



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12<sup>TH</sup> DAY OF SEPTEMBER, 2012 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, Leonard and Saltzman, 5.

Commissioner Leonard arrived at 9:42 a.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

Item Nos. 1017 and 1018 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 10:00 a.m. and reconvened at 10:05 a.m.

The meeting recessed at 10:54 a.m. and reconvened at 11:03 a.m.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>1004</b> Request of John Golden to address Council regarding impact of new infill apartment projects on the Eastside (Communication)	<b>PLACED ON FILE</b>
<b>1005</b> Request of Gary Davenport to address Council regarding apartment building with no parking and problems unique to the Overlook neighborhood (Communication)	<b>PLACED ON FILE</b>
<b>1006</b> Request of Ellen Burr to address Council regarding responsible growth and how it fits into the neighborhood (Communication)	<b>PLACED ON FILE</b>
<b>1007</b> Request of Judah Gold-Markel to address Council regarding development of large apartment buildings with no parking throughout the inner east side (Communication)	<b>PLACED ON FILE</b>
<b>1008</b> Request of John Urbanowski to address Council regarding development of large apartment buildings with no parking throughout the inner east side (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>	

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<b>1009 TIME CERTAIN: 9:30 AM</b> – Latino Family Day (Presentation introduced by Commissioner Fish) 15 minutes requested	<b>PLACED ON FILE</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	
<b>Mayor Sam Adams</b>	
<b>Bureau of Planning &amp; Sustainability</b>	
<b>*1010</b> Authorize Intergovernmental Grant Agreement and accept funds from Metro in the amount of \$16,000 for the Multifamily Recycling program to support waste reduction and recycling outreach and assistance for multifamily communities in Portland (Ordinance)  (Y-4; Leonard absent)	<b>185603</b>
<b>Bureau of Transportation</b>	
<b>*1011</b> Accept and appropriate a grant in the amount of \$1,500,000 from Oregon Department of Transportation for the Active Corridor Management project, to install ITS equipment, air quality equipment and optimize traffic signal timing along various corridors east of I-205 (Ordinance)  (Y-4; Leonard absent)	<b>185604</b>
<b>Office of City Attorney</b>	
<b>*1012</b> Amend Legal Services Agreement with Lane Powell PC for outside legal services to the Bureau of Fire and Police Disability and Retirement (Ordinance; amend Contract No. 37745)  (Y-4; Leonard absent)	<b>185605</b>
<b>Office of Management and Finance</b>	
<b>1013</b> Rename and relocate the Citywide Diversity Committee, including development and oversight for an equity strategic plan (Resolution)  (Y-4; Leonard absent)	<b>36956</b>
<b>1014</b> Authorize the Human Resources Director to allow the Bureau of Environmental Services to grant a one year personal leave of absence without pay to employee Amin Wahab (Ordinance)	<b>PASSED TO SECOND READING SEPTEMBER 19, 2012 AT 9:30 AM</b>
<b>*1015</b> Authorize a contract to purchase one mid-sized SUV for \$31,000 to assist with maintenance of the new streetcar line (Ordinance)  (Y-4; Leonard absent)	<b>185606</b>
<b>Commissioner Dan Saltzman Position No. 3</b>	
<b>Bureau of Environmental Services</b>	

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<p><b>1016</b> Authorize a contract and provide for payment for the construction of the Overlook Sewer Replacement Project No. E10261 (Second Reading Agenda 989)  (Y-4; Leonard absent)</p>	<p><b>185607</b></p>
<p style="text-align: center;"><b>Commissioner Randy Leonard</b> <b>Position No. 4</b></p> <p style="text-align: center;"><b>Water Bureau</b></p> <p><b>1017</b> Amend contract with Michael Willis Architects to increase compensation and scope of work for Interstate Maintenance Facility Rehabilitation-Design Services (Ordinance; amend Contract No. 30001654)</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING SEPTEMBER 19, 2012 AT 9:30 AM</b></p>
<p><b>1018</b> Amend contract with Hoffman Construction Company to increase compensation and scope of work for Interstate Maintenance Facility Renovation Construction Manager Pre-Construction Services (Ordinance; amend Contract No. 30002309)</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING SEPTEMBER 19, 2012 AT 9:30 AM</b></p>
<p><b>1019</b> Renew an agreement for Mutual Aid and Assistance for the Provision of Emergency Services Related to Water and Wastewater Utilities (Second Reading Agenda 994)  (Y-4; Leonard absent)</p>	<p><b>185608</b></p>
<p style="text-align: center;"><b>Commissioner Amanda Fritz</b> <b>Position No. 1</b></p> <p style="text-align: center;"><b>Office of Equity and Human Rights</b></p> <p><b>1020</b> Accept report on Implementation Plan for Captioning Media Produced by the City of Portland (Report)  (Y-4; Leonard absent)</p>	<p style="text-align: center;"><b>ACCEPTED</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>*1021</b> Authorize an Intergovernmental Agreement with the City of Gresham for \$929,886 for the HOME Investment Partnership Program and provide for payment (Ordinance)  (Y-4; Leonard absent)</p>	<p><b>185609</b></p>
<p style="text-align: center;"><b>REGULAR AGENDA</b></p>	

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<p><b>1022</b> Authorize and direct the Portland Water Bureau to fluoridate the City of Portland's public drinking water supply to the optimal levels beneficial to reduce tooth decay and promote good oral health as recommended by the Oregon Health Authority (Second Reading 1003; Ordinance introduced by Commissioners Leonard and Fish) (Y-5)</p>	<p><b>185612</b></p>
<p><b>Mayor Sam Adams</b></p> <p><b>Bureau of Planning &amp; Sustainability</b></p>	
<p><b>1023</b> Amend Portland's Comprehensive Plan Map and Zoning Map for properties along and near the Cully Commercial Corridor (Second Reading Agenda 995; amend Title 33, Comprehensive Plan Map) (Y-5)</p>	<p><b>185611</b> AS AMENDED</p>
<p><b>Office of Management and Finance</b></p>	
<p><b>1024</b> Accept bid of Stettler Supply Company, Inc. for the Portland Heights Pump Station Electric Work for \$934,950 (Procurement Report – Bid No. 114575) <b>Motion to accept the report:</b> Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-5)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>1025</b> Accept Guaranteed Maximum Price of \$35,000,000 from Hoffman Construction Company of Oregon for the construction of the Interstate Maintenance Facility Renovation Project (Procurement Report – RFP No. 112815) 10 minutes requested <b>Motion to accept the report:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>Commissioner Dan Saltzman</b> <b>Position No. 3</b></p> <p><b>Bureau of Environmental Services</b></p>	
<p><b>S-1026</b> Establish rates for stormwater management services in the areas of the City served by Multnomah County Drainage District No. 1, Peninsula Drainage District No. 1 and Peninsula Drainage District No. 2 and commence direct billings (Second Reading Agenda 1002) (Y-5)</p>	<p><b>SUBSTITUTE 185610 AS AMENDED</b></p>

At 11:27 a.m., Council recessed.

LAVONNE GRIFFIN-VALADE  
Auditor of the City of Portland



By Susan Parsons  
Acting 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, SEPTEMBER 12, 2012**

**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.

**SEPTEMBER 12, 2012 9:30 AM**

**Adams:** City council come to order. I will ask sue parsons to call the roll. We are glad that you are here. How many of you have been to the city council chambers before? All right. If you missed the introduction from mr. Jefferson, signs are fine. Just keep them at your chest. When you come -- if you are testifying on any of the issues today, then you just give your name and, full name. We don't need your phone number. We don't need your address. We don't need your email, twitter account, any of those things. If you are registered lobbyist, under local law you need to disclose that. We begin with communications and then we move through the agenda. Sign up sheets, if you are here for fluoride, the public hearing was last week. This week is vote only. But we have sign up sheets for the other matters on the council agenda today. Good morning, how are you?

