



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8TH DAY OF AUGUST, 2009** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, and Saltzman, 4.

Commissioner Saltzman arrived at 9:34 a.m.

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

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

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>1077</b> Request of David Regan to address Council regarding more green jobs for the unemployed homeless (Communication)	<b>PLACED ON FILE</b>
<b>1078</b> Request of Reba Strickland to address Council regarding Bureau of Housing and Community Development programs and grants (Communication)	<b>PLACED ON FILE</b>
<b>1079</b> Request of Rondine Ghiselline to address Council regarding Mayor Adams (Communication)	<b>PLACED ON FILE</b>
<b>1080</b> Request of Kelly M. Bryan to address Council regarding City ban or mandatory fee on single-use plastic bags (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>	
<b>*1081</b> <b>TIME CERTAIN: 9:30 AM</b> – Pay claim of Randall Cooley (Previous Agenda 1066; Ordinance introduced by Mayor Adams) (Y-4)	<b>183067</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	
<b>Mayor Sam Adams</b>	
<b>*1082</b> Authorize a grant agreement with Oregon Partnership for \$10,000 to provide increased crisis line support for the FY 09-10 (Ordinance) (Y-4)	<b>183058</b>

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<b>Bureau of Transportation</b>		
<b>1083</b>	Set a hearing date, 9:30 a.m. Wednesday, August 26, 2009 to vacate a portion of N Gay Ave between N Blandena St and N Wygant St (Report; VAC-10052)  (Y-4)	<b>ACCEPTED</b>
<b>1084</b>	Set a hearing date, 9:30 a.m. Wednesday, September 9, 2009, to vacate the Public Way between Lots 13 and 14, Flora Meadows (Report; VAC-10065)  (Y-4)	<b>ACCEPTED</b>
<b>*1085</b>	Authorize an Intergovernmental Agreement with the Oregon Department of Transportation for the 47th and Alderwood Signal Project (Ordinance)  (Y-4)	<b>183059</b>
<b>*1086</b>	Extend Intergovernmental Agreement with Metro for South Waterfront Transportation Management Association Exploratory Study until June 30, 2010 (Ordinance; amend Contract No. 52812)  (Y-4)	<b>183060</b>
<b>*1087</b>	Extend the Intergovernmental Agreement with Metro for additional time and subsequent full payment of City obligations for the South Corridor Phase II: Portland-Milwaukie Light Rail Transit Refinement Study and Supplemental Draft Environmental Impact Statement (Ordinance; amend Contract No. 53071)  (Y-4)	<b>183061</b>
<b>*1088</b>	Grant revocable permit to Oregon Brewpub to close SE 9th Ave between SE Yamhill St and SE Belmont St from 6:00 a.m. on August 29, 2009 until 1:00 a.m. on August 30, 2009 (Ordinance)  (Y-4)	<b>183062</b>
<b>1089</b>	Grant revocable permit to Lucky Labrador Brew Pub to close SE 9th Ave between SE Hawthorne Blvd and SE Main St and to close SE Madison St between SE 8th Ave and SE 10th Ave from 9:00 a.m. until 6:00 p.m. on September 26, 2009 (Ordinance)	<b>PASSED TO SECOND READING AUGUST 12, 2009 AT 9:30 AM</b>
<b>1090</b>	Authorize an Intergovernmental Agreement with Metro and accept \$300,000 to administer the SmartTrips Portland individualized marketing project along the MAX Green Line (Second Reading Agenda 1047)  (Y-4)	<b>183063</b>
<b>Office of Management and Finance – Business Operations</b>		
<b>1091</b>	Authorize contract with Sargent Designworks / Architecture + Interiors, Inc. for \$168,200 to provide consultant services for Stanton Yard Fuel Facility (Second Reading Agenda 1049)  (Y-4)	<b>183064</b>
<b>Commissioner Randy Leonard Position No. 4  Bureau of Water</b>		

