



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **15TH DAY OF OCTOBER, 2008** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Adams, Fish and Leonard, 4.

Commissioner Leonard was excused to leave at 11:00 a.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

On a Y-4 roll call, the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
<p>1399 Request of Bill Parish to address Council regarding the current financial situation and its impact on the City retirement programs (Communication)</p>	PLACED ON FILE
<p>1400 Request of Pavel Goberman to address Council regarding his complaint against the City police and Chief Sizer (Communication)</p>	PLACED ON FILE
TIME CERTAINS	
<p>1401 TIME CERTAIN: 9:30 AM – Adopt the City of Portland Sweatshop Free Procurement Policy and Code of Conduct for apparel contractors (Resolution introduced by Commissioner Adams) (Y-4)</p>	36641
CONSENT AGENDA – NO DISCUSSION	
<p>Mayor Tom Potter</p> <p>Office of Management and Finance – Business Operations</p>	
<p>*1402 Authorize CityFleet to issue a purchase order and authorize payment in excess of \$500,000 for replacement of eleven 5/6 yard dump trucks (Ordinance) (Y-4)</p>	182259

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<p>1403 Amend Intergovernmental Agreement between Portland Development Commission and the Office of Management and Finance Business Operations Division Printing and Distribution Program for copy and mail distribution services at Mason-Ehrman Building (Second Reading Agenda 1369; amend Contract)</p> <p>(Y-4)</p>	<p align="center">182260</p>
<p align="center">Office of Management and Finance – Financial Services</p>	
<p>1404 Statement of cash and investments August 21, 2008 through September 17, 2008 (Report; Treasurer)</p> <p>(Y-4)</p>	<p align="center">PLACED ON FILE</p>
<p align="center">Office of Management and Finance – Human Resources</p>	
<p>1405 Change the salary range of the Nonrepresented classification of Police Human Resources Manager (Ordinance)</p>	<p align="center">PASSED TO SECOND READING OCTOBER 22, 2008 AT 9:30 A.M.</p>
<p align="center">Police Bureau</p>	
<p>*1406 Amend Intergovernmental Agreement with the Multnomah County District Attorney to reimburse the Police Bureau for overtime costs of officers assigned to the District Attorney Office as investigators (Ordinance; amend Contract No. 52562)</p> <p>(Y-4)</p>	<p align="center">182261</p>
<p align="center">Commissioner Sam Adams</p>	
<p align="center">Bureau of Environmental Services</p>	
<p>*1407 Authorize Intergovernmental Agreement with Metro and North Clackamas Parks and Recreation District to purchase taxlots in the Johnson Creek floodplain to facilitate a sewer pipe repair (Ordinance)</p> <p>(Y-4)</p>	<p align="center">182262</p>
<p>*1408 Amend Ordinance to change the legal description for a temporary construction easement required for the Portsmouth Force Main Project No. 6902 (Ordinance; amend Ordinance No. 182123)</p> <p>(Y-4)</p>	<p align="center">182263</p>
<p>1409 Authorize the Director of the Bureau of Environmental Services to execute an easement with the Union Pacific Railroad as part of the East Side Combined Sewer Overflow Tunnel Project No. 7594, including an indemnification from the City to Union Pacific Railroad (Second Reading Agenda 1377)</p> <p>(Y-4)</p>	<p align="center">182264</p>
<p align="center">Office of Transportation</p>	
<p>*1410 Authorize grant agreement with RailVolution to fund the ongoing commitment of the City to the mission and objectives of RailVolution (Ordinance)</p> <p>(Y-4)</p>	<p align="center">182265</p>

Commissioner Nick Fish	
Bureau of Housing and Community Development	
*1411 Authorize subrecipient contract with the Salvation Army in the amount of \$149,730 for the provision of shelter for homeless men and provide for payment (Ordinance) (Y-4)	182266
Fire and Rescue	
*1412 Accept donation of \$18,605 from the Jeff Morris Fire & Life Safety Foundation (Ordinance) (Y-4)	182267
*1413 Authorize settlement between Paul "Jim" Bieker, the Portland Fire Fighters Association and Portland Fire & Rescue regarding employment claim (Ordinance) (Y-4)	182268
Commissioner Randy Leonard	
Bureau of Development Services	
*1414 Authorize a sole source contract with Portland Community Media for \$150,000 to provide video production services for the Bureau of Planning and the Bureau of Development Services and provide payment (Ordinance) (Y-4)	182269
Water Bureau	
*1415 Authorize contract with the Columbia Corridor Association in support of the Columbia South Shore Well Field Wellhead Protection Program (Ordinance) (Y-4)	182270
Commissioner Dan Saltzman	
Parks and Recreation	
*1416 Authorize a grant to Linnton Community Center for operational costs (Ordinance) (Y-4)	182271
REGULAR AGENDA	
Mayor Tom Potter	
Office of Management and Finance – Human Resources	

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<p>*1417 Authorize a Letter of Agreement – Grievance Settlement Agreement with Portland Police Association providing for resolution of three grievances that address the City's interpretation and application of the 95/5 cost-sharing provision of the parties' July 1, 2006 - June 30, 2010 Collective Bargaining Agreement (Ordinance)</p> <p>(Y-4)</p>	<p align="center">182272</p>
<p>*1418 Authorize a Letter of Agreement with Portland Police Association authorizing assignment of up to three Detectives to the Portland Police Bureau Special Emergency Reaction Team with the hazard pay premium set out in the parties' Collective Bargaining Agreement (Ordinance)</p> <p>(Y-4)</p>	<p align="center">182273</p>
<p>1419 Authorize a Letter of Agreement with Portland Police Association authorizing the hire of particular police officers pursuant to the Multnomah County Sheriff Office Lateral recruitment at a reduced 12-month probationary period (Ordinance)</p> <p>Motion to reduce the probation period to six months and remove the emergency clause: Moved by Commissioner Leonard and seconded by Commissioner Fish. (Y-4)</p>	<p align="center">PASSED TO SECOND READING AS AMENDED OCTOBER 22, 2008 AT 9:30 A.M.</p>
<p>*1420 Authorize a Letter of Agreement with Portland Police Association authorizing continuation of the alternative 9/80 schedule for certain detectives in addition to the schedules already bilaterally adopted by the parties in their Collective Bargaining Agreement (Ordinance)</p> <p>(Y-4)</p>	<p align="center">182274</p>
<p>*1421 Authorize a Letter of Agreement with City of Portland Professional Employees Association authorizing the City to hire retirees into bargaining unit positions subject to limitations and to modified employee rights under the parties' Collective Bargaining Agreement (Ordinance)</p> <p>Motion to substitute the exhibit: Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-4)</p> <p>(Y-4)</p>	<p align="center">182275 AS AMENDED</p>
<p align="center">Office of Management and Finance – Purchases</p>	
<p>*1422 Authorize flexible services contracts for Professional, Technical and Expert services for information technology (Ordinance)</p> <p>(Y-4)</p>	<p align="center">182276</p>
<p align="center">Commissioner Sam Adams</p>	
<p align="center">Office of Transportation</p>	
<p>1423 Vacate a portion of SE 63rd Ave north of SE Main St, subject to certain conditions and reservations (Hearing; Ordinance; VAC-10049)</p>	<p align="center">PASSED TO SECOND READING OCTOBER 22, 2008 AT 9:30 A.M.</p>
<p>1424 Vacate SE 44th Ave between SE Umatilla St and SE Harney St subject to certain conditions and reservations (Second Reading Agenda 1391; VAC-10060)</p> <p>(Y-3; Leonard absent)</p>	<p align="center">182277</p>

At 11:20 a.m., Council adjourned.

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GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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WEDNESDAY, 6:00 PM, OCTOBER 15, 2008

**DUE TO THE 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.

OCTOBER 15, 2008 9:30 AM

Saltzman: We start our meetings, I think you are going, you took the roll first?

Parsons: The council kids first.

Saltzman: We will start with our council kids presentation. Commissioner Adams?

Adams: Yeah. Thank you, mr. President. And if our honored guests would please come forward and take a seat at the table, i'll -- it's a pleasure to have three students representing the pursuit of wellness at roosevelt academy, otherwise known as the power academy, from the roosevelt high school campus in north Portland, my high school. I live in north Portland. These student leaders are helping to plan an expanded homecoming this year with the goal to engage a wider community. I look forward to being here. And the roosevelt alumni in a grassroots fund raising campaign for an improved outdoor community athletic complex and goodness knows you need one. So before us today are uwandrick, nate clark, sanunun and -- how did I do?