**Parsons:** Good morning. Thank you.

**Adams:** Call the roll. [roll]

**Adams:** Quorum is present. Please read the title for communications item number 1004.

**Item 1004.**

**Adams:** Mr. Golden. Hi, welcome.

**John Golden:** Good morning.

**Adams:** Press that button there.

**Golden:** How is that? Everyone hear me in the back?

**Adams:** You have to get pretty close.

**Golden:** My time has not started yet, has it?

**Adams:** No.

**Golden:** Good morning. Thank you for having us here. I would like to thank all of the people behind me here, residents and family who came to talk about this important issue. I'm john golden. I'm here as part of a group, friends for responsible growth. We are here to talk about a significant issue in Portland. We are talking about invasive species in Portland. We have a lot of them. We have animal invasive species, which more commonly known as the bronze birch borer. We have other invasive species, apartmentous horibulus, a multistory apartment building out of character of the neighborhood. I'm here from beaumont wilshire and all of the other neighborhoods facing similar constructions as this. These are the ones we know about. There are a lot others that we don't. We folks right behind me here, friends for responsible growth. We are not antigrowth. We are interested in the live ability of our Portland neighborhoods. We know growth is inevitable and necessary. We want it to be responsible growth. We absolutely in this city have the real need for apartment housing. We have one of the lowest vacancy rates in the country. We know that. We know that combined with that, we have had low interest rates some developers have had opportunities to get loans for projects they otherwise would not have been able to do. Projects without parking. These developers are exploiting code. They're exploiting out of date codes. Specifically in my neighborhood -- the best opportunity is to meet with these developers. All of us have. Numerous meetings. They have unfortunately proved fruitless. The developers said to be responsible in its growth, as we will define later on today is not economically feasible. Here is the code. I didn't read code, I don't think anyone reads the code until you have to. Preserves and enhances commercial zones. Yeah, fantastic. I kept

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reading. So, in my neighborhood, the project is right between the blocks of 44th and 45th. Displacing businesses that have been there for 22 years. Houses behind that have been there for 50 years. Here is the block. That's what it looked like. Our main concern, entire stretch of fremont, there are no four-story buildings. Parking is already a premium. Balconies look directory into neighbor's yard. We didn't know what 45 feet is. This is what you see. That is someone's back yard. Probably someone in the audience here. The developer said to us, that person should have read the code. She bought the property in 1962. So, how does this development preserve and enhance our neighborhood as the code suggests that it must? That is what we are going to talk about this morning. We're interested in the irresponsible growth that this development proposes. Questions of scale, safety issues, lack of green space and architectural variety. We absolutely need your help. And there are a lot of these. We are going to talk about these this morning. Looking at that parking exemption. Probably doesn't need to be one parking space for every resident. It has to be something close. Consider limited moratorium on projects that are not yet permitted. Notification process so that the residents know when these things are happening and develop a plan to monitor and measure. We absolutely need your help. Please stand with us. Stand with the neighborhoods and please don't stand by while our neighborhoods are developed in ways that are not responsible. Thank you so much for your time.

**Adams:** Can you make sure that we get a -- [applause]

**Adams:** A copy of that -- sue, can you please read the title for communications item number 1005?

**Item 1005.**

**Adams:** Mr. Davenport.

**Gary Davenport:** Good morning. Good morning. Thank you for giving me the opportunity to present today. I'm gary davenport, representing overlook. So, here is what we've got. Overlook triangle, cul de sac with 400 homes, plus on two sides each summer create a fire hazard, traffic flowing in and out, interstate avenue, businesses, hotels, polish church, new 165 unit apartment and the interstate kaiser permanente campus. Two parks. A small one on top, big one on the bottom. Our concerns down here on interstate and north overlook. We see the main entrance to the kaiser campus, the palms hotel, the overlook park max station, single lane traffic, and heavily used bike lanes on the right. North overlook, visibility up interstate is obstructed by the palms. Driveways from kaiser and the palms turn on to north overlook for interstate access. Commuters parking by the max station reduce two-way traffic to a single lane. Greenway cyclists merge from the interstate bike lanes. At the site of these two homes marked in red, conduct an experiment. Plop in a dense, 65 unit apartment with no on site parking. Find out how many apartment residents and visitors park their cars on our streets. Find out how many of our narrow streets fill up to support -- find out in -- find out how quickly emergency vehicles can negotiate our streets to fight a fire or get someone to the hospital. Find out how greenway cyclists coexist with cars and car doors on our congested neighborhood streets. Find out if our children can be safe playing in the neighborhood, crossing our streets, or riding their bikes. Find out how far park users will lug their coolers for a picnic or sports equipment for a game. Find out whether there is enough parking available to support the polish festival and the organic brewers festival. Now, fast forward a year or two to a second experiment when the palms hotel gets redeveloped. The zoning and proximity to the same max station allow development with no on-site parking. Potentially the sheer size of the development could introduce hundreds of cars into our neighborhood. Now, much of our cul de sac is grid lock with unsafe, one-way streets. The current no on site parking policy does nothing to address the limitations, narrow neighborhood streets and puts the safety and liveability of our neighborhood at risk. Slow down and stop fast tracking these projects. For projects nearing completion, implement park permitting programs, place parking restrictions on parking residents that introduce new cars into our neighborhood. For future projects, redraft



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zoning code with new provisions to mitigate the safety and liveability issues that these introduce.

We're asking for your help.

**Adams:** Thank you very much. [applause]

**Item 1006.**

**Adams:** Good morning. Welcome.

**Ellen Burr:** Good morning mayor Adams, commissioners Fritz, Saltzman and Fish. Thank you for the opportunity to speak to you this morning. 11 years ago I moved from Los Angeles to Portland because I had always longed to live in a neighborhood. L.A. Doesn't really have those. I'm very concerned about this trend of large apartment buildings with no parking. Because zoning code allows you to build a certain way with no parking, no green space and vegetation and minimal setbacks, that doesn't mean there is no negative impact to the neighborhood. Portland neighborhoods are unique. Not one size fits all. The Sellwood development site is the back site of a commercial block. The front and one side of a four-story building would tower over the single-family homes across the street. These buildings are massive compared to the scale of our residential neighborhoods. What are developers required to do to help ensure their tenants use public transportation and do not own cars they will be parking on the street? Our public transportation service has been cut. Neighborhood lost the stop on the Portland Milwaukie light rail. Can Portland guarantee that our access will be restored and improved? This is not just about no parking. This isn't just about one building in each neighborhood. Much of Tacoma Street, gateway to our community, is zoned for this type of overscale development. Yesterday I received word that another project is in the works in our neighborhood on Tacoma. These buildings infringe on the privacy of their neighbors, block the daylight from homes, yards, and gardens and put neighbors living up against a wall. There are creative design solutions. Vary the roof line to give a sense of movement -- allow more light. In the front of Sellwood, library building, upper stories are stair steps to transition down. You don't realize this building is four stories tall. Development is more effective when it is planned for future success. 10, 20, 50 years out. 10.4% of Portland's population is over 65. And all of us baby boomers are coming behind them for the next 18 years. Build housing which serves families, aging population and others who need accessible housing. So much opportunity for innovation and creativity. The Portland we love and care about did not happen by accident. Portland supports public involvement. We're all here today. We have educated, thoughtful citizens who voice the concerns of our neighborhoods. Our concerns on this issue are not heard because what the developers do is by right and to code. Unless you live in a design district, you have no say regarding the design of our buildings. Change will require sacrifice. We do support increased density, less cars, more public transportation and we also support responsible community-involved growth. If we wait four years for our comprehensive plan to be completed, we will see more buildings go up and damage the fabric and character of our beloved neighborhoods. Some of you must live in these neighborhoods. Work with us to open conversation between the developers and citizens who truly make the neighborhoods the places where we love to live. Thank you for the opportunity to speak.