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<p><b>1092</b> Authorize an Intergovernmental Agreement with Multnomah County Department of Community Justice to conduct general heavy brushing work and provide for payment (Second Reading Agenda 1054)  (Y-4)</p>	<p><b>183065</b></p>
<p style="text-align: center;"><b>Commissioner Nick Fish</b> <b>Position No. 2</b></p> <p style="text-align: center;"><b>Portland Housing Bureau</b></p> <p><b>*1093</b> Amend subrecipient contract with Innovative Housing, Inc. to revise the total contract amount not to exceed \$208,000 for the pre-development activities of the Clifford Apartments and provide for payment (Ordinance; amend Contract No. 38367)  (Y-4)</p>	<p><b>183066</b></p>
<p><b>REGULAR AGENDA</b></p> <p><b>Mayor Sam Adams</b></p> <p><b>Bureau of Transportation</b></p> <p><b>1094</b> Accept a grant agreement in the amount of \$1,639,677 from the Oregon Department of Transportation for the US 26 Adaptive Signal System project to optimize traffic signal timing along US 26, from SE Milwaukie Ave to SE 52nd Ave (Second Reading Agenda 1065)  (Y-4)</p>	
<p style="text-align: center;"><b>Office of Emergency Management</b></p> <p><b>*1095</b> Amend Intergovernmental Agreement with Washington County to perform purchase obligations and extend time period for distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant FY 2008 (Ordinance; amend Contract No. 52305)  (Y-4)</p>	<p><b>183069</b></p>
<p style="text-align: center;"><b>Office of Management and Finance – Financial Services</b></p> <p><b>1096</b> Authorize revenue bonds for renovations and improvements to PGE Park (Second Reading Agenda 1067)  (Y-3; N-1, Fritz)</p>	<p><b>183070</b></p>
<p style="text-align: center;"><b>Office of Management and Finance – Purchases</b></p> <p><b>1097</b> Accept bid of Parker Northwest Paving Co. for the NE Alderwood Road Signals Project for \$2,017,734 (Purchasing Report – Bid No. 110369 )  <b>Motion to accept report:</b> Moved by Commissioner Fish and seconded by Commissioner Fritz.  (Y-4)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>

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<p><b>1098</b> Accept bid of Emery &amp; Sons Construction, Inc. for the Clay-Taylor Reconstruction and Green Streets Project for \$2,391,887 (Purchasing Report - Bid No. 110649)</p> <p><b>Motion to accept report:</b> Moved by Commissioner Fish and seconded by Commissioner Fritz.</p> <p>(Y-4)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>Commissioner Dan Saltzman Position No. 3</b></p> <p><b>Bureau of Environmental Services</b></p>	
<p><b>*1099</b> Authorize acquisition of two lots from Donald L. Tindall and Ellie C. Tindall as a component of the Grey to Green Initiative (Ordinance)</p> <p>(Y-4)</p>	<p><b>183071</b></p>
<p><b>1100</b> Authorize contract with Brown and Caldwell for professional engineering services for the Columbia Boulevard Wastewater Treatment Plant Solids Lagoon Reconstruction Update Project No. E09184 (Second Reading Agenda 1070)</p> <p>(Y-4)</p>	<p><b>183072</b></p>
<p><b>Commissioner Nick Fish Position No. 2</b></p> <p><b>Portland Parks &amp; Recreation</b></p>	
<p><b>*1101</b> Authorize Portland Parks &amp; Recreation to accept a grant award of \$20,900 from the Oregon State Marine Board Maintenance Assistance Program for maintenance of boating facilities (Ordinance)</p> <p>(Y-4)</p>	<p><b>183073</b></p>
<p><b>1102</b> Approve the designation of twelve trees as Portland Heritage Trees (Second Reading Agenda 1040)</p> <p>(Y-4)</p>	<p><b>183074</b></p>

At 10:12 a.m., Council adjourned.

**LAVONNE GRIFFIN-VALADE**  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

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

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**WEDNESDAY, 2:00 PM, AUGUST 5, 2009**

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

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**August 5, 2009**  
**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 is a rough-draft transcript only. The text is the byproduct of the captioning of this program. The text has not been proofread and should not be considered a final transcript.]

**AUGUST 5, 2009 9:30 AM**

**Item 1077.**

**Adams:** Will you please read item 1078.

**Item 1078.**

**Adams:** Miss strickland, already, can you please read the title for council communications 1079.

**Item 1079.**

**Adams:** Can you please read the title for council communications 1080.

**Item 1080.**

**Adams:** Good morning, we are glad you are here. We were getting lonely. It must be the summer weather. So, all you have to do is give us your first and last name for the record, and not your address, and that clock on the big hunk of wood in front of you will help you count down the three minutes. We're glad you are here.