*****: Fine.

Adams: We also have some alumni who are with us today. And I am just going to name what year they graduated just because kind of fun. Two adult partners, both roosevelt alumni, norm daniels, great local entrepreneur, business leader, the class of 1920 -- '66. Class of 1966. Sorry, norm. And michael shrunk, the class of 1960. So i'd like to welcome this group of roughriders to city council chambers. Who would like to go first?

*****: My name is uwandrick. I like to say good morning, commissioner Adams, and to the city council members. Thank you for the opportunity to provide a roosevelt campus rough rider update. As you prepare for your regular city business.

*****: First and foremost on behalf of the current students, our new student staff, our new alumni friends and the st. John's community, we invite you to join us for an old school homecoming celebration this friday, october 17th, beginning with the classic pregame community pep rally at 5:00 p.m. And continuing at 7:00 p.m. As the rough rider football team seeks its first win of the season against cleveland high school.

Adams: Cleveland, boo.

*****: Thank you. Thank you.

*****: In honor of the council's pledge to help us as you have helped lincoln and cleveland, build a new outdoor athletic complex, we welcome you to join in the homecoming events as our guest.

*****: And as a small token of our appreciation for your support --

Adams: Oh, wow: That's cool. Put one of those in front of our desks maybe.

Fish: Sam, I think this solves the problem of the chairs.

Adams: He's the good looking one down there. That's cool. How nice:

*****: One more. Tom: That's the most important.

Adams: I just want to point out as you mentioned -- which high school did mayor tom Potter go to?

Leonard: He went to cleveland.

Adams: Boo. I'm just kidding, cleveland. Don't send in letters. That's great.

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*****: These items are complements of walt pellet and city liquidators will come in handily as we expect 1,000 supporters and we currently have chairs for none.

Adams: That's a good point.

*****: But homecoming at roosevelt is not about the building. As a celebration of our community spirit.

*****: A bonfire will be roaring on friday with a permit from your fire marshal. The fire symbolizes the strength of the many alumni friends who have brought forth energy and resources to help us rebuild our school to the stature of past times.

*****: The fire represents the desire of current students to rise above obstacles and to achieve great things in the classroom, in the community, as we move on after graduation.

*****: And with you guys, I hope, we will have more comfortable place to sit and enjoy from a homecoming in 2009.

*****: But we're ok standing. Standing and cheering with our neighbors in celebration of rough rider spirit, getting stronger and stronger all the time.

*****: So please come and join us this friday and see for yourself.

*****: Thank you.

*****: Thank you.

*****: Yeah. [applause]

Adams: Do the honored alumni wish to say anything?

Norm Daniels: Mike and I are here in support of, representing the alumni and the st. John's community to show our support for this project. We're behind it. They may not mind standing but as you get older you like to sit down once in a while and we would like to see a great stadium, athletic facility for the whole community of st. John's developed here in the next year. Mike?

Michael Schrunk: Thank you, good folks. It's good to see you again. And I just want to stress this is a community development. The peninsula area, the st. John's area centered around roosevelt high school, it's truly going to be a facility, when completed, that the whole community will use, enjoy, regardless of age. It's positive. We need your good thoughts, your support. And your attendance filling those chairs. Thank you.

Adams: This has been a fantastic presentation, really. Thank you. Anyone want to make a comment?

Fish: If I could, thank you, sam. First of all, I am a big supporter of what you're advocating for and I thank you for coming and putting the heat on us. I think we need to get the 10 great field program fully funded and roosevelt deserves its field. Count me as a supporter.

*****: Thank you.

Fish: Number two, I just want to say something about roosevelt, that links up with my history that you may not know. Teddy roosevelt was famous for the battle of san juan hill. And as you know, as you know from your history, the first casualty of the battle of san juan hill was a captain named hamilton fish, who was my grandfather's nephew.

*****: Wow.

Fish: And he is buried at a family grave site in upstate new york. He was the first casualty of that war. My grandfather who lived to 102 was such an admirer of a teddy roosevelt that he served as his bodyguard at 1911 convention and ran for the state legislature I think in 1915 on what was then called the bull moose party line. There was a progressive party, a third party, and he ran, and I have a card that, palm card that he handed out and it said "bull moose." so teddy roosevelt, in addition to being the person for whom your school is named, was, is a giant in my state in which I was born, new york, and I have some strong family history with him. And so I know we're all very proud that this school carries the name. We're proud of what you are doing there. And I will do everything I can to help you get that field.

*****: Thank you.

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*****: Thank you.

Adams: And we as well. So thank you for. A great presentation. Do we really get to keep the chairs?

*****: Yeah.

*****: Bring them with you friday.

Saltzman: Thanks a lot.

*****: Give them a hand one more time. [applause]

Saltzman: Sue, please call the roll.

[roll call]

Saltzman: Do the consent calendar first? Refresh my memory here.

Parsons: Next is communications.

Adams: You can leave them there.

Saltzman: You can leave them there.

Adams: Good decoration.

Saltzman: Please read item 1399.

Item 1399.

Saltzman: Welcome.

Adams: You are going to give us some investment advice?

Saltzman: Just state your name and you have three minutes.

Bill Parish: Bill parish. That was a great story about teddy roosevelt. He also dedicated the cornerstone at mac club. Very interesting. The reason i'm here is to talk about the current financial challenge. I'm a registered investment counselor. There's a fascinating thing occurring and that is basically everyone is wondering when it's going to come to main street. The object of my comment today is perhaps it began on main street and I would like to explain how it began and what you can do about it. Lets take a look at your 457 pension plan. It's very similar to pension plans all over the country. It's got some good choices, stocks, bonds, but the weaknesses on the short-term end, short-term fixed income, the code words are guaranteed noxious contract, stable value, fixed account. These are the investments that are causing all the trouble. So there's been a basic overall lack of attention for the short-term choices in these pension plans. Intel recently took a write-down on theirs as an example. So let's take a look at some other specifics. Your plan is currently administered by dutch bank i.n.g. Vanguard is a good company. Fidelity. Why is a dutch plan administering your investment plan? Again, the weaknesses on the short-term end and the weakness is really simple, all the products in these stable value fund. They generated a commission so there's tremendous selling pressure associated with those. What I would suggest you might consider is just demand a simple summary of the plan for the last three years, 2005, 2006, and 2007, and take a look at the overall plan. Because the way it's set right now, every employee communicates independently with the investment firm, but take a look at the overall plan, the total dollars in each particular bucket and look at the overall growth in assets net in contributions and you will see some interesting things. You have got some good financial people at the city which will probably know exactly what to do. My clients have been in treasuries about 85% since the beginning of the year and this is why. Ok. The government can keep putting tens, hundreds of billions of dollars in the system but it's not going to fix itself until folks like yourself who are in charge of these pension plans demand higher quality, short-term fixed income choice. The day do you that the system will right itself from the bottom up. That's my opinion. So again, the way to fix it is just ask for a summary. You have got tens -- maybe \$100 million statewide, there's over \$1 billion if these 457 plans. The reason you are not asking for the summary is because the legal community has said if you do that, there's a fiduciary risk. Ok. It's nonsense. Absolutely nonsense. You are in charge and you owe it to your employees and the taxpayers to demand that summary. There's a video out on youtube if you space intel 401(k). Intel is very similar because they have the same structural

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problem they do with their short-term, fixed income choice. If you are watching this and a city employee, you can do something. You can watch that video, get a committee together, there are obviously a lot of smart people out there and take care of I let's fix the system from the bottom up. Thanks for the opportunity to mention that.

Saltzman: Thank you. Please read the next item, 13 or 1400.

Item 1400.

Saltzman: Welcome.

*****: Thank you.

Saltzman: Please state your name and you have three minutes.

Pavel Goberman: Ok. Thank you. My name is Pavel Goberman. In the passed around for you -- if for my people protection around me. I applied for concealed weapons permit but sheriff for Washington county denied permit because city of Portland keep wrong record. Somebody file a record against me. It was illegal record. Without my knowledge. Who tri-met file record against me, tri-met, united states court judge dismiss the tri-met report against me as fraud. But is felon file report against me, police of city of Portland did not investigate my complaint. Why? It is illegal. I complain independent police report. They protected police. The new chief of police, sizer, appointed. I contacted her. No reply. No reply. Then I applied again. New independent police report, Mary Beth Batista. I call it again to investigate. Not any reply. How you are appointed is very poor management. How appoint these people to lead some agency? My demand from city of Portland to investigate illegal report against me. If deleted, I demand from you written answer sent to me from sheriff of Washington county. Thank you. Do you have any question? I am now official for commissioner of bureau of labor and industries against -- I will fight for my right, my right was related. In 2010, I am going to run for U.S. Senate against Moron Wyden.

Saltzman: Thank you. Now we do the consent agenda. There is any member of council or the audience that wishes to remove an item off our consent agenda? Hearing none please call the roll on the consent agenda.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. The consent agenda passes and we will move to our 9:30 time certain. If you would please read it, sue.

