



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF OCTOBER, 2010 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fritz and Saltzman, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Deputy City Attorney; and John Holly, Sergeant at Arms.

DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS EMERGENCY ORDINANCES WERE NOT CONSIDERED AND ITEMS WERE NOT HEARD UNDER A CONSENT AGENDA	
COMMUNICATIONS	Disposition:
1311 Request of Michael Krupp to address Council regarding the rationale behind assigning a sole female officer to a car when her regular partner is out (Communication)	PLACED ON FILE
1312 Request of Kathryn Merritt to address Council regarding a women-owned and operated construction company perspective on the shortcomings of government efforts to increase involvement and success by women and minorities in public contracting (Communication)	PLACED ON FILE
1313 Request of Elizabeth Gibson to address Council regarding the need for City Government to focus on programs that are working to help small business and stop the approach that pits small business against each other (Communication)	PLACED ON FILE
REGULAR AGENDA	
Mayor Sam Adams	
Bureau of Planning & Sustainability	
1314 Amend ordinance to change effective date of amendments to Northwest District Plan and Official Zoning and Comprehensive Plan maps in portion of Northwest Portland (Second Reading Agenda 1289; amend Ordinance No. 183915) (Y-3)	184147
Bureau of Transportation	

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<p>1315 Amend Intergovernmental Agreement with Oregon Department of Transportation to revise the funding contributions and extend construction and project completion dates for the 47th and Alderwood Signals Project (Second Reading Agenda 1295; amend Contract No. 52869)</p> <p>(Y-3)</p>	<p>184148</p>
<p>Office of Management and Finance – Internal Business Services</p> <p>1316 Accept bid of Dunn Construction, Inc. for the UIC Remediation Project Phase 2 for \$794,234 (Procurement Report – Bid No. 112135)</p> <p>Motion to accept report: Moved by Commissioner Saltzman and seconded by Commissioner Fritz.</p> <p>(Y-3)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>Commissioner Randy Leonard Position No. 4</p> <p>Bureau of Water</p> <p>1317 Authorize a contract with Day CPM Services, LLC for Owner's Representative Services for the Interstate Maintenance Facility Rehabilitation Project (Ordinance) 15 minutes requested</p>	<p>PASSED TO SECOND READING OCTOBER 13, 2010 AT 9:30 AM</p>
<p>1318 Authorize contract with Michael Willis Architects for design services for the Interstate Maintenance Facility Rehabilitation Project (Ordinance) 15 minutes requested</p>	<p>PASSED TO SECOND READING OCTOBER 13, 2010 AT 9:30 AM</p>
<p>Commissioner Dan Saltzman Position No. 3</p> <p>Bureau of Environmental Services</p> <p>1319 Authorize the Bureau of Environmental Services to execute an easement for the East Lents Floodplain Restoration Project No. E07384 and authorize payment (Second Reading Agenda 1301)</p> <p>(Y-3)</p>	<p>184149</p>
<p>1320 Authorize a contract with the lowest responsible bidder for the Argyle & 13th Pump Station Remodel Project No. E08874 (Second Reading Agenda 1302)</p> <p>(Y-3)</p>	<p>184150</p>
<p>1321 Amend contract with KPFF for additional work and compensation for South Airport Basin Phase 4 Project No. E06790 (Second Reading Agenda 1303; amend Contract No. 37735)</p> <p>(Y-3)</p>	<p>184151</p>

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At 10:02 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, OCTOBER 6, 2010

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

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Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

OCTOBER 6, 2010 9:30 AM

Adams: It is wednesday, october 6, 2010, and it is 9:30 in the morning, before we gavel into our proceeding, I asked christopher and todd, please come forward.