**Kelly M. Bryan:** I am kelly m. Bryan, an artist with leave no plastics behind and a board member of cracked pots, which is a, an arts and reused organization, and i'm a certified master recycler with, with the program that probably know about, the master recycler program through the county and city and, and, and a group of organizations. And i'm here to ask that you, you help lead Portland into joining the growing world community of, of, of countries and large cities, small towns and even, even companies that, that are banning the use of single use plastic bags. And I know that you have the task force on this issue, and, and I know that, that you have a lot of information about it, but, I would just like to, to keep the issue in your minds and I know earlier this year you postponed thug about it because of the environment, and I think that's, that's an important consideration, but, I just would like to say that, um, that I think that the environment can't wait and I think that I want to remind you that people's behaviors are adaptable. People change, there is often a big flurry and controversy and certainly, there is going to be opposition as everywhere that adopts these bans have shown. But, I think once the flurry dies down, people figure it out. And I personally support a ban on plastic and single use plastic, and possibly a, a tax on, or a chart for, for the paper. And but, you know, it's a habit. People get used to it. And I have started carrying bags myself but sometimes I forget, and, and when you forget, there are alternatives and most people, especially in Portlanders, are creative. And I have used the detachable hood of my jacket to carry apples, you know, and in japan they use this device that's a square of cloth. You can use your coat, scarf, you know, it's not even just about bags. But, anyway, I just want to remind you that, that the impact of plastic bags is huge, and all over the world, and you know this already, they end up in the bellies of animals, birds, Fish, and we are probably ending up ingesting them. But, also, in terms of, of, in the recycling stream, there's been no way to keep them out of, of the material recovery facilities that end up as, i'm sure you know, in getting tangled up in, into conveyer belts that, that we, we're the materials are separated. They estimate that they spend a quarter of the time digging out plastic bags from the machine area we're they slow things down. I don't know what that means.

**Adams:** It means you are out of time. But, any last thoughts?

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**Bryan:** Well, yes, my last thought is that I urge you not to support the biodegradables, and I brought the thing that I will give that, that the bureau of planning and sustainability has put out, that you probably have seen but maybe not. Says that the biodegradables are not the way to go but they often don't biodegrade, and they can get mixed up in the recycling stream. Thank you.

**Adams:** Thank you for your testimony. Appreciate that.

**Fritz:** Thank you for the reminder for people to not put the plastic bag in the recycling. That would really help.

**Adams:** We're going to the time certain and if any late arrivals on communications have arrived --

\*\*\*\*\*: David Regan is here.

**Adams:** We'll do you after the time certain so keep tight. Can you read the, the title for time certain items, 1081. The consent agenda. Oh, yes, would anyone like to pull an item off the consent agenda? All right, please call the roll.

[roll call]

**Adams:** Consent agenda is approved, now can you read the titles for time certain, item 1081.

**Item 1081.**

**Adams:** Good morning.

**Mark Stairiker, Office of Management and Finance:** Good morning. [inaudible] before you is an ordinance to settle the litigation against the Portland police bureau for a sum of 70,000,500. And in June, the city attorney and risk management attended the mediation and proposed, the proposed amount was negotiated pending city council approval. And a trial was scheduled on June 3. A discovery, our discovery has been extensive, and the city attorney has opposed numerous witnesses.

Resolving this lawsuit through mediation is in the city's best interest and we present this for your approval. We'll be glad to answer any questions.

**Adams:** Questions from the city council?

**Fish:** I have a question since, since commissioner Leonard is on vacation this week and had posed a question last week, the question I would have for you, sir, in light of the underlying, the allegation, the underlying conduct alleged, is there anything we take away from this going forward in terms of how we do our job better or training differently or is there any take away from this particular incident?

**Stairiker:** Yeah, in this incident, internal investigation, there were several allegations.

\*\*\*\*\*: I apologize am.

**Adams:** You need to give your name for the record.

**Larry O'Dea, Bureau of Police:** Larry O'Dea. The allegations were exonerated meaning the officer's actions were proper and within procedure. The actions that, that were sustained were for failing to document and, and write a report. We have a very good policy when we have encounters like this, that these incidents need to be documented and need to be spelled out in a report. Our policy does cover that the officer failed to follow that policy. He lists reasons why he ended that encounter to assist with a more urgent manner and in that time frame failed to get that information. Still, his actions did not follow our policy. Our policy is adequate that covers what he should have done and the policy is very clearly put out to officers. Is a policy very well-known.

**Fritz:** My question is, the opposite, what's the process for us to look at our policies to see whether they need to be updated. You mentioned yesterday the particular hold has been in use for 25 years.