**Adams:** Thank you. [applause]

**Item 1007.**

**Adams:** Good morning. Welcome.

**Jodah Gold-Markel:** Good morning, thank you.

**Adams:** We have copies of all of your slides, is that right?

**Gold-Markel:** That's correct. I have it on a flash drive.

**Adams:** Okay.

**Gold-Markel:** Okay, sorry about that.

**Adams:** No problem.



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**Gold-Markel:** Computers. Okay. So, good morning council and thanks for having us. My name is Judah Gold-Markel and I'm from the Richmond neighborhood and community. I'm concerned especially about the Division Street corridor. We are a community pro growth volunteer oriented and community-focused group that encourages responsible growth that is sustainable in our neighborhoods. We are concerned about liveability, parking, green space, and architectural design. In 2006, the city council adopted the Division Green Street Main Street Plan which was formed by many civic groups coming together to create a forum and a vision for Division Street. It encouraged medium density infill, zoning changes would not result in major changes in development density, and it focused on Division Street as a pioneering green building and sustainable infrastructure. It treated it as a coordinated design. In July of 2012, Charlie Hales did a walk through with us and said Division Street is facing the perfect storm of developers taking advantage of outdated zoning codes. This is from blocks of all of the -- between 30th and 50th of all of the buildings that are zoned the same way and have the potential to be changed into four-story buildings with -- or apartment buildings. You can see the density of this. And more recently is proposed current future projects and apartments in this slide that is going in between 28th and 39th. You can see there is a lot of growth and building going on there. So, 11 blocks of proposed new development. Where will they all go? Nine new apartment buildings, over 450 new apartment units is an estimate. If you say that 1.92 cars per household, which is based on US census data, you are talking about 864 new cars. If you look at the photo, you can see the grid lock that already exists on Division Street. There is no zoning requirements or codes for other residential vehicles, families, visitors, transit lists or people with disabilities. This is pushing traffic off of Division onto bike corridors on Clinton and Lincoln. Division Street is known as Restaurant Row. Where will all of these people who are coming to these restaurants go if they can't park? There has been great economic strides made. Who are the developers? You can see right here. Some of them are good. Some of them not so much. The devil is in the details as stressed by the Green Street Plan. We have been trying to meet with him. Here is one project shows they include parking in some of it. They include green space, community space in some of it. So, another group has chosen to build 81 units on the corner of 37th and Southeast Division, and backs directly into single-family homes. There is no parking, no green space, no common space for residents, and there is just one 3,000 square foot area of retail space. We have obtained nearly 500 signatures on petitions that we want the plans altered. We have encouraged the community to participate in the comprehensive plan and public meetings. We have collaborated with other neighbors. We have met with developers to have an open dialogue. Some more successful than others. Filed a petition to the Land Use Board of Appeals. We're being proactive. What can you do? The idea of a moratorium on building on Division Street until zoning regulations caught up to the pace of development. Another idea, change zoning rules. Design project review by community and neighborhood associations. Review allocation of parking spaces per apartments for multifamily buildings. Encourage and incentivize green buildings. Review proportion of building height to street width. The future of our neighborhoods depends on us. We can either face the future of unregulated growth on the inner east side with little to know urban planning or commit to future of sustainable, community-driven growth that supports and works with developers. We hold the city council responsible for the future of our city. Thank you.

[applause]

**Item 1008.**

**Adams:** Welcome. Do you have a power point?

**\*\*\*\*\*:** No.

**Adams:** Old school.

**John Urbanowski:** I'm old school. My name is John Urbanowski. I'm from the Kerns neighborhood, an up and coming neighborhood that has experienced a lot of good things and liveability. We are very proud of the diversity and variety of kinds of people that live in our

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neighborhood. We have homeowners. We have lots of apartment dwellers. We have young and we have old. But there has been a cloud on the horizon for my neighborhood. A lot of concern about this development on the corner of 30th and Burnside that will be on a 10,000 square foot lot, two city lots, with 50 units with no parking, no loading zone. No green space. Very little in the way of bike parking amenities. What you have heard here today from the friends for responsible growth are all the things that my friends and neighbors in the Kerns community are very concerned about. The first thing that we are concerned about is that we don't seem to be able to participate in such a high-impact development in our own community. We were barely notified about this activity going on. But the things that we have talked about here so far, such as safety, concern for the elderly and navigating on the side streets after this development is enacted, the handicapped, the traffic problems that will probably occur. Emergency services being hampered.

Just being able to park near your apartment. We have many new commercial businesses that really do need to find parking on the side streets. Restaurants, bakeries. Development is obviously out of scale, and it does not fit the character of the neighborhood. And we really are proud of where we live. And we want to maintain that liveability. We have a great walk score. All kinds of nice issues in our neighborhood. So, what can you do? Well, I think it has been mentioned here a number of times. We're asking that somebody tweak this no parking concept for these huge, dense developments. But one of the things that I wanted council to consider is this constituency of people opposed to this kind of development, the nature of this development that seems not well thought out, will create a backlash against infill that will lead to a push and shove on liveability versus infill. And it shouldn't be that way. We should be walking hand in hand to make these things happen in the city of Portland. Why not consider putting maybe an absolute cap on the number of people who own vehicles in some of these buildings that the construction is already underway? Maybe look at this limited moratorium. Consider monitoring and measuring the effects and consequences on our neighborhoods of this kind of development. Thank you very much for the opportunity to address you.

**Adams:** Thank you. [applause].

**Adams:** Did you want to say -- [applause]

**Adams:** So, great presentation. Really appreciate it. And appreciate having copies of the slides.

We have to establish a factual baseline and so that work is underway. I think, I will double check, from what you have said and what was in your slides, I think we're looking at establishing the baseline of information. I think all of the areas you mentioned. But I will double check based on this presentation. We should, our goal is to have much of that done within the next 30 to 45 days. Leading up to public forum on November 13th. With the planning and sustainability mission. We here the urgency. We have to get a factual predicate on this. You have sent staff a lot of information already. We have heard you. And we're working on it. So, thank you very much.

**Fritz:** May I just add, we are required by state law to get advice from the planning sustainability commission before we change the zoning code. We have to do that. I raised this issue a couple of months ago after hearing from neighbors about the challenges when we were looking at housing tax abatements. Which isn't the same thing at all. But that issue looked at the zoning and the tax abatement areas. So that's when we asked the planning sustainability commission to hold a hearing so it will be coming back to the council before the end of the year and you will have another opportunity. I do encourage you to come. The planning and sustainability hearing starts at 12:30, check the agenda to find out what time this item is on it. If you can't participate during the day -- thank you everybody for coming down on a Wednesday morning to show your support. Those who can't participate can send in comments and you should do that. Thank you for your advocacy.

**Adams:** I'm sorry.

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**Leonard:** I wanted to speak a little bit to the issue, because I think you would benefit from historical perspective as to why you're running up against what you are running up against. These policies were not created in a vacuum. In the early '70s, Oregon passed land use laws that are models used not just around the country, but around the world. One of which is the urban growth boundary. What you are running up against now is the impact of those land use laws that drew lines around metropolitan areas around the state and said you can build within those lines, but on farmland and horse land and open space, you cannot build. So, the result has been increased density. And in an attempt -- i'm not telling you this to say that your concerns aren't valid. I think there should be parking available in high-story apartment houses. Having said that, the very first neighborhood meeting that I went to as a member of the city council in 2002, there is a picture of the -- of that meeting on the front page of the tribune in 2002 of a man screaming at me. And welcome to the city council, randy. And he was screaming at me because the code allowed these narrow houses to be built on narrow lots and they were going up in the concordia neighborhood and he was furious that one was going up on his block. I told them then, and he screamed back his answer, i'll tell you now, and hopefully you will at least understand the context within which this is happening. Is there is an attempt, as we have more population density, to increase the amount of people per block in the city. Not everybody can drive when we do that. Not everybody can have the luxury of getting in the car and driving. It won't be possible down the road. We have to find balance. If you are building an apartment complex, there should be parking. No doubt about that. But the density approach, preserve forest land and farmland and become a model. If we can all approach this with that balanced goal in mind, I think you will be more successful, and I think we can achieve better balance as well by certainly including parking when we build a multistory building.