Adams: I've been a big fan of the organization that I am honored to recognize today and I would like to read the following proclamation, and if christopher and todd would say a few words, that would be great. Whereas 35 years ago, five young Portland-based photographers, robert defranco, craig hickman, and anne hughes, christopher raushenberg, and terry, oh, todemeyer founded a non profit organization. The Oregon center for the photographic arts, which has become known internationally as blue sky. And whereas blue sky's founders established an ambitious public venue dedicated to promoting the careers of exceptional photographic artists around the world through exhibitions, programs, and publications. And whereas, in 3.5 decades since opening the doors on october 5, 1975, blue sky has presented 675 exhibitions by 573 different photographers along with 47 group shows, and whereas both Portland center for the performing arts and the office of mayor sam Adams are hosting blue sky exhibitions, of regional photographers from october to january of this year In recognition of blue skies 35th anniversary, and whereas, blue sky's founders will be honored at a special reception on october 8, 2010, as well as a public open house on october 9, 2010, both in blue sky's home in Portland's historic desoto building. Now, therefore i, sam Adams, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim october 5 through october 9, to be days of celebration for blue sky's 35th anniversary in Portland, and encourage all residents to observe these days. Congratulations. [applause]

Todd Tubutis: Thank you. I'm todd. On behalf of blue sky's board of directors, staff and many dedicated volunteers, thank you, mayor Adams, and commissioner Fritz and Saltzman for this wonderful proclamation, as well as commissioners Leonard and, and Fish. [laughter]

Tubutis: Your ongoing enthusiastic support for the arts in the city is deeply appreciated by the citizens. Thank you. And as executive director i've been at blue sky's home for almost a year now, and while that's merely 135th of the storied history, I can honestly say that it's a privilege to have inherited the reins of one of the most respected visual arts projects. But it would not exist for the passion, ingenuity and foresight of five Portland photographers who in 1975, simply wanted a place to show the best photography that they could find. One of them sits beside me today and is my pleasure to introduce the co-founder, christopher.

Christopher Rauschenberg: Thanks, todd. I want to say that five of us who started the gallery were really the first of, of what ended up being at least a thousand volunteers who, who have added to the vision that our original vision was fairly small, with a gallery the size of a great elevator paying \$40 rent on 35 and lovejoy street, and we just thought well, other people will help us run the gallery, and we never appreciated the, the, the extent that people would get in behind us. We thought that we were just walking down the street. We looked around and we were leading a parade, and I think that, that, that vision has ended up with us going into this, this beautiful desoto building with five other galleries, and, and having this huge, gorgeous space, and, and I feel like this is a gallery that's going to continue on into the future and be part of Portland's heritage for years to come.

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Adams: Thank you very much. Let me present you with the proclamation, and with my colleagues, we'll have a quick picture. Would you like to all get in the picture, too? [laughter]

Tubutis: Where do we go?

Rauschenberg: There we go.

Adams: Congratulations.

Rauschenberg: Thank you.

Tubutis: Thanks a lot.

Adams: You do good work.

Rauschenberg: Thanks.

Adams: And we won't consider it rude if you all want to get up en mass exodus -- we're used to that. All right.

Adams: good morning, Karla, how are you?

Moore-Love: Good.

Adams: And will you please call the roll. [roll taken] A quorum is present so we will proceed with communications. I understand that 1311, please read item 1311.

Item 1311.

Adams: I understand, mr. Krupp, was not available? Can you please read the title for communications item number 1312.

Item 1312.

Adams: Miss merritt, please come forward. Welcome to the council chambers. I just need to give us your first and last name, and the block in front of you will, the clock in front of you will count down the three minutes.

Kathryn Merritt: Thank you. My name is kathryn merritt. Thank you for giving me a few minutes this morning. I'm a little nervous. I would rather be banging nails than sitting in this chamber, but i'm going to go for this.

Adams: Don't be nervous. It's just us.