I know from my work in psychiatry that things that we did 25 years ago are no longer considered best practices. So, how does the bureau, what's the process for, for, on an ad hoc basis or an incident like this, for looking at the particular policies involved to see if they are still what we want to have in our procedures?

**O'Dea:** You bet. Two tracks. Our formal policies are, our manual policy and procedure, our policies are reviewed every two years, and when different incidents or, or occasions come up that cause us to, to reveal a policy before that formal review time, changes can still be made and, and the

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chief will put out an executive order amending a policy if the policy is deficient or needing change.

The practices that make up parts, in the policy, in regards to, to the defensive tactics and the control holds are reviewed very regularly. Our officers go to, to seminars and, and get brought up to speed on what are the nation-wide best trends. Our practices, do they still meet those? They meet with local law enforcement trainers, and make sure that, at that our, our procedures are, are we seeing anything different than what they are seeing, are the techniques still valid and we also keep a sergeant full-time down at the basic police academy to make sure that, that the procedures they are teaching are in line with the procedures that we're using, so that we're still using correct processes. Also, after, after incidents, the training division reviews reports and they review after actions and tort claims, and they review items from, from the, the review board, and look at, are there issues that cause us to question some of the techniques that we are using? And then they evaluate our own practices, are they we're they need to be and they make changes based on that.

**Fritz:** Who is involved in assessing that whole set of things?

**O'Dea:** The formal policy is -- there is a huge amount of input in that. That, that, people from, from the review board, made up of, of command staff, of peers, of citizens, i.p.r., and peer members are all involved in that review board process. And we'll send out, here's the policy and what we're looking at, and people, red pen, put down the input. What are we missing? Areas of concern. And that's all collected and evaluated and then the chief will make a final decision on taking this input we're we need to change the policies.

**Fritz:** Is there a police bureau advisory committee made up of citizens? I know we used to have the chief's forum and we have not been doing that for a while. What's the citizen input into that process?

**O'Dea:** Citizens input, they are in the makeup of our review board policies. We have citizens members that are voting members in the, in the, in the review board process.

**Fritz:** And after an incident like this, I would like to know, and I think it's one of commissioner Leonard's concerns last week, not what the discipline was but what the discipline, as part of the report, I would also like a follow-up, after this process you mentioned has been gone through, to let me know what was decided. The policy is ok, we changed the policy, some kind of a follow-up so that I know that when the city has been found or agreed to settle, that we have taken a good look at what the policies are and discovered whether there are system changes that need to be made or not. I would like to have that information.

\*\*\*\*\*: Ok.

**O'Dea:** And in this case, the first part of the question that I can't answer now, there were the seven allegations. Of those were, five were exonerated, meaning the officers actions, and said includes the use of force allegations, that, that they were proper and within policy, and there was one allegation about profanity that was unproven, and the allegation that the officer was sustained on was that they failed to document the incident in a report, and he was disciplined for that allegation for the sustained part of that allegation.

**Fritz:** When you have done your process of looking at particular policies, the allegations found to be within policy, I would like to know what the outcome of that was and who was involved in that.

**O'Dea:** You bet.

**Adams:** Is it 78,750 to two people or each?

**Stairiker:** Well, one, randall cooley is the plaintiff.

**Adams:** And steven is the lawyer?

**Stairiker:** Right.

**Adams:** Thank you very much. And appreciate it. This is an emergency item. So, unless there is additional council discussion. Does anyone want to testify on council item 1081? All right. Can you please call the roll.



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**Saltzman:** Aye.

**Fritz:** This has been a helpful discussion, thank you, and I think it does bring to light that when we have found we're making settlements, that we need to look at city-wide policies and make sure that, that we're doing whatever we can to, to provide the best service that we can. Aye.

**Fish:** Aye.

**Adams:** Aye. [gavel pounded] 1081 is approved. Please come forward.

**Item 1077.**

**Adams:** Welcome back. Give us your first and last name. You have three minutes.

**David Regan:** Thank you. David Regan. A lot of you have heard it before. Just here to remind you that there are, as of January of this year, over 17,000, has got to be higher than that by now, unsheltered people and, and in Oregon, and about half of those are in the metro area. I would like to encourage commissioner Fish to encourage the coordinating committee to end homelessness to start -- well, you have your own statewide count it says 1,600 in January, and we know it's much higher. And while it's great to be able to say that we created this much housing and this much unsheltered population, that's a good ratio. The truth is it is much higher and the ratio is smaller and the reason I think the numbers are important is because we need to have a reality check. There is a lot of people that are on the edge of homelessness living with friends, living in cars, and living at their parents again and living not knowing if this new economic development plan for the city will pan out in terms of the jobs for them. I have looked over your five-year plan, as a lot of people, have and I like the five-year plan. It's great. Portland is on the cutting edge for tracking new green businesses and for being a leader. What's missing in that job inventory, the plans for how many new jobs are planned for the next five years?