**Adams:** I appreciate in the presentation, each one of you described the importance of having land use and accommodating growth and I really appreciate that. The folks that are not staying for the rest of the day have an opportunity to leave and we have to set up for the next presentation. We are going to take a five-minute break. Thank you very much.

[The meeting recessed at 10:00 a.m. and reconvened at 10:05 a.m.]

**Adams:** We're back from our short recess. Commissioner Fish. Get us started. Good morning. Glad you're here. All right. City council will consider the consent agenda. But I need four for that. There we go. We are considering the consent agenda. Items that need to be pulled from consent agenda? Yes.

**Parsons:** 1017 and 1018.

**Adams:** 1017 and 1018. Okay. Sue, will you call the vote on the -- you have to read those titles.

**Adams:** Call the vote on the consent agenda.

**Saltzman:** Aye. **Leonard:** [absent] **Fritz:** Aye. **Fish:** Aye.

**Adams:** Aye. Consent agenda is approved. Read the title for time certain presentation item number 1009.

**Item 1009.**

**Adams:** I would like to recognize commissioner nick Fish.

**Fish:** Thank you mayor Adams and colleagues. Brief presentation this morning on latino family day. Honored guests. First alejandro vidales. Next jakeline luna, lourdes montes, and oscar lara. We also have an interpreter. Thank you for joining us. The first latino family day at the mt. Scott community center. I attended that event with the director. There was a tremendous turnout.

A great success. We also hosted our first native american day this year. They are part of the city's efforts to embrace historically underserved communities. Latino family day was made possible through strong partnerships with the latino network, catholic charities of Oregon, the miracle theater group. We asked our partners from the latino network to give us a brief presentation on the community impact of this event. And to start our presentation off, I would

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like to introduce our very own Alejandro Vidales, Portland parks and rec outreach services coordinator. Good morning.

**Alejandro Vidales:** Good morning mayor and commissioners. Thank you for the time and opportunity to come and present to you about our personal Latino family day and positive impacts and outcomes that have come from the event. We will have Jakeline Luna, the community organizer and coordinator for the leadership program at the Latino network.

**Jakeline Luna [interpreter]:** Good morning, mayor and commissioner. My name is Jakeline Luna. She is Latino coordinator -- she representing the community Latino and she is collaborated with the Latino network, office of park and recreation with the city of Portland for this event, family Latino. I'm here to describe the wonderful event we had. This was -- it was a very -- I'm sorry, it was -- thank you to different organizations. Just to mention some. We have a great activities with the person with -- resources. All of the community -- Hispanic meals, Portland parks and recreation, Latino network, Miracle Theater, Catholic Charities, Basic Right Oregon, city of Portland, Jefferson high school students, volunteers of --

**Adams:** Change the picture.

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

**Adams:** Put the video back on. Yeah. We just need the cameras back on. They went to the slide show.

**Lunas [interpreter]:** Okay. One of the most important part of this event, was the -- speak with Nick Fish and Mike Abate, director of parks and recreation of Portland who invited the community to participate. They were invited some people to participate in this event to just have their own opinions. They are very -- they are very grateful to have this event because they have -- they want to make more events like this. Want to have more participation to their community. Thank you for the impact that they have in the community. It was great because we have a lot of participants in this event. We have a great event. Thank you very much to Nick Fish and also park and recreation. It was a special thanks to Alejandro Vidales for everything. Thank you very much.

**Adams:** Thank you.

**Vidales:** Next we will have a couple of community volunteers say a couple of words about their experience.

**Adams:** Thank you.

**Lourdes Montes:** Good morning. Mayor and commissioner of the city of Portland, my name is Lourdes Montes.

**Montes:** I'm here to communicate to you, I was present at this event, myself, my family, my husband, and my kids. It was a great event. My kids, they really enjoyed the pool. Everything. They didn't want to leave that park. They want to have a park close to their house. That way they can go more frequently. We have our recommendation of a lot of people around that event. They have to be able for everyone. Bilingual parks and recreation. Classes for teenagers and like football, music. More parks close by to go just walk in. More classes of Zumba and exercise in the community centers bilingual. We think like a Latino community, this is going to be great to have more healthy kids. That way we are not going to have more -- of kids who don't want to do anything. Thank you very much, mayor and commissioner, to have -- in consideration of this testimony.

**Oscar Lara:** I'm Oscar Lara. And I would like to tell you briefly about my experience at the Latino family day. It was important to see our community come together and see our children -- I'm sorry -- and see our children come together, interact with one another. This event I have noticed an excellent way to help our children, to keep a safe environment and to let them know there is support for them. In the event of my first time, all of the kids integrated very well with the activities. They experience and learn from their culture. Artists with artwork. I believe this event will teach our kids how to stay out of trouble and interact with other people as well. Activities usually keep minds busy and active to prevent -- I would like to thank you for allowing



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us to have this activity. Just the beginning of a new way to get to know our community and a better way to support it.

**Vidales:** A couple of recommendations to addressing the -- one to provide cultural specific programming and desire for communities to be visible and to be counted. With those goals in mind, we had our first family day. The purpose was community partnership development, knowledge exchange, public education and be inclusive and celebrating cultural diversity. Community partners in the development and implementation of this event. Consistent participation, getting information out to the community, and having communities welcome not only at our centers -- through this event we were able to accomplish all of these goals as well as create a network with community partners with consistent communication, employment programs, engagement in parks and most importantly our continued goal from learning from the communities that we serve. We did a survey that allowed us to learn about the latino community.

Collect a minimum of 300 surveys, we are currently at 220 and expect 320 by the end of the month. We will review the data. Survey will lead us into phase two of developing more in depth questions for target focus groups done in spanish. They will come from the partnering agencies. This work will give information to present to the senior management to start to design facilities and programs to be more responsive to the needs of the latino community. Exciting time. Thank you to our senior management for their undivided support. We feel we are creating a blueprint to -- latino day is one piece of targeted outreach. Previously native american family day, includes representation from bow and arrow, cultural club among others. We are currently working on our second native american family day for this november and developing year long healing walks in the park. We are wrapping up the people of the drum project. He is an inspiration and impacted so many of us and we are blessed that he is a collaboration of the cultures coming together. October 21st 3:30, you are all invited to come. Soccer tournament, 300 youth from all over the city to learn about employment opportunities -- our experiences have taught us that providing access to program and services, providing information, providing opportunity and promoting community events to celebrate diversity. I want to thank our partners of the latino network for all of their support and pointing us in the right direction. Public involvement is a part of Portland. The -- thank you.

**Adams:** Thank you. Let's give them a round of applause. [applause]

**Fish:** I think you and my colleagues now have further evidence as to why at parks we're very proud of the work that alejandro is doing and the outreach team. I want to thank our honored guests for joining us and eloquent words. When we talk about equity, social justice and access, what we are really talking about at the city level is welcoming people in all of the programs that we offer and making sure that they have an equal opportunity to participate. Regardless of income and language and ethnicity and race and geography, the people feel like the local community center is their community center. The programs we offer are their programs. This council has made a tremendous commitment to equity. On the ground, it takes dedicated people like alejandro and the folks at Portland parks and rec to put it into action. I want it thank our team. I'm proud of your work. I want to thank our honored guests and our partners who managed to make the programs so successful and I look forward to joining you next year at the second annual latino day.