Merritt: Thank you. I started in construction in 1978. And I moved to Portland in 2000 after, after years as a shop teacher and within a short period of time, I found work in construction. This has been a very good place for me to work in construction. For the first eight years of my company, I was in residential construction, and as you all know, that industry is practically dead right now. Small construction companies are struggling to survive, and we're all competing for a very small pocket of work. A lot of that work right now is coming through the government agencies, and, and companies like mine, that are trying to stay in business are, are exploring work they are unfamiliar with, and that is public contracting and commercial contracting. So, my two minute left is, is, is, last year, I was hired by walsh construction as a subcontractor to work on a housing authority job, and, and I have would you please year exposure to public contracting, and I would like to say that, that the number of women that I see working on jobsites is, is still incredibly small. I appreciate the efforts that, that the city of Portland has made to try to increase the number of women and minorities in contracting. In preparation for today, I skimmed, didn't read, the disparity study from 2008-2009, and the numbers look really positive. They are not reflected on the jobsite. I was a general contractor on a million dollar piece of work for the housing authority of Portland, and my company was one of the only companies with a significant number of women on it, on its crew. Now, I believe that the number of wbes has increased. Of different preponderances about how that's reflected, but the number of women is still challenged. I would like to ask the city of Portland to go beyond the disparity study and encourage its project managers, its purchase department to look for women working in construction. Beyond the wbe, beyond the disparity study, when you are on a jobsite, if you do not see women, I want it to bother you. I am the only woman showing up in a lot of cases to bid on jobs. I want more of us out there. People are not bothered, and they think that it's ok. I would like the city of Portland to look for women, and I would like to work for hiring

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and training to do a better job of making sure the percentage of women on jobs is, is over 5%. I think I have used up my time. Thank you.

Adams: Are you familiar with connie ashberg?

Merritt: I was on the board of women when connie was first hired as executive director in 1994.

Adams: Really encourage you to, to, to join with her in advocacy because there is a lot of support there. It does bother us. And that's why we put the money into the disparity study, so that we could get an accurate reflection of what's going on. And it's not enough. And we have made a number of reforms just in the last 18 months, but we got a lot more to do.

Merritt: Yes, I will help with that.

Adams: Your comments are well taken. I would also encourage you to talk to christine moody back there in the white shirt, who runs the procurement program, and if you wouldn't mind, we can only give you three minutes, but if you wouldn't mind giving her additional feedback that might be helpful for us to continue to push forward with her forms. And really appreciate your advocacy.

Merritt: Thank you.

Adams: Can you please read the title for 1313.

Moore-Love: She notified that she is not able to make it.

Item 1313.

Adams: Ok. That moves us to the regular agenda. Can you please read the title and call the vote for second reading item 1314.

Item 1314.

Fritz: Congratulations to the neighbor and the neighborhood associations for coming to agreement on this. Aye.

Saltzman: Aye.

Adams: Thank you, aye. 1314 is approved, can you please read the title and call the roll for second reading item number 1315.

Item 1315.

Fritz: Aye. **Saltzman:** Aye. Mayor

Adams: Aye. 1315 is approved. Can you please read the title for procurement report 1316.

Item 1316.

Adams: Good morning.

Christian Moody, Purchasing Manager, Procurement Services, Bureau of Purchases: good morning. Christian moody, procurement services. You have before you the procurement report recommending a contract award to the low bidder for \$794,234. And 94,000, sorry. The city identified 11 divisions of work for potential minority women and emerging small business subcontracting opportunities, subcontracting participation on this project is at 100%. And work is performed in the areas of concrete cutting and hauling services. I will turn this back over to counselor, if there are any questions regarding the bidding process, and we have [inaudible] here to answer technical questions.

Adams: Discussion from council?

Fritz: What is uic?

Moody: It stands for underground injection control. It's a fancy word for that.

Adams: I think we have 9,000 of them?

Moody: Correct.

Adams: Just a few. Any other discussion? As a purchasing report, can we vote on that with three or do we have to wait? Ok. I will entertain a motion to accept the procurement report.

Saltzman: So moved.

Fritz: Second.

Adams: Moved and seconded, can you please call the roll on accepting the procurement report item 1316.

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

Adams: Aye. 1316 is approved. Can you please read the title for first reading on emergency item number 1317.

Item 1317.

Adams: Hi.

David Shaff, Administrator, Water Bureau: Good morning.

Adams: How are you?

Shaff: Good, how are you?

Adams: Good, thanks. What are we looking at here?