**Adams:** 10,000.

**Regan:** Great. And from that list of jobs are the most inexpensive kind to create, which are farming jobs, gardening jobs. I'm going to say it, there is nothing wrong with poor farms. It's time again. The depression in the United States, was 40% rural, if a guy couldn't find a job from the city or make it's way, find a job and support itself in the city for a year or more, so they always knew somebody on a farm, an uncle or a cousin or a friend and they could go back to the farm and they had the dignity of self supported and they weren't a burden on state coffers and federal coffers in terms of welfare. And things have changed. We are less than 10% rural today. We're still agricultural animals. We have gotten so used to buying things in the grocery store and the coldness of the money exchange we forget this. We need to reteach and relearn agriculture, especially to, to the, some six to, some 6208,000 without jobs in the metro area. I think it's harmful to continually give people food and shelter but not expect any work for them. It can be harmful. The coordinating committee to end homelessness, the mission is to focus on the chronically homeless. And I ask you, please think more about the newly homeless, the people that have been working and who need jobs. Thank you.

**Adams:** Thank you. Can you please read the title for item.

**Item 1094.**

**Adams:** Second reading, vote only.

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

**Adams:** Aye. 1094 is approved. Can you read the titles for emergency ordinance, item 1095.

**Item 1095.**

**Adams:** This is a routine matter. And do we have anyone from the office of emergency management here? Come on up. Does council have any questions regarding this? You can have a seat. This is an emergency ordinance. Does anyone wish to testify on council item 1095? Can you please call the roll, Karla.

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

**Adams:** Aye. Can you read the titles for second reading, item 1096.

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**Item 1096.**

**Adams:** Calling the role.

**Saltzman:** Aye.

**Fritz:** I recognize that I was in the minority a few weeks ago, and there may come a time we're we vote for something on this issue, however, this ordinance states that the general fund is at risk, and that will authorize the sale of bonds before we know what we're buying in p.g.e. Park renovations, and I believe that it's premature to authorize the sale of bonds before the structure is finalized and the annual debt service payments are there. No.

**Fish:** I do want to point out that all revenue bonds issued by this city are backed by the general fund, and if the criteria was that the general fund gave us full faith and credit, and therefore, we should not issue bonds, we would not do bonds in most of the housing work in that I am responsible for so I appreciate very much my colleagues point but we happen to have a healthy credit rating which allows us to use that as a backstop, and to my knowledge we have never come close to having to put the general fund at risk, and I share your concern on that. I, too, found myself in the minority on a number of issues relating to baseball and soccer, starting with the two stadium deal, the rose quarter plan, the portion that brought us to lents and involve using urban renewal dollars and significantly spanning the footprint of the baseball stadium in a regional park. And the reason in that I am supporting a deem for soccer at p.g.e. Park is that it, actually, meets the conditions that I set out early on to shift virtually all of the costs and the risks to mr. Paulsen and to sports fans. Because I also believe that soccer has, has a, a significant chance of being successful here, and it's not just because it's a global sport, but because we are home to adidas and nike, because used sports is, youth soccer is going through the roof, and we are home to the national champion u.p. women pilots, and frankly, soccer is a sport that we have seen when we get the right teams at p.g.e. Park, brings out crowds. I believe that this will be a net positive for our community. The bond piece we're asking to vote on today, are bonds issued by the city through the spectator facility fund, and backed by user fees which means the fans who come to basketball games, and hockey games, and baseball games, and soccer games, and mr. Paulsen, himself. After looking at this carefully I believe that from a funding standpoint the level of risk involved is manageable. And no urban renewal funds are involved in this project, which means no money dedicated for infrastructure, housing, small business development will be used to fund any portion of this. And I do not believe that the risk is substantial. I believe that the potential benefit to the city, the upside on this deal is, is quite large. The last and most significant risk factor identified in hearings before this council has to do with 2025. And there is at least a theoretical possibility that in 2025, the trail blazers will leave Portland, that we'll not be able to find a use for the rose quarter, and, or the rose garden, that we won't have a replacement team, and that we won't be able to sell our assets. And after that series of highly improbable and unlikely contingencies, there may be some need to, to, to find additional ways to backstop the bonds. I just -- frankly, when I look at that scenario, to me, it is equivalent to me worrying about the fact that I could cross the street tomorrow and be run over by a car. It is, I think, a manageable level of risk. So, while i've been critical of, of some of the past financing proposals, I believe that this one is, is responsible and puts the risk in the cost where it belongs on mr. Paulsen's shoulders and on, on fans and therefore, I vote aye.