**Adams:** Thank you very much. Appreciate it. Sue read the title for 1026 and call the vote.

#### **Item 1026.**

**Saltzman:** I just wanted to say since we discussed this last week, i'm pleased to say that we have received a letter from the drainage district stating that they will, in fact, pay us, the city, bureau of environmental services, \$670,000 that was collected from drainage district customers for stormwater purposes. The drainage district has notified us and we're grateful that they will pay us the money owed us for this fiscal year. Otherwise I am pleased to -- pleased with the compromise that we have worked out to phase in full stormwater fees that like every city

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customer throughout the city pays for drainage district customers over the next four years. Aye.

**Leonard:** Aye.

**Fritz:** Thank you to everybody who participated in this process, to commissioner Saltzman for being willing to raise the proposal and to the drainage district agreeing to the compromise. It seems like this is one that we were able to get to a compromise solution. I'm very grateful for that. Aye.

**Fish:** Thank you for their good work. This council listened to their customers and modified the proposal, phasing in implementation -- i'm delighted we were able to reach this compromise. I want to thank corky collier and a number of folks that he -- pleased that the drainage district has come to agreement. Victory for common sense. Aye.

**Adams:** Thank you commissioner Saltzman for being fleet footed in the end and coming up with what I think is a great way forward. Thank you to the neighbors that came in and testified last time. Thank you to the columbia corridor association -- pleased to vote aye. So approved. Read the title and call the vote for item number 1023.

**Item 1023.**

**Saltzman:** A lot of hard work done on the plan. I want to thank the mayor for his leadership on this and the cully neighborhood. This is a good plan for the cully neighborhood. Pleased to vote aye.

**Leonard:** Aye.

**Fritz:** Thank you for the good work on this project. Amazing planner and has done outstanding work on all neighborhoods that she has been involved in. Thoughtful development in cully, may be a site for piloting the different standards for public streets which I think is very exciting proposal that mayor Adams is putting forward. The amendments that we passed a couple of weeks ago will further improve the plan. Aye.

**Fish:** At the community hearing we held, I noted -- during my tenure in council, two community planning exercises that we had been part of, cully and east Portland action plan. They were successful because they fully engaged the community in the planning process and gave us a clear road map forward. I join with commissioner Fritz offering my thanks to the senior staff at the bureau of planning sustainability and particularly debbie for so good at what she does. And thank you to the mayor for making this a priority. As we make these new investments in parks and in the central district and elsewhere, we need to do so with the communities voice. And I think that this is the right approach and the right way forward. I'm pleased to vote aye.

**Adams:** I want to thank the great team at the bureau of planning and sustainability. And my planning and sustainability team, lisa libby, john, and raihana and I look forward to having the forum next month, follow on discussion on making sure that we're being as creative and we have thought about all of the questions and all of the potential answers to improving cully, as commissioner Fritz mentioned -- i'm looking forward to that work in the next month. Aye. 1023 is approved. Read the title and call the vote for 1022.

**Item 1022.**

**Adams:** Yes, call the vote.

**Saltzman:** I want to thank everyone, literally thousands of people who called or emailed their opinion and to share information with me on fluoridation. For the nearly 300 people that testified at the public hearing last week, I want to say that I stand in awe of your civility and respect for one another and to the city council through seven hours of testimony. As the city's children's commissioner, I oversee nearly \$100 million in taxpayer funds to protect and care for children through Portland -- through the Portland children's levy. When we the city council and I make those investment decisions, we look for proven means to maximize the health, safety, and welfare of our kids. I believe for a relatively small public expenditure to fluoridate our drinking water --

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**Adams:** Listen, if you want to hear what he has to say, and we listened to seven hours of testimony. You need to be quiet. No drama. I'm just going to have you removed. Okay. They're standing by, joe.

\*\*\*\*\*: I volunteer.

**Adams:** Go ahead.

**Saltzman:** For relatively small public expenditure, our community will reap long term dividends in the form of improved health of Portland's kids. In addition the public testimony documented to me the benefits to the dental health of older adults from fluoridation.

\*\*\*\*\*: Freedom of choice.

**Saltzman:** Some opponents argue we should not fluoridate our water because dental health is an individual's responsibility. This is a nice concept in theory. Reality is that a three-year-old child cannot be expected to take responsibility for their dental health. A child in foster care who has been in a dozen foster homes cannot be expected to ensure that the adults looking after her get her proper dental care or even have access to her dental records. I believe it is particularly important to protect the health of young children, but I also believe we need to help ensure not only their health but future success in life. Dental health of a child --

**Adams:** Could we have order. I see you. I hear you talking. More of that, and I will just -- behind you, joe. And I will just have you removed. It is really simple.

**Saltzman:** Thank you, mayor. The dental health of a child during his formative years will affect him for his entire life. It is hard to concentrate in school when your mouth hurts all of the time. Later in life as young children become adults, the self-consciousness that results from poor dental care can become a major barrier to finding a job and being successful in life. The single most effective, safest and affordable which to extend life long dental health to our Portlanders is to fluoridate our drinking water. This is the right thing to do and i'm pleased to vote aye.

**Adams:** Ma'am, who keeps talking over here. Ma'am, would you leave, if you are going to keep talking, leave. Or I will have you removed. All right. Have them removed.

\*\*\*\*\*: Let us vote on it.

**Adams:** Enough. Enough.

**Leonard:** It isn't just time for Portland to enter the 21st century, we have business to make up from the 20th century. I understand actually more than ever, particularly in the framework of what I am observing now why my predecessors didn't want to vote on this. As is being evidenced here today as -- as we saw at the hearing last week and certainly in some of the emails that I received, this is not an issue for the faint of heart. But I met -- I have met with all sides. I watched the 2 1/2 hour video. Don't shake your head, no. I watched the 2 1/2 hour video that you asked me to watch, charlie. And I very much paid attention -- i'm not sure --

**Adams:** That will be enough of that. That will be enough of that.

**Leonard:** I'm not sure I was anti-fluoridation, I would have sent that out. It was difficult to comprehend what the point was. Amongst the people that I did meet with, representatives locally were the african-american health coalition, albina head start, asian health and service center, coalition of the communities of color, friends of creston children's dental clinic. Naya, Oregon head start, Oregon nurses association --

**Adams:** That will be enough of that.

**Leonard:** Pediatric society. Local Oregon partners who participated in bringing this effort forward. They reflect national organizations such as the american academy of pediatrics, american cancer society, american dental association, american --

**Adams:** That will be enough of that.

\*\*\*\*\*: Who represents the people?

**Adams:** All right. Another warning and you are out of here.

**Leonard:** Centers for disease control and prevention. Hispanic dental association, national academy of sciences, national cancer institute, u.s. Public health services and world health



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organization. The days of Portland being the largest city in the United States that has not taken action to fluoridate our waters hopefully is over. And hopefully --

**Adams:** That's enough. Enough or you are going to get out of here.

**Leonard:** And hopefully children that are born after we take this action won't suffer the effects of -- of a lack of adequate oral hygiene. I proudly join Commissioner Saltzman and my other colleagues in voting aye.

**Fritz:** I truly appreciate all of the input that I have received on this issue from both proponents and opponents. I commend the passion on both sides of this issue. We should care about what we do for children's health and for our own bodies. Last week 6 1/2 hour hearing was when my favorite experiences of my first term. So many people participating and so many valid points raised and so much civility despite the passionate views held. Thank you to everyone who took the time to come last week and those here again today to show your concern and interest in this issue. I have considered all arguments on both sides. I have received over 3,000 comments. By far the most that I have received on any issue since I have been in city hall in 2009. Whichever way I vote today, many Portlanders will be very angry with me. The comments over the past few weeks and my comments today -- I have looked into every one of them. You may have noticed me last week googling on my iPad when folks raised scientific concerns. I particularly thank the doctor who came to my office the day after the hearing last meet. Dr. Osmussen has been a courageous voice. I'm -- I know that the cost can be significant. Thank you to all of you who have spoken out. As I considered my vote, I thought about baby Gwendoline and her mother and -- and I particularly thought about the very last speaker who was a dentist who was so shy about public speaking but cared enough --

**Adams:** Would you remove her, please. You're outta here. I told you. I warned you three times.

**Fritz:** Dentist cared so much that he came in after work to testify on this hearing despite being terrified for public speaking. Preponderance of the evidence and most good -- this issue should be about more than fluoride. Yes or no. It should be about prevention. About public health in its broadest sense. Equity and looking out for the minority when the will of the majority is imposed.