Shaff: Well, you are not looking at my chief engineer or my project manager. I suspect that they are frantically running across the street at this moment.

Adams: Good, we like to run ahead of schedule.

Shaff: We have two ordinances together. Would it be ok to read the second one, as well?

Adams: Sure. Please read 1318.

Item 1318.

Shaff: So, as you know, we are -- this is david grey, our capital projects manager, and as you know we are working on the re-replacement of the entertainment facility where our maintenance and construction, is operations warehouse stores is located. And we've been needing to replace this building for more than a decade. We had a plan to do this in 2007. We had, actually, contracts signed and ready to bring to council for the owner's rep position in 2007, and didn't because of some of the things that were going on, on around It-2, so we are at the process we're we're picking up we're we left off. And for, for this project, which is approximately a \$50 million project. And this, this, these two pieces of the project are to, to begin moving forward from the master plan phase to the actual design phase of the facility. I have some basic information. We did the normal request for proposal process. We had a number of submittals for both the contracts. We had a citizen member on the selection committee. Jenny o'connor, who is a member of the budget committee, and we had a citizen member who is an expert in construction of buildings on the committee, and I was going to run through those in general, but I understand that there was a question from commissioner Fritz's office about whether we should be using bgs for that service. And what we did was, in 2007, as I said, we had planned on bringing this forward to the city council. We had contracts signed with, with day cpm. Excuse me, there is two similar named groups, and day cpm, and we put a hold on that. Now, at the time, we had had discussions with bgs about -- we had not entered into negotiations or anything along those lines but bgs was working on the fire bond, the ecc so they were more or less fully booked, and we did not recircle back to them when we picked up this year, and said are you available now. We moved forward with the original group, with the original contract, the original contract, contractor, did honor the fees that they gave us at the time back in 2007, so they have held their fees to the point -- to same level as in 2007, so we did not circle back to them. We simply picked up we're we left off. We do have final negotiated amount of \$3.2 million. And its \$4.5 million less than we were projecting. And we do have contracts that reflect the usage of six state of Oregon certified mwbs firms and subconsultants with 24% of that contract work being performed by those consultants. I'm trying to anticipate the questions we usually get asked, and I think that I covered them, but if I haven't, I am certainly open for questions at this point. **Saltzman:** You forgot my question.

Shaff: Oh, I skipped. One of the changes in scope, that has occurred since 2007, was some additional geotech engineering, and the additional leed associated with the project that wasn't anticipated several years ago. So, yes, and david, I don't know what the level is. We're going, you are going to have to answer that.

Saltzman: By city policy it has to be leed goals, and I was looking through the documents, and it talks about aspirational goal.

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David Gray, Water Bureau: The city requirement, commissioner Saltzman, is for us to meet leed gold and that is what we will achieve for sure.

Shaff: It was in my notes. I failed to remember that was going to be a question.

Saltzman: Ok. Great.

Fritz: Thank you for explaining the process. Circumstances have changed since 2007, and so my first question when I looked at this was why we didn't go out and rebid it. We're getting bids coming in at a third to a half of what the estimates were.

Shaff: And this, actually, well, david, I will let you answer that I was going to say this, this was significantly less than what we were budgeting. But, we did not rebid it. You are correct. We went with, with the original contract in the original bids that we received.

Fritz: And I think that's honorable, the contract was put on hold through no part of any party. And there is no question the building needs to be replaced.

Shaff: We did -- I know that, that jeff was asked whether the design, design portion of the contract still appeared to be reasonable for designing a building of this size. David would tell you that, that typically, the design cost for a building of this size and magnitude, approximately, \$50 million project, 10% is a reasonable amount of that project. Our overall cost is going to be significantly less than that. \$3.8 million. And we were estimating \$4.5, and that's a \$50 million project so we are coming in below, what you would call industry standard.

Fritz: I'm wondering about the amounts of this contract and also, the circumstances have changed, they are no working on the prior one. That's wrapped up, and my understanding is they would have capacity to do it now. I'm thinking of the, of the development services staff being engaged to help design the emergency --

Shaff: The ecc.