**Adams:** Aye. 1096 approved. Can you read the title for purchasing report council item 1097.

**Item 1097.**

**Adams:** Mr. Baer.

**Jeff Baer, Bureau of Purchases:** I'm jeff baer.

**Adams:** And if I could interrupt, you have a new position within the city.

**Baer:** I will be taking on that probably tomorrow.

**Adams:** Maybe you could announce this to the council?

**\*\*\*\*\*:** Important advancement in your career.

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**Baer:** Thanks for the opportunity to do that. What we're doing in the office of management and finance is to create a new position. I know that all of you know that [inaudible] retired at the end of June and I will be taken on as the director of the interim business service, operations, which will include procurement, police, facilities, risk management and printing the distribution, so added responsibilities.

**Adams:** Congratulations.

**Baer:** Turning to of the purchasing agent report, for this project here, here, asking for permission to execute a contract with Parker Northwest Paving, this is on behalf of the Portland Bureau of Transportation, for the Northeast Alderwood project, some of the, some of the issues related to, to the solicitation process that we went through. We issued a bid, we received seven bids, and they range from 2 million, which the low bid for Parker Northwest Paving to 2.4, a little over 2.4 million, and the amount that we're executing in the contract is 2,017,733.71. That about 31% below the engineer's estimate. And we identified 15 divisions of work for subcontracting opportunities, and of that, four subcontracts are being awarded to minority women and emerging small businesses representing 4.8% of the total subcontract dollars. So, we have representatives from, from transportation and also the contractor, if there are any questions.

**Adams:** Questions from council? Anyone wish to testify on 1097? Karla, would you please call the roll or do I have to have a motion? I can't remember.

**Fish:** So move.

**Fritz:** Second.

**Adams:** Moved and seconded to accept the purchasing report. Carla, call the roll.

**Saltzman:** Aye.

**Fritz:** It's disturbing to me to see the low level of minority women participation and I know that we'll be working on that, aye.

**Fish:** Aye.

**Adams:** I agree. The low level of participation by certified women and minority firms is low, and to the Parker Northwest Paving company we need your help in getting that up. I know, I know, I know you are trying. Thanks. Aye. [gavel pounded] 1097 approved. Council calendar item, purchasing report, 1098.

**Item 1098.**

**Adams:** Mr. Baer.

**Baer:** This is a report on behalf of the Bureau of Environmental Services, and this is for the Southeast Clay Taylor reconstruction. We received nine bids, they ranged from 2.3 million up to 3 million, and the contract amount of, of 2,391,886.56, and which is below the estimate. I want to identify what we've been doing in working with the contractor to increase their emerging small business participation, and we have managed to bump that up to, to a total of 23.6% of the total project amount, being awarded to, to minority women and emerging small businesses or 55% of the total subcontracts being issued resulting from this contract. And the, the contractor, Emery and Sons is a local contractor. They are in compliance with our equal benefits, e.e.o. And business license. And we have representatives from b.e.s. Here in case there are questions.

**Adams:** Discussion from council?

**Fritz:** I noticed the next low bidder will a higher percentage of minority women. Is there any weighting in our evaluation of bids? Would we have been able to give the contract to the second highest, second lowest bidder?

**Baer:** No, we would not because in a, under Oregon law we are required to do an invitation of bid which looks at the cost of the project and the lowest cost coming in because we don't do an evaluative process, similar to what we do in the request for proposal, there is not criteria that we would judge them against. So, it's based simply upon whether they met our requirements like our

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good faith effort or workforce hiring training program, which they did, and we look at the price and ensure that they are in compliance with the programs and comes down to the cost.

**Adams:** Let me take a crack at that. You correct me if I am wrong. That the previous disparity study, facts manifested in the previous evaluation we call the disparity study did not give us the legal predicate to provide points or weighting in our contracting process, but commissioner Fish, who signed to do the new study, might show different results that might allow us to begin to do what you are saying. It all depends on what the facts that come out of the study show.