Item 1401.

Adams: Thank you, Mr. President, members of the city council. As some of you might recall, a year ago in August the city council set in motion a process to create the city of Portland sweatshop free procurement policy for uniforms and clothing purchases, and in the fall 2007 bump, the bureau -- the bureau adjustment process we contributed \$20,000 to support the creation of the state and local sweat free consortium, a nationwide consortium. Today I'm proposing that we adopt the policy and code of conduct that the sweatshop free committee, local committee has recommended for the city. The sweat free purchasing policy requires city bureaus to procure uniforms and other apparel from those companies that abide by the ethical source and practices. Only from those companies that abide by the ethical sourcing practices. I'm also recommending that we continue to work with other local governmental bodies across the United States to pool resources in order to secure independent monitoring, cooperative sweatshop free apparel procurement and a list of certified uniform contractors. I'm confident that this policy and the code of conduct conform to the spirit of the original resolution and will work in practice here in the city. I'm also proud of our continued leadership in helping to support a national effort of states and local governments working to send a clear message to our suppliers and our constituents that tax dollars should not be spent on sweatshop labor. We could not be buying things that are produced by sweatshop labor or child labor. Both of these ways we are acting on our values as a community and we are leading by example. I think the document that we are considering today in the ordinance that we are considering today when I viewed it in comparison to other local ordinances around the country I think ranks most the best if not the best. I hope that our actions today help pave the way for other

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cities across the country to take the same steps and join this important effort. I would like to take an opportunity to thank the nine members of the committee for their hard work and dedication. And they are arthur -- could you stand up if you happen to be here and stay standing. Carol stalky, daniel nouse, elizabeth swagger and debra schwartz from the sweat free community to help get this all started. Ed hall, heidi carlson, jeffrey bayer -- you can stay seated, jeffrey -- lee buttress and margaret. We are not allowed to clap but we can wave our hands. Thank you very much. I would also like to thank the local suppliers who we've interacted with in developing this policy and thank them for the very valuable input. We're now going to hear from jeff bauer, the director of purchasing, and kimberly snyder from my staff who will go over the process in detail. I want to thank you, kimberly, for providing surf great work out of my office.

Kimberly Schneider, Commissioner Adams' Office: I will take a minute to go over the process. As commissioner Adams mentioned we met monthly over the last 12 months to craft the policy and the code of conduct and the committee was quite diverse. It has Oregon fair trade coalition, jobs with justice, local business, uniform wearing city employees, afscme, Portland state university and the bureau of purchasing. The committee engaged in very robust conversations about everything from how to define sweatshop labor to how to hold contractors accountable to the nature of the collaboration between our city and other jurisdictions. The committee also brought in other suppliers and we talked to other representatives from other cities who had experienced we could learn their lessons and best practices. I had the privilege of participating in these meetings and I can attest to the deliberation and the careful consideration every topic received. Going forward, the policy calls for the continuation of a similarly comprised committee to work on oversight and to go through the implementation procedures with the bureau of purchasing. And finally, the one point I would add is that the committee believes it's important to work in collaboration with the consortium and others to put teeth into the policy which means independent monitoring and the cooperative procurement and the list of certified uniform contractors and so they'll work with jeff in terms of putting together a budget proposal.

Jeff Baer, Director, Bureau of Purchases: Thank you. Good morning, members of the city council, i'm jeff bayer with the bureau of purchases. I really want to thank you for the opportunity to discuss this in detail and seek your approval to adopt the city's sweatshop free procurement policy and also the code of conduct we have established for apparel contractors. I want to thank kimberly for keeping us on track and also thank each of the committee members that were highlighted just a minute ago. And those on my staff especially who contributed their time and energy to really help this shape this policy that you have today. And as reflected in the resolution it really, what this does is it establishes a code of conduct for apparel contractors that specifies minimum standards on workplace issues such as wages, working hours, freedom of association, child labor, and environmental impact of a supplier's activity. And it really firmly establishes the city's intent to work with those suppliers who adhere to an established set of standards of corporate responsibility and especially in the area of social equity and also in environmentally sound business practices. And it also provides for us a set of guiding principles to develop our administrative rules to ensure that those suppliers that we work with really will comply with these set standards and really positions us to work with those contractors who have a satisfactory record of performance and integrity. And additionally this policy was written to complement our sustainable procurement policy that council adopted in july so it dovetails in nicely with that. The resolution highlights the city's intent to participate and also collaborate with other government agencies to promote these practices. Over the past year I have personally been involved in quite a number of different conference calls with different public agency representatives from around the country including austin, milwaukee, wisconsin, states of maine and pennsylvania, los angeles, san francisco, and also most recently those representatives from the state of Oregon. And as a result of the national association of state procurement officers, they've taken the lead, this association has taken the lead

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in developing a competitive solicitation to hire an independent monitoring organization. And once this is established, we are going to be able to access this through our Oregon cooperative procurement program through the state of Oregon, and it will help us to be able to piggyback on to that contract for the monitoring services. And you will also note that we will be submitting a budget ad package during the upcoming budget process to allocate resources to pay for these monitoring services as indicated on the resolution. One final comment just on a local level I have been talking to my colleagues around Portland in the Portland area, and also in the Seattle area, to really generate some interest in promoting and adopting very similar standards. And I agreed, I think the policy we have here is really probably one of the best ones I have seen out there. And really because we utilized a lot of the same contractors, so it makes sense to me to actually take this on a regional approach as well. With all that I will stop here and pause and answer any questions council might have.

Adams: I wanted to underscore my thanks to you -- our thanks to you in that you worked hard to make sure that this worked. And your efforts to take it nationwide and city wide, you didn't have to do that. Did you do that on your own initiative and helped out with the monitoring aspect of this which is really hard but we have to get started at it. I wanted to thank you for that leadership. I really appreciate it. And now we have three invited folks to testify, Ed, Arthur and Elizabeth.

Saltzman: Welcome. If you could state your name. I don't know if you had an order of proceeding.

Ed Hall, Portland Fire Fighters Association: Ed Hall, Portland firefighters association, also member of the committee. Thank you for seeing us today and allowing us to speak. But foremost, I truly appreciate council's commitment to our community's shared values in bringing this resolution forward. But in particular I would like to thank Commissioner Adams for his leadership in bringing us to the table as equal partners and most importantly I'd like to thank Kimberly for keeping us at the table and moving this thing forward. We couldn't have done it without her. Not to say the rest of the committee members didn't work hard, harder than myself. But I believe the merits of this resolution stand on their own. I think there's no doubt that this thing is clearly written, that it was designed to work with the people who will ultimately have to implement it and quite simply it's just good public policy. However, I think it's important that we must remember why it is we need to implement this policy. At the other end of the clothes that we wear, and the uniforms that we wear, are live people. Just like us. The mission of firefighters has always been to protect life and property. And, in fact, we are sworn to do so. And while our training and equipment prepare us to respond to fires and emergencies with effectiveness, which I believe is second to none, we have always done our best and been most effective when we have prevented those tragedies from happening in the first place, whether they are fire, industrial accidents, or whatever. But the tools that we have at our disposal that make that prevention possible have not always been available to us. And far too often today they're just taken for granted. The truth is, many of these tools, the fire codes and the building codes, that we use successfully here in Portland, were born out of needless and preventable tragedies that happened nearly 100 years ago in the sweat shops of New York's garment district. One only needs to read a brief sampling of the eyewitness accounts of the Triangle Shirtwaist Factory fire, for example, in 1911 to understand why an outraged public rose up to cause the prosecution of factory owners and to create New York State Factory Inspection Committee that helped to win legislation for improved factory standards. Efforts such as these and the successful struggle of the garment workers have led to better pay, safer working conditions, not just for them but for all of us, and our nation has prospered because of it. But the bitter truth is, the lesson that we have learned here are being ignored elsewhere. The hazards and deplorable conditions we fought so hard to eradicate in the sweatshops are alive and well today throughout the global economy. Throughout the world the same tragedies are happening to the 21st century sweatshops and so once again it's up to us to stand up and act. By passing this resolution today we are creating

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the strength in numbers necessary to make the positive changes that will ensure that those who produce the uniforms that I wear, that I proudly wear, have safe and decent working conditions and fair wages. I sincerely appreciate your support for this and I encourage you to vote aye.

Saltzman: Thank you.