Fritz: Right so that, again, has changed, so we have city staff who have been laid off who, perhaps, could do this work. So, i'm wondering about reevaluating how we're going about doing this.

Shaff: We didn't do that.

David Gray, Water Bureau: so the question, is you know, and I think that david has covered it very well. The fact that we, basically, picked up we're we left off in 2007, we also, um, revisited the fees of both these consulting teams, and you know, we compared those with other projects that we have ongoing. And the fees seem to be in line with what the current fees are coming in at. But -

Adams: It's a professional service contract, right?

Gray: Both of them are.

Fritz: And this is frustrating, so maybe there can be more discussion because it is \$1.3 million for the contracts to be the owner's representative, which perhaps facilities could now do. The other question that I have on the second agenda item, regarding the design services, is what are we buying? Is it a cadillac or a chevy? Has the purb reviewed the proposed elements of the design? Who looked at what we're buying?

Shaff: We have stripped out a fair amount of the project to reduce the cost internally. The purb doesn't look at the design of the building, but one of the reasons why the building is coming in at less than what it was originally going to be, was, was because we pulled the, the security and the emergency management group out there. They are going to be part of the ecc. That's changed the cost. That's changed the footprint of the building. And we're also looking are at, at not moving the entire interstate operation off the site while we build. We're going to, to build it, and then demo the existing building. So, we've done a number of things like that. On the design of the building to, to bring the cost down from where it was originally projected when the first interstate master plan was put together. On your first point, jeff and I were commencing back before, before we were called up, and there will be a conversation over the next few days before we come back for the second reading.

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Fritz: I appreciate that. So on the design, you said they don't review the design?

Shaff: Not the design.

Fritz: Had he review the rate increases required to pay for it?

Shaff: Right.

Fritz: So who or what entity looks at what is being proposed in terms of the facility there? Is there any kind of citizen input into what we're buying?

Shaff: Only from a broad global perspective. The budget advisory committee and the purb are aware of the project. They have all had, except for the newest members of the purb and the budget advisory committee, they have all spent time at the facility. They all know about the facility, and the fact that it has to be replaced. But from the perspective of, you know, what type of windows should it have, none of those sorts of conversations occur.

Adams: Doesn't the project have to come back to it? This is the design services, right?

Shaff: Yes.

Shaff: But the construction will have to come back.

Adams: Which includes us signing off on the assumption of design?

Shaff: Right, but I don't believe, for instance, the ecc is well underway. I don't believe that the purb or the budget advisory committee looks at, you know, how should the building look or how should it be situated on the property.

Fritz: We had some discussion about what's in the communication center building, and the layouts, what's in it. Is that available?

Shaff: Absolutely. We have our, our master plan, and we have some revised, what do you call them, details, is how the site would look and laid out, and how much is dedicated to stores and how much is dedicated to office space and How much is dedicated to the functionalities out at the building.

Fritz: I could get is a briefing on that, and also some information on how it gets to \$50 million. What are the expensive parts of that, because your point is well made, mayor, that we get to review the contract, but by that time it's designed and it's late for me to say well, why are we doing this?

Shaff: We will set something up with you.

Fritz: Thank you very much.

Adams: These move to second reading next week. Unless there is objections. Does anyone wish to testify on these matters? Sorry. On either 1317 or 1318. All right. Moves over to second reading. Karla, can you please read the title and call the vote for second reading of item 1319.

Item 1319.

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

Adams: Aye. Very exciting to get that done.

Fritz: Congratulations.

Adams: Nobody knows about it, but I do.

Fritz: You should brag about it more.

Adams: That's all right. Can you please read the title and call the vote for 1320.

Item 1320.

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

Adams: Very important but I don't have the same warmth. Aye. Can you please read the title and call the vote for second reading item 1321.

Item 1321.

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

Adams: Aye. 1321 is approved, and we are adjourned. I didn't beat your record but I was close. For the shortest council.

Fritz: Nicely done.

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At 10:02 a.m., Council adjourned.