**Baer:** That's correct.

**Saltzman:** That would only be for evaluative approaches, not low bid.

**Baer:** There are some situations, once we analyze the data and do the surveys for the disparity study update, it's possible that it could show that, that we could, we could have, have specific goals associated with that, and then we could use that to, to determine who is actually low bid. Whether that happens or not will depend on the study.

**Fritz:** I learned yesterday the state has mandatory requirements for, the state has mandatory requirements for supportive groups, and why can't we do that? Same thing? Same answer?

**Adams:** No, it's federal money. Federal dollars. No transportation dollars have goals.

**Fritz:** And we can't unless the disparity study shows that we can?

**Adams:** Correct.

**Baer:** We follow the state's program. The transportation construction projects are pass through funds through the department of transportation. The federal and their program, their federal disadvantaged business enterprise program applies and trumps anything that we do, so we do have specific goals that go along the federal requirements.

**Fish:** I appreciate your comment because as the mayor and I are working on the disparate, disparity study, we are finding there are minority-owned g.c.'s that are general contractors that are finding that they are being, having additional challenges getting contracting opportunities because in a down economy, some of the bigger players are actually now bidding for work that they normally wouldn't go after undercutting some of the smaller emerging businesses, and these are issues that we are framing for consideration as we go forward with the study, and you will be hearing within a week or two a presentation on the outline of the study and a request for your consent to move forward with the disparity study.

**Adams:** On the federal level when they did a study, their version of the disparity study on the national, federal level it showed the kind of disparity, legal disparity as defined by these court cases that they could do that.

**Fritz:** And I learned from the person here a minute ago, he met with me yesterday, and to talk about the kelly green street process, and one of the horror concerns that I would like to throw into the hopper is how about hiring minorities and local folks within the contract? I don't think that -- is there any process to evaluate which businesses are good at hiring Portland people and, I know that we had the local, the local, the hire local first.

**Adams:** And unfortunately, the local business enterprise, and, and designation, which we, we, this council passed, does not apply, legally cannot apply to construction. But there is more to the answer.

**Baer:** And there is, and part of that is, any construction project exceeding 200,000, which is the bulk of our contracts, we have our workforce training and hiring program in which we work with the apprenticeship program and have them look at diversifying the trade so, in terms of we're we find types of work that have apprenticable hours associated with that, we work direct 8 with those trade unions to look for opportunities for minority and women.

**Fritz:** Obviously, it's an issue that's very important to the council and something I would like to learn more about. I wonder if we might consider a work session.

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**Adams:** If we could defer this until we come forward with the disparity study we would be open to good ideas.

**Fritz:** Thank you very much.

**Baer:** And that will -- this particular issue will be part of the disparity study to look at the programmatic areas that we have had in place and they will be reviewing that and, and part of the study will, will have recommendations on should we do something differently or should we, are we doing everything that we can do? I might add, the mayor is a.

**Fish:** The mayor is looking at the big picture. We'll be establishing an advisory body to help us to monitor the, the disparity study, and commissioner Fritz, we welcome participation from your office on that, someone that I would be willing to nominate for that.

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

\*\*\*\*\*: And on the study, I assume, it will include issues on the workforce.

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

\*\*\*\*\*: Ok.

**Adams:** Anyone wishes to testify on council? Item 1098. Entertain a motion to accept.

**Fritz:** Second.

**Adams:** Call the roll on 1098.

**Saltzman:** Aye.

**Fritz:** Thank you, this has been a helpful discussion, aye.

**Fish:** Aye.

**Adams:** Aye. 1098 approved. Can you read the title for emergency ordinance 1099.

**Item 1099.**

**Adams:** Commissioner Saltzman.

**Saltzman:** This is an ordinance to authorize the purchase of two residential lots near Kingsley d Bundy part and Clatsop Buttes in the watershed. The purchase is part of the Bureau of Environmental Services, Green Initiative, and Portland Parks and Recreation's Natural Area Program. These two connect to an existing open space, and will serve as a buffer between residential areas and natural areas, and to increase wildlife habitat and to protect existing habitat. The purchase price is 140,000, and closing costs are estimated at a,000 and the city will spend 2,000 to stabilize the site and prepare for public ownership. Which includes mandating the vegetation and removing trash and installing signage. Half of the funding will come from Portland's local share, the metro area bond, and the other half will come from the Bureau of Environmental Services. This is an emergency ordinance because the closing is scheduled for September 7. And a delay in passage may prevent completion of closing in a timely manner so I urge your support.