Arthur Stamoulis: Good morning. My name is Arthur Stamoulis. I am testifying on behalf of the Oregon fair trade campaign, a statewide organization that works together to improve quality of life through healthier trading partnerships. I appreciate the opportunity to voice my personal support and our coalition support for the sweat-free policy. As you know I was a member of the policy advisory committee. And truthfully when I first came into that committee I had very clear ideas about what the policy we were developing should look like. I can tell you through a lot of careful thought, research, and discussion within the committee, changes to that initial template have been made and I think we put together a package that is potentially even stronger than what was first proposed, and as has already been stated one of the strongest packages in the entire country. This package includes a strong code of conduct that clearly defines prohibited sweatshop behaviors, in a manner that's consistent with the city's values and with the principle that taxpayer dollars should not be used to support abusive working conditions. It also includes a strong commitment to public disclosure, monitoring, and enforcement which ensures that the policy was not simply a field good measure but rather one that enables Portlanders to be confident about where public apparel procurement dollars were spent. And finally the package includes explicit recognition in the community oversight, multidistrict jurisdiction and space for innovation are critical to the ongoing development of cost effective sweat free procurement best practices. Portland is already known throughout the world as a leader in sustainability. We are a city that people look to for programs, projects, policies that are used as models for others to follow. And in my opinion, the current global economy, pitting nation against nation and worker against worker in the race to the bottom is not sustainable. By championing sweat-free purchasing, Portland will continue its role as a leader in sustainable development. I just want to take a moment to thank Commissioner Adams and his staff for their work on the proposed policy, their facilitation of the advisory committee meetings. I also want to recognize Jeff Bayer and his staff at the Bureau of Purchases for their work throughout this process. Thank you all and I am happy to answer any questions.

Saltzman: Thank you.

Elizabeth Swager: Good morning. My name is Elizabeth Swager. I am the coordinator of sweat free northwest and I am here to read testimony from Orrin Clauson, the executive director of sweat free community. That's the organization that facilitates local and state coalition. His testimony reads, "thank you for accepting written testimony on behalf of sweat free communities. I would like to offer some sincere congratulations to the city of Portland for undertaking genuine cooperative efforts that has resulted in an excellent proposed sweat free policy. This should be a model for the entire country. The code of conduct is strong in the areas that matter to garment workers. For example, while garment workers' associational rights are severely compromised worldwide, Portland's requirement of freedom of association and just cause termination sends a strong message to support to workers to seek to organize to improve working conditions. While many garment workers' hours are notoriously long and wages are usually below poverty level, Portland's expectation that suppliers take workers a nonpoverty wage for reasonable working hours will help raise standards in these areas. The clear allocation of responsibilities of -- and resources for implementing the sweat-free procurement policy promise to result in rules, procedures, and actions that are both feasible and meaningful ensuring that Portland can realize its goals of procuring only sweat free apparel within the shortest possible period of time. Employee education and training makes possible continuous improvements and utilization of best practices in sweatshop procurement. The oversight committee can ensure access to expertise and ongoing community support. The resources for professional services including independent compliance monitoring can

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create access to growing, a growing base of knowledge about working conditions in the industry and specific factory suppliers. It's also critical that Portland has maintained its commitment to cooperative action with other public jurisdictions to form a consortium that will pool resources and expertise to facilitate code compliance. Cooperative action is crucial to develop approved vendor lists, promote best practices and the spread of sweat free procurement efforts to city and states across the country. The city's financial contribution to the development of the state and local government sweat free consortium has been a great value to the consortium and has generated widespread interest in pursuing goals of sweat free procurement and independent monitoring as a collective effort among government entities. In the last few months, a number of states have committed to participating in the consortium. As I outlined in a recent memorandum to the city, we believe that the consortium should soon be able to initiate work to develop approved vendor lists for its members based on consultations with existing vendors and other local stakeholders and supply chain research. Thank you again for hearing my testimony. It's a pleasure to work with the city committed to sustainability and fair labor practices."

Saltzman: Thank you very much.

Adams: And I just want to, before we get to the public testimony, how many people have signed up?

Parsons: We have two other people on the signup sheet.

Adams: Thank you all for sustainable sort of not too long signup testimony. There's, this is a start. There's nothing magical or more important about sweat-free manufacture, sweat-free conditions for the procurement of apparel and uniforms. It is a start. The city procures a lot of other items. And after we figure out how to do this well, I intend to, with the council support, I intend to expand the expectation, sweat-free expectations to the procurement of other items. And if anyone thinks that it's possible for good, progressive cities to sort of blindly be unintentional bad players in the world I would direct them to the "new york times" front page story that talked about the fact that new york city was procuring utility access covers, known as, once known as manhole covers, that were made in india with child labor. And so this is a start. But it's certainly not the end. Thank you.

*******:** Thank you.

Saltzman: So we have two people signed up?

Parsons: Correct.

Saltzman: Is there anybody else that wishes to testify that didn't sign up? Ok. That's very disciplined group here. Ok. Then call up our two people.

Parsons: That's ashley albis and reverend kate lohr.

Saltzman: Welcome. Give us your name and you each have three minutes.

Ashlee Albies: I'm ashley, I am the co-chair of the Portland chapter of the national lawyers guild. I am also the working families party candidate for attorney general. First I want to say thank you for this opportunity to testify on this important step forward in Portland's sustainability initiatives. As I said i'm here on behalf of the Portland chapter of the lawyers guild. Since its founding to 1937 the national lawyers guild has provided legal support to movements for social change. The guild has throughout its existence focused on struggles for social and economic justices in. 1930s the guild focused on workers rights to assist people and the unemployed, subsequently the guild has aided workers in union organizing campaigns, opposed discrimination, defended labor leaders and others attacked in the 1950s and has continued to respond to growing anti-immigration send mental. Our more than 5,000 members include judges, lawyers, law professors, law students, legal workers, grass root organizers, union activists and other advocates who participate in guild work. We support this ordinance because sweat shops are a serious problem in the global apparel industry. Human rights abuses and unfair labor practices run rampant both abroad and in the united states. Sweatshops perpetuate conditions that not only harm workers subjected to the exploitation but threaten businesses who seek to provide fair working conditions. Where the business undervalues

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and underpays its workers, it's able to sell goods at a lower price tag but at the expense of the health and safety of all workers. Using our city's market power to purchase products and make better, made under better working conditions is not only fair and just but also guarantees quality goods and services by assuring fewer disruptions due to worker grievances, absences due to illness, less fatigue and greater incentive to perform. With this ordinance, we join 180 other cities, states, counties and school districts who have adopted similar policies. Together we are creating a strong market demand for products and services made under fair conditions by workers who are paid a living wage for their labor. Portland has an opportunity to effect the lives of garment workers all over the world. Let us take advantage of this opportunity. This sweatshop free ordinance will put Portland in the forefront of local governments seeking to end public taxpayer subsidies of subcontractors and contractors. Portland can ensure that our government acts on the side of safe, legal conditions for workers on these public contract. Our region has a rich history of labor organizing and of promoting workers rights to decent wages and working conditions. We urge you and other leaders to chart a bold path for the public sector to fight the scourge of sweatshop abuse globally and join the coalition of cities in that effort. Thank you for your time.

Saltzman: Thank you.

Reverend Kate Lore: Good morning, members of the council. My name is reverend kate lohr and I am a social justice minister at first unitarian church. Making a difference, being creative, and possessing moral courage, that's what Portland is known for, both at home and around the country. Our city has a long standing reputation for being committed to equality and justice for all, even the powerless. And that's why so many communities around our country look to this city council for moral leadership on all the complicated issues of the day including sweatshop labor. And the issue we are considering told is, indeed, a complicated moral issue. It involves preserving the dignity of all workers, even when it's cheaper to look the other way. It involves facing the unpleasant truth that sweatshops exist in our midst and are harmful to the moral fabric of our society by keeping workers in a form of modern slavery. It involves taking a stand against sweatshops in order to ensure the well-being of all. Reinhold niebur said that no virtue with us act can be accomplished alone. Therefore we are saved by love, a love that brings us into community with one another to make a difference together. Let us make a difference today. Let us, as a community, make a moral stand against sweatshop labor bypassing this creative resolution. Thank you.

Saltzman: Thank you. Last chance. Anybody else wish to testify?

Leonard: I have a question.

Saltzman: For jeff?

Leonard: Kimberly and jeff. In appendix b, it gives clothing examples that are covered and then it gives excluded clothing examples. And it says examples of that would be safety harness and/or safety related accessories, ballistic vests, why were those excluded?

Baer: I think the thought we had there we wanted to focus strictly on the apparel manufacturer which is easier to target after our uniforms. And although we provide those as examples, where we would find that they would have manufacturing facilities, for example, in areas that might promote sweatshop labor, certainly it's not something that would be totally excluded out. We could bring those back in if we found that was happening. I think if I remember, most of these are actually domestically manufactured.