Because of the process chosen leading up to today's vote, many of those issues have received only token attention. The preponderance of the evidence evaluated by medical experts includes that fluoride is helpful and not wrongful in the recommended dilution in municipal water supplies. As a retired nurse, I'm not qualified to make a medical decision. I am making this as an elected politician, charged with considering all opinions and voting for the long-term public good. The question is which choice is more in support of the long-term public good? At best, dental health problems only partially solved by adding fluorides. Many experts but not all, fluoride improves dental health for children and adults. Disparities in dental health for people of color and people of low income persists in community with fluoridated water. We can't simply add the fluoride and expect all children will have cavity-free perfect teeth. Dental cavities are caused by lack of proper nutrition, such as fresh vegetables. Caused by our children consuming too much sugar. It is caused by a lack of proper dental hygiene, and the real equity challenge is a lack of access to dental care. We need a public health campaign to -- healthy kids insurance program and get the twice yearly dental check-ups provided free of charge to families under that program. We heard also testimony about those who are in the gap between being able to afford their own care and eligible for the healthy kids program. My first question when I heard about the fluoride proposal, which was at the same time that most Portlanders heard about it, or slightly after -- I've heard that question from many others. The answer is, that the fluoride tablet approach has not worked. Kids don't get it on the weekend. They don't get it in the holidays and not consistently even in schools. We tried it. It hasn't resolved the dental health problems. We can't continue to use the same approaches that have failed in the past and expect different outcomes. We are being asked to try a different approach. I talked with the chair at the county about reallocating the money currently being spent on the school fluoride program to public education about dental health in

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particular. I want to see the county dedicate more resources to educating mothers on the virtues of breast feeding for a full year. American dental association recognizes that medical practitioners may advise their patients on up to 40% increased risk of sclerosis -- I was surprised that some of the health care practitioners testified last week seemed unaware of this recommendation. Clearly more education is needed both in the community and with mental and dental practitioners. We need to take this opportunity while people are paying attention to make certain that everyone realizes that fluoride is not a cure all. We can add fluoride to our water and we will still have dental health disparities in Portland. The evidence shows that disparities persist in fluoridated communities. The bar is raised for all. Families have a higher rate of decay than affluent families after fluoridation. Parents need to be educated about the importance of proper dental care, brushing and flossing and instill that importance in their children from a young age and continue to comment after their children know how to do it. I speak from experience on that one. Parents need to be educated about limiting the amount of sugar their children consume. Fresh vegetables and fruits contribute to oral health. I'm being asked to fluoridate our water supply by a wide range of public interest groups and medical and dental professionals -- i'm being asked to vote to add fluoride by communities of color. I cannot on one day call for greater voice for underrepresented communities and then on the next day disregard the request of multiple minority groups. Like the neighborhood association, no group speaks for all of its members. We heard impassioned testimony -- I recognize there will be continued disagreement on this issue also.

Find some concerns raised by opponents valid. I don't believe this measure is being funded by chemical companies, but I recognize that there are people who are sensitive to fluoride as well as potential health impacts still under review in the scientific literature. Extreme views on both sides of this issue. Recent facts and studies being disregarded by some pushing one side or the other. Regardless of the merits of adding fluoride, we have lost public trust over this process.

\*\*\*\*\*: Sure have.

**Fritz:** Decisions on open matters like this-- that is why we have the long hearing and the long discussion today. Voting before the conversation with the public got going, the vote was already assured. That is not good public process and not how this council should make decisions that affect so many people in a personal way. We did not consult our wholesale customers in the decision -- i'm disappointed that the debate on the merits of the proposal have been overshadowed over concern over the process. The way we get there does matter. I believe that the benefits of fluoridated water are significant. We must do a more thorough evaluation of the impacts and -- environmental protection agency, center for disease control, american medical association, american dental association moving forward. Last night, participant at a community meeting suggested setting up a citizen review committee to monitor implementation, advise on treatment options and on public education and keep current on recommended doses. This group should include both proponents and opponents of fluoridation -- provide a report on the positive and negative impacts to customers and consumers. I believe this is an excellent suggestion. What this city chooses to put in its water beyond what is required to achieve potable water is an important issue that deserves public discourse. I trust the people of Portland. I trust the advocates on both sides to continue working, educating everyone in Portland about the issues involved. I believe this issue will likely be decided by voters, even though there isn't support on the council to refer the choice right now. I have to put aside my dismay about the process by which this proposal was brought before the council. All of the evidence, I believe the fluoridation is a net benefit or detriment -- I am a daughter of the member of the first ever training class of dental hygienists -- I am a nurse, a mother that cares about the health of every child in Portland. Because of who I am and what I have learned over the past four weeks, I vote aye.

**Fish:** Thank you, mayor. As cosponsor of this ordinance, I have concluded that fluoridation is a safe, cost effective --

\*\*\*\*\*: Hard to hear you.

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**Fish:** I have concluded that fluoridation is a safe, cost effective, and common-sense approach to protecting and promoting public health. I did not reach this decision lightly. I have heard from Portlanders who strongly oppose adding fluoride to Portland's water. But today the children and families of Portland are looking to this council for leadership and we must seize the opportunity. Here is how I came to my decision. Fluoride is supported by a broad coalition of public health, medical, and community-based organizations. In fact, virtually every mainstream health organization that has weighed in supports fluoridation. Fluoride is safe. Today over 200 million americans drink fluoridated water. Portland as Randy noted is one of the last cities of its size not to fluoridate water. The centers for disease control called community fluoridated water quote one of the top 10 public health advances of the 20th century.

**Adams:** You're outta here. You're outta here. You're gone. Goodbye. Goodbye. Goodbye. Goodbye. That's enough: That's enough. That's enough.

**Fish:** Thank you, mayor. Fluoride is also cost effective. It will --

\*\*\*\*\*: How often --

**Adams:** All right. That's it. You're outta here. You're outta here. You're outta here, sir. You are ejected. Hey -- hey, no language. Go ahead. You're outta here. Goodbye. You are out of this room. You are out of the room.

\*\*\*\*\*: Thank you, thank you.

\*\*\*\*\*: I'm going to be outta here soon, too, sam.

**Adams:** Joe, you are outta here too. Goodbye. You're gone. You're gone. Goodbye. You're gone. You know where the door is. Go ahead.

**Fish:** Thank you, mayor. Fluoride is cost effective. It will cost Portland families about \$6 to build the fluoridation facility and 64 cents a year to operate it. For this modest investment, we can prevent tooth decay and save millions in unnecessarily dental bills. Most important for me, fluoride will benefit all of our kids. Regardless of race or income. An alarming number of children in Oregon, roughly one in three, suffer from serious tooth decay. This is morally unacceptable. As the parent of an eight-year-old child covered by health and dental insurance, i'm fortunate to be able to follow my dentist recommendations and give my child regular fluoride treatments. Too many hard working families cannot afford this basic preventative measure and their children are twice as likely to suffer from dental disease. With fluoridated water, all of our children will have the same opportunity to start life with healthy teeth. During my four years on -

**Adams:** All right. Angel, you are out. Good night. Go. You're out. You're out.

**Fish:** Thank you, mayor.

**Adams:** You're out.

**Fish:** During my four years on council, I can't remember an issue that has generated so much passion on both sides. I join with my colleagues in thanking all of those who took the time to testify, send us emails or call your offices. I want to thank the everyone deserves healthy teeth coalition for bringing this important issue forward. And special thanks to upstream public health for their leadership. I am proud to vote aye.

