers we've been achieving. And for this particular project, to give you an example, there were only four different divisions of work identified for potential subcontract opportunities. And out of that full project amount, we identified that it could potentially amount to about \$600,000. And although it's only the minority business participation on this is only 4.9%, that's of the total project value versus if you look at it of the potential subcontract opportunity, it amounts to just under 32%. And so we are also in addition to looking at our good faith effort program, we've also been working over the past couple months with the association of general contractors to look at making some process improvements to our good faith effort program and making sure it's working as we originally intended. We've got buy-off from a.g.c. On some streamlining and some revisions to our good faith effort program, and we are in the midst of going forward with putting those into place. The addition to, that one of the things we found, we did a quick analysis of the last six months of contract awards for construction, and we actually have awarded almost \$4.5 million worth of subcontracts to minority, women, and emerging small businesses over the past six months. So part of the thing -- one of the things we're looking at is lack of availability, contractors or subcontractors in this case are very busy at this time of year. This is our busy construction season, and so we're finding that they are not always participating in providing subcontracts to the prime contractors. So with that i'll pause and ask if any questions related to that, and i'm also going to be doing some additional changes to the report so you have a

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better portrait of the full scope of the divisions of work and can really look at it more kind of at a drill-down level.

Potter: Questions? Is that it, then?

*******:** That's it.

Potter: Ok. I need a motion to accept the report and a second.

Leonard: So moved.

Saltzman: Second.

Potter: Karla, please call the vote.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 437.

Item 437.

Potter: This is a second reading. Vote only. Please call the roll.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 438.

Item 438.

Potter: Commissioner Saltzman.

Saltzman: I'm not really prepared on the details of this, other than to say I know we're working with p.s.u. On their recycling programs, and they are helping us on some of our recycling programs, and this is a good thing.

Potter: Is there anybody else here to speak on it? Ok. This is an emergency vote. Please call the roll.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 439.

Item 439.

Potter: Any comment?

Saltzman: This is just sort of the second step of the same grant.

Potter: Emergency vote, please call the vote.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] last item on the agenda. We're adjourned until Saturday morning. Thank you.

At 10:54 a.m., Council adjourned.