Adams: The idea also I think the general approach we start with this list of items and sort of perfect the process of monitoring and then beyond apparel and beyond holsters and bulletproof vests I want to make sure we expand into other products as well. But we figured this was more analogous to what the other cities has signed up with on the coalition. It's a place to start.

Leonard: To be more specific, that answers my concern. No particular group in this city came and lobbied to have that?

Schneider: No.

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Leonard: Did you that because of some reasoning process? That's fine. Good. Ok.

Saltzman: Other questions? Ok. Thanks. Sue, please call the roll.

Adams: I look forward to coming back to council in no less than a year with a record auction on this for both creating the system and perfecting it and beginning to report on results is going to be very important to me. And I know to the rest of council. Very compelling testimony. Reverend lohr, that's some. Most eloquent words we have heard here in a while. Aye.

Fish: 22 years ago I had the chance as a young lawyer to join the labor unit representing health care workers. And as many of my labor friends here know, health care workers once upon a time did not have the right to organize. And when they got the right, one of the reasons they organized was that most of the entry level workers in hospitals did not enjoy health care benefits. So the lowest paid people in our health care system could not afford, did not have access to health care in the hospitals in which they worked. What we say today that that is incredible. That cannot have happened in america. But it did. And it happened in my lifetime. I think my daughter will look back on actions that we're taking today and happening around the country, and wonder why it was that we ever in this country allowed this to happen globally. But i'm very proud of the action we're taking today. These policies are positive and necessary steps for the city to undergo during the procurement process, and, sam, I am proud that, with your leadership the first government in the northwest to join with 180 other local governments and school districts that have passed the sweatshop free policy or ordinance. This allows us in Portland to shine a spotlight on a critical issue of social justice and economic justice globally. And at the policy and code of conduct gives us a chance to act on our values and say no to sweatshop labor products in our community. Ed, as fire commissioner, I have to tell you I am especially pleased the \$2 million we spend annually on uniforms for firefighters and police will now, we will be assured that they will -- we will be supporting companies that provide safe and fair working conditions and do not rely on child labor. I want to acknowledge the tremendous outreach policy work and determination of the community advocates behind this initiative. Your passion for social justice and fairness is evident today. You have truly challenged us to think globally and to act locally. I would also like to acknowledge commissioner Adams for his passion for this issue and his leadership. There must be more than one sam Adams because we keep doing big ticket items like this that he's leading and I can't imagine that one person carries the workload that he does.

Adams: I have a great staff.

Fish: On that point I want to acknowledge kimberly snyder from sam's staff and jeff bayer for their work and diligent and detailed work behind the scenes and I want to thank the members of the city's sweatshop free committee. All of you but in particular my two friends, people I know best on the committee, ed hall from the firefighters union and carol stalky who is our partner at afscme. I'm proud to vote aye.

Leonard: Well, I want to associate myself with commissioner fish's remarks. Those were excellent remarks and I agree with everything he said up to and including commending commissioner Adams for this outstanding work. But I also want to point out something that wasn't really specifically addressed in the testimony, which I think is really an outstanding aspect of this piece of work that sam brought forward. And that in addition to us drawing lines in the sand as to working standards for employees, it actually, in the code of conduct, for apparel contractors, requires to allow groups of employees to freely associate to create collective bargaining units. And as an old-time bargainer for collective bargaining units, I know how important that is and I think it deserves all by itself to be pointed out in addition to the other positive aspects of the standard that the city will not associate itself with employers who do not allow employees to freely associate and appoint representatives to bargain on their behalf for wages, hours, and working conditions. I could not be more impressed with this work and I appreciate everything that's been done. Aye.

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Saltzman: Well, I want to thank the committee, commissioner Adams, jeff bayer, kimberly snyder, for doing some outstanding work. I am a supporter of fair trade. I am also a pretty unabashed supporter of free trade and I know that's not always consistent and popular. Perhaps with this audience. But we need to make sure, I think, in a free trade environment that we have some standards for the goods that we import and the goods that we purchase and we use our purchasing power for the social good and to improve the working conditions of people throughout the world everywhere. And I think this is an important first step as we join some 180 other cities, oftentimes these types of social actions start at urban level and usually federal policies are missing in action. Sometimes state policies are. But I think things that start locally can and indeed grow nationally and this is certainly the right step. We need to make sure that work conditions, wages, the ability to organize, exposure to toxic chemicals, toxic substances and the use of child labor end throughout the entire world. I'm very pleased to support this resolution. Aye. So it passes unanimously. Thank you all.

Adams: Thank you.

Leonard: Thank you.

Saltzman: We now move to our regular agenda. And item 1417.

Item 1417.

Saltzman: Steve.

Steve Heron, Bureau of Human Resources: Good morning, commissioners. My name is steve heron. I am labor relations manager for the city of Portland. And get my notes out here. This particular ordinance is the culmination of negotiations revolved disputed between the city and the Portland police association concerning method of computation of the city contribution in the employee contribution. There was a grievance filed for plan year 04-05 and that was actually litigated to arbitration. The result was an arbitration award sustaining the grievance. There were grievances filed very similar grievances filed for plan years 05-06, 06-07 and 07-8 and following the grievance decision we set about to try to resolve the pending grievances in a manner consistent with the arbitrator's findings in the grievance addressing the 04-05 plan year. So based on the arbitrator's analysis, we reviewed what the computation would be, made a proposal to the ppa for a disbursement in an amount equal to the amount that would have been the revised calculation, and the parties reached agreement on that.

Adams: Mr. President.

Saltzman: Yes.

Adams: All of these ordinances, I think there are five of them, do they all relate to the --

Heron: They do not. Unfortunately, we have got some matters that have been precipitated by a bpsp and so they're distinct.

Saltzman: Any questions? Please call the roll. 1417.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. 1418.

Item 1418.

*******:** Thank you.

Parsons: Excuse me. Let me read it first. That's ok. Authorize a letter of agreement authorizing assignment of up to three detectives to the Portland police bureau's special emergency reaction team with the hazard pay premium set out in the party --

Herron: I apologize. I think I do that about every single time when i'm here on multiple matters. This is one of the matters that's related to the bpsp blueprinting. We discovered in the course of that that the police bureau has an interest in being able to assert the way that it was being blueprinting, which was according to the provisions of the contract, would not have allowed that. And so in conversation with the bureau, with the ppa and ourselves, we reached an agreement that would allow assignment of up to three detectives to the sert team. It is essentially a relatively minor

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revision to existing contract language which currently allows assignment of officers and sergeants but not detectives.

Saltzman: Questions? Ok. Please call the roll, sue.

Parsons: I should let you know there hasn't been anyone signed up.

Saltzman: I'm sorry. Yes.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. 1419.

Item 1419.

Herron: Thank you commissioners. My name is Steve Herron. Labor relations manager for the city of Portland. This is part of one the measures, improve the bureau's ability to recruit in a timely and efficient manner. Under the circumstances that the Multnomah county sheriffs' office was facing, and the city of Portland was facing with recruitment. The bureau in discussion with bhr and bpa agreed that given their experience that we would have a lateral recruitment targeted to Multnomah county sheriffs deputies and those hired would be hired at a reduced probation instead of a full 18 month probation.

Saltzman: Has this been in effect for all lateral or just now that we're --

Herron: This is just now -- well, this will be applied to all of the individuals who were hired pursuant to that lateral recruitment.

Adams: Why do we need 12 months? I'm asking a real world question. Obviously this is an improvement on the 18 months, but since we're struggling to hire police officers and these would be hiring correction officers --

Saltzman: Law enforcement.

Adams: -- law enforcement. -- why do we need -- two questions, why do we need 12 months, and the second question, 12-month probation, which means they can be fired at a lower standard than when they're not on probation. Doesn't that detract from our ability to recruit these laterals?

Sean Murray, Bureau of Police: Well, commissioners, I was a little bit late. I'm sean murray. In regard to the Multnomah county lateral recruitment, this was specific to the Multnomah county folks. These are police officers work the Multnomah county, facing the possibility of layoffs. We created an avenue in which we could have an expedited recruitment. It is 12 month because they're familiar with the area in terms of the area they patrol.

Adams: Why isn't it less than 12 months?

Leonard: Why don't we just allow them to transfer?

Murray: Because we're dealing with new police officers to the Portland police bureau. So they have a 12-month probationary instead of 18-month.

Leonard: If we as we used to do aggressively and took in Multnomah county deputies, they didn't have to have probation, and that was standard. So why would we make it tougher when we're essentially doing the same thing, but technically just acquiring them a different way.

Herron: If I could jump back in. That was one of the elements of the negotiation. The p.p.a., frankly, philosophically has a reservation about hires that are not subject to the probationary periods.

Leonard: With all due respect, they don't have a role in determining the standards for hiring. They have a role after hiring somebody to determining the wages, hours and working conditions. But how is it that we're influenced by --

*******:** Right.

Leonard: -- the labor organizations determination of what should or should not be a probationary period?