**Adams:** I want to thank commissioner Leonard for bringing this issue forward. And I want to thank the community-based organizations who have been very responsive to my request for offering citations and science behind their claims. And I have asked that from all sides. The convincing citations, convincing claims are on the fluoridation side. I have researched every -- almost every major claim made by all sides. And for Portlanders, I can reassure you that the science is behind fluoridation. As we have proposed it today. Nothing is absolutely safe in any quantities, nothing. We currently add very dangerous chemicals, dangerous if in the wrong quantities and in the wrong place. What is spelled out in this resolution is based on, I think, in terms of public policy issues, fluoridation has to be one of the most researched for almost the longest period of time of almost any other public policy issue I have ever come across. And it is

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the science -- the science is very, very convincing. I am pleased to vote aye. Approved. Can you please read the title -- you can step out now. You can step out. We will take a five minute break to set up for the next discussion.

The meeting recessed at 10:54 a.m. and reconvened at 11:03 a.m.

**Adams:** All right, we're back. Sue, would you read --  
**Item 1024.**

**Adams:** What are we looking at here.

**Christine Moody, Chief Procurement Officer:** Good morning, mayor and council members. You have procurement report recommending a contract award to stettler supply in the amount of 934,950. The city identified eight divisions of work for potential minority women and emerging small business subcontracting opportunities. Subcontracting participation on the project was 0% at bid time. And after the bid closing my office worked with stettler to mwsb firms in traffic control. After the additional efforts, stettler was able to receive any participation. I will turn this back over to council if there are any questions regarding the bidding process, and representatives from the water bureau. Stettler.

**Adams:** Questions from council. Does anyone wish to testify on this matter?

**Saltzman:** I guess stettler is doing the construction -- is that correct?

**Moody:** Yes. It's a construction contract.

**Saltzman:** So I see you list traffic control services, cleaning, grubbing, of sites, and those, those, there were no subcontractors?

**Moody:** Right.

**Saltzman:** Everybody working?

**Moody:** That was the answer back, so after they did, they did perform good faith efforts during the bidding process, after that, we asked them to go back and, and look for more concrete cutting excavation and traffic control. Did the additional outreach, and the, the mwsb firms didn't quote. We followed up after that, and it was because they said that they were too busy.

**Saltzman:** Ok. A good sign. Thank you.

**Moody:** all right

**Adams:** I'll take a motion.

**Saltzman:** Move to accept the report.

**Leonard:** Second.

**Adams:** Moved and seconded to accept the procurement report in 1024. Sue, call the vote on the motion.

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

**Fritz:** Thank you for your additional efforts on the minority women and emerging small businesses. I think it does point to the fact that we need to continue to work on our standards in this regard.  
Aye.

**Adams:** I think that it's on one hand it's a good sign, on the other it shows we need work on availability, which was the purpose, is the purpose of the workforce pla that, can lead to more contractors. From successful workers. Aye. [gavel pounded]

**Adams:** So approved. Can you please read the title for --

**Fish:** Aye.

**Adams:** So noted. Please read the title for item 1025.

**Item 1025.**

**Adams:** What are we looking at here?

**Christine Moody, Chief Procurement Officer:** In may 2011, the city council authorized the use of a construction manager general contractor process for the interstate maintenance facility renovation project. Through this process, an rfp was issued and seven responses were received.



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The response were evaluated by a five-person selection committee in which city staff representatives from the community and the one minority evaluator participated. Hoffman construction company of Oregon was the highest scoring proposal. The city then entered into contract negotiations, and now you have before you the procurement report recommending the contract award for a guarantee maximum price of \$35 million. The city in hoffman agreed to a community benefit agreement of which the model template was adopted by city council at the council meeting. With the cba, hoffman has committed to achieve 20% of the hard construction costs for mwdbe. And 18% minority goal and a 9% women goal for apprenticeship and journey level workforce on this project. I will turn this over to mike stir, water bureau chief engineer, to talk about some technical aspects of the project.

**Mike Stuhr, Chief Engineer, Water Bureau:** This project is, is, has been around for a long time. And, and I work for the water bureau since 2003, the project existed before that. And, and since 2003, it's been in and out of the budget several times for, for a variety of reasons. Many of you, I think, have been to the facility. The facility that we're trying to replace is a 1930s garage. 1925, I think. Was built then. Has virtually no seismic reinforcement or anything in it, and it's been a long, well used facility. Right now, it houses or construction maintenance operation, our stores operation. And both of these are critical to our ability to respond to emergencies and earthquakes. I remember when I began at the water bureau, I worked over there. I was the chief of construction and maintenance, and my office had, had a roof leak that migrated from somewhere in the roof and managed to come out right behind reply desk. We kind of nursed it along because we could not stop it. The building is in terrible shape. A bit more recent history, prior to 2006, some activities were underway to maybe put a baseball stadium over there. So, we did not activate work on that project.

**Adams:** I estimate willing to go there.

\*\*\*\*\*: And I might respectfully disagree with that, mayor. [laughter]

**Stuhr:** That was going on, and it involved the Portland public schools property, and the water bureau property. In 2008, we put the project back in the budget. And we began our process, and some of this may help with what i'm sure are commissioner Saltzman's questions on 1017, so I will just trip through the whole series here. In 2008, we did a selection process for an architect. We got michael and associates, the mwa here. They are an excellent firm. And at the completion of that process, and --

**Saltzman:** What does that mean?

**Stuhr:** Michael willis associates.

**Saltzman:** Ok.

\*\*\*\*\*: Kind of like mwa --

\*\*\*\*\*: I like it. [laughter]

**Stuhr:** Michael willis is an excellent building architect. They have been excellent to work with. But, right about the time that we're getting readied to award that contract, lt-2 hit. And so we had all the proposals and, and so on, in and accepted, and we had to kick it out of the budget again. And we began work on the lt-2 stuff that you are also, all so familiar with and makes this chair something of a hot seat. At some point times. 2010, we got it put back into the budget and proceeded, and working with christine and the office of council. And michael willis, and agreed to leave their proposal be the price that it was. And we awarded the contract at that time, and proceeded. When we initiated the project, we were intending on building one building. And moving our workforce off-site. And we looked at a big facility on, down on river gate. Naturally, that would have cost money and productivity loss to move. And then whatever we would have had to have done to the building to get all our stuff in it, and make it secure. We decided that was too expensive. We had an agreement made with Portland public schools. I don't know if you've been in the back of that big building. There is more than just the school board and administration in there. They have a huge warehouse operation there. And he had struck an agreement with them to move