**Adams:** Council discussion of 1099. Anyone wish to testify on emergency ordinance 1099?

**Moore-Love:** There is a scrivener's error, the second part should be tax lot 4300 instead of 4,500.

**Adams:** Do we need that amend that officially?

**Ben Walters, Sr. Deputy City Attorney:** Just a scrivener's error.

**Adams:** Call the roll.

**Saltzman:** Thank you for catching that. Aye.

**Fritz:** With the previous project, this is really good work, like Mayor Adams, as Commissioner Adams, when he initiated the Green Process and Commissioner Saltzman in implementing these great projects, which will improve our neighborhoods, aye.

**Fish:** I will vote aye but this is also a chance for me to thank Dan for the support that he gave to the Parks Bureau this year to launch the Youth Conservation Corps and the Opportunities for 64 kids to do work in our, in our, removing the species and learning about, um, about the natural areas and, and you've been a great partner, the program has been a huge success, and it's another example of bureaus working together on what has been an issue framed by the mayor as a council priority, so I used to work with you and support you today.

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**Adams:** I would like to associate myself with commissioner Fish's comments, as well. Really appreciate it, and lot by lot, purchase by purchase, we're bringing more open green space and open space to east Portland and really appreciate your leadership, commissioner Saltzman. Aye. [gavel pounded]

**Adams:** 1099. Can you please read the title for second reading 1,100.

**Item 1100.**

**Adams:** Please call the roll.

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

**Adams:** Aye. [gavel pounded] 1100 approved. Can you read the title for ordinance item 1101.

**Item 1101.**

**Adams:** Commissioner Fish.

**Fish:** Thank you. We will do a 15-second presentation. This is normally on consent. Introduce yourself.

**Kellie Torres Walker, Portland Parks and Recreation:** I am kelly, grant coordinator for Portland parks and this is a grant that would be filed in consent but filed in regular. Something that we receive every year for the last several years, helps us with maintenance funds for all of the docks that the Portland parks and recreation maintains.

**Adams:** Thank you for an excellent presence. [laughter] Does anyone wish to testify on 1101? Carla, please read the, or call the roll.

**Saltzman:** Aye.

**Fritz:** Thank you to putting this on the regular agenda because it is important to know when we're getting these grants and doing good work and I will take this opportunity to thank the parks department for all of the neighborhood night out parties last night, which has been an amazing feat to organize 160 plus parties and all of Portland's parks hosted one. So thank you. Aye.

**Fish:** Aye.

**Adams:** Aye. [gavel pounded]

**Adams:** Can you please -- approved. Can you read the title for second reading on 1102.

**Item 1102.**

**Adams:** Call the roll.

**Saltzman:** As commissioner Fritz alluded to, one of my favorite things is heritage trees in our city. We truly are blessed to have a city of outstanding urban forests and outstanding trees, one of the things that I enjoy about getting out and campaigning in neighborhoods is often the, the show-stopping trees that I see in people's yards, and or, or in street trees throughout different neighborhoods. It's just simply incredible. And I appreciate the work of the heritage tree committee. In bringing it to us, I believe 12 trees for designation for protection and perpetuity. This is good work. And we are very proud of our trees in our city and appreciate the work of the parks commissioner, aye.

**Fritz:** I note that this is a voluntary program we're property owners volunteer to put prerestrictions on the property on the trees, and I appreciate that. And I also appreciate that this council prioritized finishing up the tree project in this year's budget, so that we can look at how we do tree perfection city-wide and whether there are other things that the council can do to help protect trees during the development or at other times. In the meantime, this is a really great project, aye.

**Fish:** We'll be launching a big information campaign this fall, and as people start thinking about planting trees on their property. We'll be advertising is a website and a phone number that people can call. We want to assist people and also want to make sure that when necessary they obtain the permits required to do work on trees. And in addition, one of the trees that we designate, we're going to designate today is the, of the douglas fir that is at the cemetery, and as you know, there is an active group of friends of lone fur and they do a halloween event, and the metro mountain got, got, and I exchanged emails last week and, and they want to actually engage the friends of lone fur

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and the people maintaining the cemetery in an event to put the plaque in so we have people excited that fur is now going to be protected. So thank you and i'm pleased to vote aye.

**Adams:** Aye. [gavel pounded] 1102 is approved. Unless there is additional council business, we stand adjourned until next week.

At 10:12 a.m., Council adjourned.