Herron: Had we hired the Multnomah county sheriff's office without a bilateral -- agreement with p.p.a. --

Leonard: It says there's an 18 -- in the collective bargaining agreement there's an 18-month agreement.

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Herron: That's correct.

Adams: Let's put that on the list for negotiations. With the police union. Because --

Leonard: It's counter -- You understand the concern? It's counterintuitive when we're having larger discussions about the inability of the police unit to recruit. This is one of the things that --and the hiring process, it adds up to the inability to keep, attract, retain police officers and I guess I'm not understanding as well why we would do something different than what the statute requires and bring over officers due to intergovernmental -- not even annexations.

Adams: Right, and maybe summarized we hear from the union rightfully that they're frustrated by the lack of staff. And here we could make it easier to get more staff, more quickly.

Leonard: What's the amount of time these officers have been in the Multnomah county sheriff's office?

Herron: It varies from individual to individual and I don't know.

Leonard: Past the probationary period in the sheriff's office.

Herron: I believe they're all --

Saltzman: Oh, yes.

Leonard: They are.

Herron: -- nonprobationary.

Saltzman: I think our choice is to ask steve to go back to the p.p.a. And work on this --

Leonard: My view, if it's in the collective bargaining agreement, I don't know if you had the discussion, and characterized this, if it's an issue that they face a conundrum, asking for standards above what one might think reasonable for people that we're bringing in. Did you address that?

Herron: We had fairly comprehensive conversations around these issues that --

Leonard: I mean specifically --

Herron: Specifically as to that.

Leonard: You hear the criticism which I think is legitimate about officers being overworked and the issue is not -- I remind the p.p.a. Constantly, is not that the council doesn't care. We have, as you well know, funded vacant positions in the police bureau, historically, 50, 60 year, year after year after year, the result you have fewer people to fill funded positions so they end up working a lot of forced overtime which affects their family life and their state of mind, and then when we -- through that, and see this, the natural question is why would you put in false barriers to get staff?

Adams: I think that was a good summary and a summarization of our frustration. I'd like to know what would be the ramifications of holding this over a week and sending you back to get this reduced?

Herron: The Portland police association is approaching a leadership -- a union leadership election and so to be perfectly frank, I don't think that we know what the leadership's sentiment might be and the degree to which it may shift to be more accommodating of the city as opposed to less.

Leonard: Excuse me, but this is an issue -- I mean, to be -- I think we need to be really clear.

We're trying to address concerns that are coming from the association about over -- totally legitimate about being overworked. This isn't accommodating us, correct? We're trying to develop strategies to hire up and as I said, I could identify this and a dozen others that do not make sense, in my mind are barriers, false barriers that we control internally.

Herron: I understand your concern --

Adams: You're saying there might be -- not be anyone to bargain with on the other side because they're in transition.

Murray: In essence, yes.

Leonard: What's the official bureau's position? Do you agree or disagree that we should bring these folks over as the statute would do if we were annexed?

Herron: Commissioner, from a labor relations perspective, we would maintain the city would still -- it would still be within the city's interest to have some period of probation during which to assess

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these folks relative to the standards and supervisory judgment of our bureau supervisors. And the reduction from 18 to 12 was our attempt to balance some reduction to make it more amenable without entirely reducing our capacity to make those judgments because these folks were under a different agency and their supervisory judgments and standards may not line up precisely.

Leonard: They came over via annexation.

Herron: I do understand that. There's a state statutory matter. Balances a set of interests and comes to a conclusion that we would maintain, the city's ability -- it weights the employees' certainty of employment greater in that circumstance relative to the city's need to gauge the -- the officer's ability.

Fish: I have a suggestion. It's an excellent discussion and the reading -- the matter before us indicates that these individuals have been hired and the question now is how long their probation should be. And if the ordinance would provide a disagreement -- this agreement would reduce the probation period from 18 months to 12 months. Commissioner Leonard in previous, to what extent are we in a competitive disadvantage because of terms and conditions of employment, and that would be things like probationary period. A probationary period does not necessarily mean these people won't continue in full-time status. It just means for 12 months, they're subject to a certain level of scrutiny without recourse. I understand they've already been hired.

*******:** Right.

Fish: The question at least with respect to these people, whether it's a deterrent to hiring, isn't raised. What I would suggest, we adopt this matter, since there's a reduction from 18 to 12 months. I think the sentiment of council is we don't want frivolous reasons being used during a probationary period to let go of otherwise qualified people and I would add in terms of the issues you raised commissioner Leonard, the issue are we at a competitive disadvantage in terms of conditions of employment, and put this in the hopper. I believe this is a council issue, not something to be driven by the labor partners.

Leonard: I appreciate your perspective. And I would like to take that one step further. The definition of insanity is continuing to do the same thing over and over with the same outcome and at some point, you have to do something different and that by itself will cause a reaction. I propose we have the authority to pass this or not pass it. Which implies the authority to amend. I propose we move the 12 month seniority provision and set it over, and it's an emergency ordinance, and set it over next week and if somebody has a compelling reason, that they want to sit in front of the cameras and lights, and explain why they want a standard that would otherwise be permanent employees here, if we had an annexation, why they think that shouldn't apply in this case, I would rather take your recommendation to that next step and if they want a discussion about a gravely important issue. I know you're having discussions with the p.p.a. on the sleep deprivation. To allow a minimum number of hours off, which is directly related to this issue. And to me, we shouldn't just sit here and just let you guys go and duke it out and vote on whatever it is you come up with. We need to interject our points of view and mine is that we need to change the paradigm of how we hire and if we pass this today, I think it's a mistake.

Adams: It might make sense to set this over a week --

Leonard: I would move to remove it, as opposed to setting over and have it read the way it reads and if somebody wants to come in and argue against it, we can take that into consideration.

Saltzman: I think we better set it over. I'm not comfortable with doing away with some probationary period altogether. I'm not comfortable with doing away with it.

Leonard: I've had some opportunity to look at the probationary process in the police bureau and i'm less than confident that it's applied fairly and equally all the time. I have a little thing bothering me in my mind as well.

Saltzman: I use that employment practice in my office. I think it's a good idea to have a probationary period.

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Adams: Can we compromise? Can we at least --

Leonard: How long have these employees been working?

Murray: Probably eight months now.

Leonard: Six months would be fine.

Fish: This is an emergency ordinance. So you have to have unanimous.

Leonard: I'm open to compromise at six months.

Adams: Sounds like we can compromise at six months.

Fish: I'm willing to compromise. The only concern I have -- just wearing my old hat -- is I do think there's a benefit of the parties having a chance to negotiate. I think -- I appreciate there are times council can step in and set a new term, but I would feel more comfortable if we took one week and gave the parties a chance to negotiate.

Leonard: We would. They have to come back next week and if they have a compelling reason why that doesn't make sense, that's what we're here for.

Fish: At six months?

Leonard: Yeah.

Adams: And then we have the opportunity to do whatever we want.

Fish: It's not an emergency ordinance.

Leonard: Right, we'd put it over.

Adams: You're running the meeting.

Leonard: I'd move to replace the 12 months with six months.

Adams: Second.

Leonard: And to remove the emergency designation.

Saltzman: Ok. Do you second?

Fish: I think that's --

Ben Walters, Sr. Deputy City Attorney: As a second motion or within --

Leonard: You tell me, is that ok to do?

Walters: It depends on whether there's mutual acceptance.

Leonard: Sure.

Walters: If there's no objection to combining the two then --

Leonard: No objection.

Saltzman: Ok, so --

*******:** You need to call the roll.

Saltzman: Could you call the roll to reduce the probationary period to six months and remove the emergency clause.

Leonard: Aye. **Fish:** Aye. **Adams:** Aye.

Saltzman: I'm going to support this but I'll keep in mind if next week, there are compelling reasons.

Nine months is something I would listen to, but I guess I want to hear more from the other sides.

Aye. So the amendment passes and this moves to a second reading or -- second reading next week?

Parsons: Second reading then? Ok.

Saltzman: Thank you. And now we'll move to 1420.

Item 1420.

Herron: My name is Steve Heron, labor relations manager for the city of Portland. This is a matter that came through the c.b.a. Process. There are detectives who the bureau concludes and the p.p.a.

Conclude would most effectively and work on a 9/80 schedule. The collective bargaining agreement does not currently authorize that as a schedule under this circumstance. What this does is amend the collective bargaining agreement to specifically authorize these folks under this circumstance to be working under this schedule. As you may know, one of the matters that the city has been working through in relation to the e.s.a.p. Is the multitude of schedules that the city has.