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our store's operation into, into their facility. So, we were, at that time, proceeding with building one, putting one building and moving most of our operations into, into the Portland public schools' building. For reasons of their own, they backed out of that deal. I think that they decided that they needed to use it. They had made a textbook by and had to put the items there, so they did. And so we were stuck. And, and while all of this was going on, we had started the, the sculpting work, an architect does meet with the entities that, that have a place in the building, and spell out what their needs are, and begin putting meat to that. At that time, thinking that we were going to put this in one building. That did not work out. So we said, it will cost us a lot of money to move off-site. It does not look like we can find a place. We finally got permission to, to proceed with getting rid of this old facility. There are things that bother me a lot, and the seismic incapacity of this building bothers me a lot. Not only do our work, workers work there, but a lot of our key supplies and so on to respond to an emergency are kept under lock and key inside that building because they are highly pilferable, even though they are big. They are pilferable. We decided at that time that we would phase the construction, what began as a 24-month job, is now a 54-month job because we have focus on designing the phase one building, that phase one building is, basically, the warehouse portion of the building. That's going to include the, the warehouse. Some site improvements. It includes the westinghouse remediation. Relocation of the fueling station, which is designed right now, and more on that in a minute. Demolition of what we call the foundry property. Fairly famous piece property, and demolition of the carpenter shop in what we call the green shed because surprisingly, it's big, green shed in the back of the yard. That's phase one. Phase two is not, not completed with the design yet. We have had some interesting occurrences on this site. Besides the, the remediation things which we have to work through on deq. We found geotechnical issues. That's fairly typical over there. That site was a landfill. This is true all along the river. Over on that side, that many of the ravines were filled, and they were filled in 1920. That was before the advent of my real profession, which is soils engineer, and it had not been invented yet. The way that people filled then was chainsaws, bulldozers, and bulldoze everything in, and cover it up with whatever is handy, and build on top it. So, in that area, sometimes, what you, the only thing you really know what is in the borehole. And if you did not stick the hole in the right place, you get a surprise. So we found that, that the, the foundation conditions weren't exactly what we thought that we needed, and we have had to do some significant rework of the foundation for the, what is going to be the warehouse building. It has a very heavy duty foundation underneath of it. Also, along the way, in the summer of 2011, we brought hoffman onboard. As the cmgc contractor. Again, we feel that we were really lucky there. We have got two premiere local contractors onboard to build our facility, and they are all highly respected in their, and they are great to work with. Construction was, was programmed to begin on the 1st july. So, that means that on the 1st of july, we would have moved to the construction phase of the cmgc. The way cmgcs work, is that it's the way that the city has chosen to put together cmgc packages. You are bringing a contractor onboard. Your constructor, but he's not doing construction. So, the way you pay for those services, is it's kind of a pte contract, and you have to, to lengthen or shorten that as time goes on. And they have been caught in the stretching out of the project, also. We are now going to have a 54-month project, and we had the time period, if you can imagine, normally, you would have probably, if we were going to build, let the construction contract, and plan to be at work in july. We probably would have stopped, completed what we needed to do in may. And since that time, as you know, we've been working on the cba, and so on. So, that's required in the adjustment in the hoffman contract. And that's what, what 1018 is, is to pay for the several months of, of the preconstruction services that are part of the cmgc. And not paid for as the construction contract. The change order --

**Saltzman:** I have question. Go ahead and finish and then I will ask.

**Stuhr:** The change order situation on, on michael willis, give me a second, to find the piece of paper that I need. Well. Just a minute. Ok. The change order situation on the michael willis contract, and I can understand you asking about it, there is seven already, and this is the eighth. The

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purpose of the eighth amendment, i'll talk about that one first because that's on the table at the moment. The eighth amendment is to, to stretch the design services over the remaining months of the contract. And also, to, to do what is called construction management services. You have that portion of the, of the change order, the construction management services, is a pay as you go. You are familiar with construction on these big projects, you get lots of rfis from the contractor that need to be answer by the designer. And so, it's that part of it is pay as you go.

**Saltzman:** R-5?

**Stuhr:** Request for information.

**Saltzman:** The contractor asks of us?

**Stuhr:** Right, and we have to respond to those, and so, that's a pay as you go. The previous seven amendments, three of those are administrative. There is zero time and money, and they are moving dollars around, essentially, and the other two major changes were design of a fueling station. Normally, fleet does the design of the fueling station. We want to move our fueling station, and we made an agreement that we would do the design and, and be reimburse later, so one change is designing the fueling station. The second major one is, is a value engineering study. We have been very diligent about keeping this project in the dollar box. We said that we would build it for \$35 million. And when we got done with all of the scoping and what people think that we needed, we were about at \$42. Some place between 40 and 42 million. This building is, actually, occupied by my group, the construction management group, and the operations group, and the three group directors have been, have been, I will call us project principles, and we've been wank the money, and we told the staff that this is going to be done for 35 million. So, we did a v.e. Study, and chose \$5 to \$7 million out of what was scoped so that we would keep the project within budget. And so that's the other major change there. And so, I think that explains what the changes were on 1017. And when, what the need is for, for 1018, which is paying hoffman for the preconstruction type of services that the cmgc contractor provides. I cannot tell you how much we are looking forward to starting work on this project. It's a really necessary project for us. I think that we have gotten very good value from the contractors that we selected. We -- some measure who you get is part luck and part selection process. They have got to apply. And we got two of the best contractors in the city, both in terms of michael willis and hoffman. And hoffman, also, agreed to the cba, and we worked very carefully with them. They have, actually, done it before, which was, I think, most helpful to all of us in figuring out how to weave our way through it. So that's the end of my formal statement, if you have any questions, I hope that I have answered what you would ask.

**Saltzman:** I just have -- that's very helpful. I appreciate it. Just maybe two questions. And maybe this is one that I missed. But I thought when we do construction management, general contractor selections, that, that preconstruction services are somehow wrapped into the total package of a contract award, but christine, maybe you can talk to me later after this and, and --

**Moody:** I can just explain it to you really quickly here. Part of the, of the construction manager, general contractor is, when we go out and we bid that out, you are not all the way done with this design. So the advantage of bringing that general contractor onboard is that they finish up the design with the owner, which is us, and with the city. The designer, who is michael willis, in this case, and hoffman. And so what we do, is after we select them, they have a small preconstruction services contract, which is a professional services contract. For them to help do some of the value engineering that, that mike had just mentioned. And so --

**Saltzman:** So that's separate from the whole --

**Moody:** It's typical. Yes.

**Stuhr:** It's part of the way that we have chosen to do the cmgc process, and there is one of these things in every cmgc contract. That's how we get it done.

**Saltzman:** My last question, it gets to when we enter a contract not to exceed, which is what the preconstruction contract with hoffman was, not to exceed \$145,000, so isn't that like binding on the contractor, not to exceed that?



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**Stuhr:** Maybe I should let christine take a shot and I might take one.

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

**Saltzman:** What does a not to exceed --

**Moody:** The not to exceed was, was the 145?

**Saltzman:** Right.

**Moody:** For the scope of work at that time. As the scope changed, we had some delays. And then there was some other things that happened, so the contractor, hoffman needed some additional compensation for that. So that's on behalf of the city. That we asked for additional work.

**Saltzman:** Ok. Thank you. Appreciate it.

**Adams:** Does anyone wish to testify on 1025, 1017, or 1018? All right, I will entertain a motion to accept 1025.

**Leonard:** So move.

**Saltzman:** Second

**Adams:** So moved and second. To accept the procurement report item 1025, please call the vote.

**Saltzman:** Well, it was time to get moving on this project. The interstate facility rebuilt, so it's good to be awarding this contract, and particularly I want to thank the water bureau, and commissioner Leonard, and hoffman construction for working so hard to make sure that our community benefits agreement will be successful, as i'm confident that it will be. Aye.

**Leonard:** Thanks, guys, aye.

**Fritz:** I very much appreciate the historical perspective and your explanation just given regarding the not to exceed that. That's very helpful. And I am happy that we'll be improving the safety for workers at the water bureau and their staff and their equipment. And this is a great project to pilot the community benefits agreement. Thank you for your work on it, aye.

**Fish:** Aye.

**Adams:** When I was out there to participate in a news conference with senator merkley, and did another tour of the facility, it was shocking but not surprising, in one of the offices, the leaking roof, and a recent dead rodent falling from the ceiling, a visible and dramatic example of how we have let there go on too long and, and I appreciate the work. I appreciate your leadership, commissioner Leonard. Aye. [gavel pounded]

**Adams:** Please read the title and --

**\*\*\*\*\*:** Was a good rodent. [laughter]

**Adams:** Read the title for 1017.

**Item 1017.**

**Adams:** Any additional discussion from council? Does anyone wish to testify on this matter? Sue, please call the vote.

**Parsons:** That's the second reading.

**Adams:** This moves to second reading. Further council consideration. Can you please read the title for 1018.

**Item 1018.**

**Adams:** Council discussion on this? Anyone wish to testify on this matter? Moves to additional consideration next week. [gavel pounded]

**Adams:** We are, right? Anything else?

**Parsons:** That's all.

**Adams:** We are adjourned for the week.

At 11:27 a.m., Council adjourned.