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And so this agreement constitutes again, a weighing of multiple considerations in an attempt to balance a variety of interests of the bureau of the city, of the folks that are configuring schedules of the p.p.a. And this was the best judgment of the group, authorizing these particular folks into one of the grandfathered manner to work under this schedule made sense.

Fish: I have one question. This is like a first cousin of something we're dealing with in the fire bureau. Does changing the schedule alter the time line?

Herron: Our understanding it does not.

Saltzman: Because they're 40-hour employees?

Herron: I believe in this instance, under the 7-k exception, the period of time for measure is expanded to 28 days. And so the fluctuations --

Leonard: It averages out?

*******:** Right.

Fish: The reason I raise that, with the conversion to the s.a.p. System, there's been an effort to create uniformity around calculation of overtime so I was curious what your experience was.

Saltzman: And 9/80 is what?

Herron: Nine days, 80 hours. It's essentially a schedule that spreads 80 hours over two weeks in a disproportionate amount per week.

Leonard: Falls within the f.l.a. For regular hours worked?

Herron: That's correct, sir.

Saltzman: Any further discussion? Anyone signed up or wish to testify on this? Ok, please call the roll.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. The letter passes. 1421.

Item 1421.

Herron: Thank you, commissioners. My name is Steve Herron, labor relations manager for the city of Portland. I apologize I'm not experienced enough with this to know the appropriate procedure. This is a matter where we're going to be amending the ordinance -- not the ordinance body itself, but by substituting an exhibit. And what I've got is --

Leonard: Substitute ordinance?

Herron: What I've got is a executed original replacement exhibit a and separately a document that reflects through bold underline what the revision is to the exhibit.

Leonard: Are we just replacing the exhibit?

Herron: Replacing the exhibit a as initially submitted with this exhibit a, that's correct, sir.

Walters: So the proper motion would be to move to substitute the exhibit.

Leonard: Move to substitute the exhibit.

Fish: Second.

Saltzman: Let's take a roll on that substitute exhibit. The motion to substitute.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye.

Saltzman: Ok. Go ahead.

Herron: Thank you. This matter relates to the city's interest in having retirees be able to be hired back into positions that are otherwise represented positions. There are instances within our collective bargaining agreement, we have some instances where individuals can be hired in on limited durational period as non-union members. There are some limitations on the scope of what those folks can do. This was an effort by both ourselves and copea to allow the city to hire retirees into otherwise represented positions, but because they are retirees to have reduced level of contract provisions apply to them. For example, they wouldn't have the seniority for bumping purposes as a rehired retiree as someone who was not a retiree would have.

Leonard: And this is a long standing practice?

Herron: This is a standing practice and we're trying to clean up the method by which it's done. The amendment makes the application of it retroactive to september 19th because we wanted to

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ensure that anyone who retired between our execution of it and it coming to council would fall within the provision.

Fish: Following up on commissioner Leonard's point, I thought the argument that prompted this, their practice was we were rehiring people and they were not given rights under the collective bargaining agreement, not covered by the recognition clause and that this would give contractual rights to people who otherwise didn't get the rights.

Leonard: Well, this is the part that's different. This is the concern that was raised by the -- it's more than copea that's raised it. It's other collective bargaining agreements as well. That we're hiring back people who are not represented and taking a represented person's spot and we don't have an interest in that fight and this allows the union then to represent these folks.

Fish: Whether it corrects a problem in the past or continues a practice --

Leonard: The practice that we're doing, that continues, is hiring, is the hiring retirees -- back.

Fish: But making sure they get certain rights under the recognition clause. Good.

Saltzman: Any further questions? Anyone wish to testify on this? Ok. Please call the roll.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. The ordinance passes. 1422.

Item 1422.

Baer: Good morning, i'm jeff baer with the bureau of purchases and with me is art with the -- from the bureau of technology services and we're here to request authorization for professional technical expert services related to information technology services and these were a result for a competitive result of competitive process and the services that are designed to fill in those unanticipated and temporary demands related to i.t. service requests. We have 14 service categories and all of the contractors, 59 that we have, they're all in compliance with our equal benefit programs, and art is here to answer questions related to the different services that might -- you might have.

Adams: There are nine contracts with [inaudible] -- My standard question.

Baer: I can get that for you.

Adams: The other question I have is i'm going to be inheriting the daily oversight of the e.s.p. Oversight soon. It says the total value is \$21 million and that would be over three years, right?

Art Alexander, Bureau of Technology Services: Correct, potentially.

Adams: So \$7 million a year. Is this the normal value amount we do or higher than normal because the needs of s.a.p., e.s.b.

Alexander: This is lower than it has been for the previous group of contracts. Again, it's the capacity that's available. It's not a full expectation that all of that would be spent. So there were more contracts in the previous group. There was a reduced number in this group in order to help ensure that more of the vendors who qualified will get work.

Adams: And does -- is this sequential, so it replaces a retiring flexible service contract?

Alexander: Yes.

Adams: And they have to -- for b.t.s. To use a vendor off the list, they have to get three bids? Is that right? I read that in here.

Alexander: If the task is over \$25,000.

Adams: From within this pool.

Alexander: From within the pool.

Fish: Of which one is a certified fund.

Baer: One other event that we held related to this to generate interest. We actually held an event at the city to -- did a significant amount of outreach for those minority-owned and women-owned emerging small businesses to get them interested in the r.f.p. In general.

Fish: Can I just on an unrelated issue, I was at a namco event the other day and heard that a number of the folks, minority contractors trying to compete for business, public and private, are having trouble with bonding. And the bonding requirements are creating barriers. And I don't know how

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that applies both in the private and public sector, but at some point, i'd like to know more about that.

Baer: I can follow with you on that. And that's been a significant issue with the contracting community and we've heard those comments from folks from namco.

Fish: To the extent we want minority participation in public works that we work on. I know that working with the housing authority, if there are barriers that prevent qualified contractors from participating that we look at how we can mitigate and assist in overcoming that barrier.

Adams: I think that's an excellent point, commissioner fish, and I would say that the years i've been working on contract issues, even more and maybe there's [inaudible] we can do given the extraordinary circumstances. Even if it's in the short term, I think is part of what you're saying while the liquidity crisis [inaudible] you've heard contractors say this before, over years past, I think commissioner fish's point is it's even worse now. If there's something beyond what we've done before that we can do.

Baer: And we've tried different strategies related to insurance. That comes up in the same discussion about bonding, that insurance poses a barrier to doing business with the city. We had a couple of different ideas we've tried throughout the years to mitigate that.

Fish: There's a bid bond and a performance bond, a barrier that a lot of smaller contractors cannot meet and maybe in the current economic climate that it's impossible. What role can the city play or what role can we encourage some of the established contractors to play when they partner?

Baer: I'll follow up on that with you.

Fish: Thank you.

Adams: Were these people selected on a low bid or qualification?

Baer: It was a request for proposal process. Price was one element that was considered. We had multiple criteria, not just price.

Adams: These are really good.

Alexander: Yes, they better be.

Adams: Thanks.

Saltzman: Thank you. Anyone wish to testify on this matter? Please call the roll.

Adams: Thanks for your good work. Aye.

Fish: Aye. **Leonard:** Aye. **Saltzman:** The ordinance passes. 1423.

Item 1423.

Adams: Vacations czar.

Dee Walker, Bureau of Transportation: I am here to present a street vacation request for the portion that you are seeing there. The property owners wishes to consolidate property, consolidate that little piece and if you look on the second and third page, the third page especially, you can see where the driveway to the left is the area we're talking about. So it's kind of all has a retaining wall and a lot of tall vegetation. So that's the area that we're looking at wanting to vacate. There's no major objections. And we do have the petitioner, jim williams, and shone berg, that would like to testify.

Saltzman: Ok. [inaudible]

Walker: There's an easement that the water bureau is making -- an easement in the area so they have to reserve an easement.

Adams: [inaudible]

Walker: Not to my knowledge. This is actually john dale. He's out today and i'm covering for him. [inaudible] right, i'm not showing any objections on -- from any of the neighborhood associations. Actually neither of them. There was no response from mount tabor or the other one -- mount tabor.

Saltzman: Any questions of dee? I think there are some people who want to testify. Would the two gentlemen come forward? State your name for the record and I have three minutes.

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Jim Williams: My name is jim williams and i'm the person that -- i'm the petitioner for this vacation. And I would just before ben shows you some pictures about the property in question, i'd like to give you a quick summary of the history. My house was built in 1910 and is one of the city of Portland old historic homes, actually built by the superintendent of the public schools. In 1907, when the property on which my home sets was platted into the city, there was 20 feet around the block that was dedicated toward city use, with the idea that the adjoining property owners would corresponding dedicate 20 feet so there would be standard 40-foot city street rights-of-way. This happened on three sides of the block, which is known as belmont addition. On the eastern side, however, at the time -- this time, this 20 feet was dedicated, mount tabor was being consolidated into a park. For the last 101 years there's been never a use identified for a public right-of-way along that eastern portion of our property. And, therefore, there was never a corresponding 20 feet dedicated out of the city, the park for a street. So what the petition that's before you is our request to vacate the southern most 150 feet of the 20-foot section that was originally deeded over in 1907 for a public right-of-way. The -- this 150-foot right-of-way is basically a single purpose alley. It's the only access that we have to our garage, and only we use it. The other part of it is comprises about half of our backyard. My wife and I have lived in this home for 37 years and there's been a time when people, other than ourselves, have ever had access to this 20-foot area or ever utilized it for access into the park the process has taken about 18 months and during that time we've met with 13 or 14 of the city's departments and I would like to say that they've all been -- we've had great cordial discussions and extensive discussions and i'd like to particularly thank the city departments water and park, which are the only two adjoining property owners and i'd like to thank the two commissioners, for their support so far. Anyway, we -- i'd like to turn this over to ben, who will show you a couple of pictures and we'd be happy to answer questions.

Saltzman: Thank you.

*******:** I'm operating from the laptop here?

Parsons: Right, correct.

Saltzman: If you could give us your name and you have three minutes.

Ben Schonberger: Ben shoneberger from winterbrook planning. I represent the applicant here. I only have a few slides. I want to give you a visual imagine of where we're at here. I'll employee up the slides. Southwest 63rd avenue, which is a up improved right-of-way. And as jim says, only provides access to his house. There's access from the north, which is salmon, but there's really effectively no access from the south because of a steep grade change which you'll see in a second. There's no -- the key piece, no change in the circulation patterns either into or within the park. Those yellow arrows that i'll show in the next slide are the existing and will continue to be the access into the park, both from salmon and from main. Those dashed lines that i'm showing at the end of that arrow to the south is pedestrian access through; again, that will be unchanged. Jim's house is here. This is the sort of alley-driveway access that comes in through here. This section of the street will continue to be publicly owned. What we're talking about is vacating this section here which is adjacent to my client's property. This is a house owned by the parks department. And then surrounding that is actually water bureau property, the park itself. So again, the circulation patterns don't change.

Saltzman: We're supposed to keep that commissioner in charge's house secret. [laughter]

Schonberger: You didn't hear it from me.

Adams: That's your home?

Schonberger: Summer get-away. We're -- jim's house is behind the bushes here. This is the alley access. It's unimproved. This is southwest 63rd avenue. I didn't go out and survey the dotted line before I put them on the slide. This is the part that will remain public and the vacation area is where -- behind his car and the vegetation area. The background is what gets vacated. This area, you can see jim's house to the right and the planting and yard and driveway activity. So it's beyond

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where we're looking is what becomes vacated. This is now from main street looking the other direction. You can see a dramatic 10-15 foot dropoff in grade and there again, inside of this dotted line is the area that represents the vacation, more or less many just quickly -- just quickly, we've touched base with the abutting properties. Meeting with the mount tabor association, who had no objections. All of the neighborhoods within 40 feet of the site received notice and signed a petition consenting. We appeared before the planning commission and there was no -- and the planning board voted unanimously to support this petition. We've done our groundwork and got our ducks in a row, and if you have any questions, we're happy to answer them.

Saltzman: Questions?

Adams: Does this change in terms developing on the land.

Williams: We -- one of the reasons that we're attempting to do this now is because we would like to rebuild our driveway and the -- and a wall -- a retaining wall. Which we can't do because it's currently public right-of-way. So -- but with the easement, which we've granted -- this would grant to the city of Portland through the water department, there can be no structures built on it, and, in fact, I think there's a one-foot restriction of going deeper than one foot into the property. So the --

Saltzman: Ok.

Walker: Whatever they would want to do, they would have to put in for a building period of time anyway. But it will become their private property.

Saltzman: Anyone else who wishes to testify?

Parsons: Yes, we have one more.

Saltzman: Welcome. Give us your name.

Alfred M. Staehli: Good morning. My name is alfred staley. A retired historic preservation architect and I lived on mount tabor for about 40 years. I have three things I want to bring to the attention here. One is if you -- this being passed around, this will reduce about 1/8 size map of mount tabor park as designed by park superintendent and the architects back in 1911, and so this is a copy of that historic map out of the parks superintendent report to the mayor in 1911. So this shows -- and i've marked it with an x. This little segment that's been discussed, has been serving as part of the park for over 100 years. The driveway is gravel driveway and it serves that house plus the little white house, which this small picture shows. This house here which is for sale now, also uses that for a driveway. The -- there doesn't seem to be any particular public benefit to doing this for the park, because as these other pictures show, why, this part of the park is well integrated into the activities of the park. Trails passed down by it or through it, you can walk up there, as I did, to take the photographs, and it shows it's basically a fairly densely wooded part of the park. Just north of the tennis courts there, and the reservoirs number six. The other item I wanted to mention is that as far as I know, this has not been brought before the neighborhood association. I have notified the neighborhood association about it, and requested that it be on tonight's agenda. So I don't know exactly -- I can't predict what they're activity, what they're interest would be on there, but I know -- I don't believe any formal notice was circulated in the neighborhood. I have a photograph here of the -- two little -- one of the two little letter-sized notices, one on salmon street junction there, and one at the dead end of main street. That's really all I have to say.

Saltzman: Ok.

Staehli: I'm in opposition to this.

Saltzman: This is a first reading so there would be an opportunity if anyone wanted to weigh in between now and next week. Go ahead.

Fish: I understand you're opposed to the action, but you've heard the conditions and reservations incorporated into the ordinance and the limitations of what the property owner can do. Are you satisfied with those protections?

Staehli: Yes, I think those are undoubtedly necessary protections there. And also could be taken care of in the future because of the work being done on the tabor yard and the long-range plans for

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that part of mount tabor park. Its going to require eventually an amendment to the national register of historic places nomination for the park. Because the boundaries are changed. And so that's another reason for not doing it. And I just see no reason, that there's any benefit to the park to doing this. They have access to their garages.

Fish: The other point, sir, because we're going to have a second reading -- this is a first reading -- if the neighborhood association has some kind of communication, we'll have a chance to consider that before we take a formal vote and if there's a problem with our notification procedure, with would they also let us know. Our ordinance course would be to notify the neighborhood association. We can get staff to confirm that. But -- our obligation is to make sure there's notification, whether the neighborhood association acts on it or not is beyond our control. Thank you for taking the time.

Adams: Your argument is that it doesn't add to the park and, therefore, it should be denied?

Stahli: Yes, basically, yes, uh-huh.

Adams: Ok. One thing to keep in mind, and in Portland, the streets are not actually owned by the city. We just have easements on them. So the underlying ownership here has always been with this property. I'll wait to make up my mind next week, but the underlying ownership is always with this property so from the beginning of the platting of the city, whenever this property was platted, the ownership of this strip has been always with this property. And when we vacate a street, by law, we have to give it back. We could punch a street through there, I guess, but I wanted to know if you're aware of that and if that has any bearing on your outlook?

Stahli: I'm not familiar with all of the boundaries of mount tabor park. I know that's currently an issue in the long-range plans for the maintenance of the historic integrity from the water bureau, the parks point of view and the operations of the tabor yard, and I think they're resolving some of the boundary issues of the park. I don't know how that corresponds to what is shown on the national registration.

Adams: I know this has not been a area of property dispute. We've never owned this part of the land.

Stahli: Mount tabor has easements all around it. Mostly undeveloped. The east end of stark street, the west end, from scott drive --

Saltzman: Sure.

Stahli: Down to morrison court. All of these are used, except in one case where the homeowner put a diving board, back end of it, sticking across the easement for pedestrian easement. And these are all undeveloped around mount tabor park.

Saltzman: Thank you. [inaudible]

Saltzman: You have to come to the mic.

Walker: I want to say that letters were sent out to the neighborhood association and the district neighborhood on march 4th and we didn't hear from either one of them. And the letter states that if we don't hear from you, then we'll assume you have no objection.

Fish: Could we give him a copy of that letter so he can take it to the meeting.

Walker: Absolutely.

Stahli: The neighborhood associations are all volunteers.

Fish: We'll give you a copy so you can take it to the meeting.

Walker: And I know the planning commission always tries to get in touch with them also.

Saltzman: This moves to second reading next week. Item 1424. Our last item.

Item 1424.

Saltzman: Are you doing this, steve? Oh, a second reading. Vote only. Call the roll.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. We stand adjourned until next wednesday at 9:30.

At 11:20 a.m., Council adjourned.

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