



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **10<sup>TH</sup> DAY OF SEPTEMBER 2014** AT 9:30 A.M.

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

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

All Consent Agenda items--Item Nos. 946, 947 and 948--were pulled for discussion.

The meeting recessed at 10:31 a.m. and reconvened at 10:42 a.m.

		<b>Disposition:</b>
<b>COMMUNICATIONS</b>		
<b>940</b>	Request of Barry Joe Stull to address Council regarding cannabis research at the Wapato Jail (Communication)	<b>PLACED ON FILE</b>
<b>941</b>	Request of Jay Bloom to address Council regarding event What Are Old People For?: Building a Community For All Ages (Communication)	<b>PLACED ON FILE</b>
<b>942</b>	Request of Ben Pickering to address Council regarding police brutality (Communication)	<b>PLACED ON FILE</b>
<b>943</b>	Request of Kathleen Bushman to address Council regarding Healing Man Sanctuary (Communication)	<b>PLACED ON FILE</b>
<b>944</b>	Request of Leon Chavarria to address Council regarding pedestrian traffic safety concern (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		

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<p><b>945</b> <b>TIME CERTAIN: 9:30 AM</b> - Appeal of Woodstock Neighborhood Association against Hearings Officer's decision to approve a zone change in conformance with the Comprehensive Plan and a 3-lot land division at 3936 SE Reedway St (Introduced by Commissioner Fritz; Previous Agenda 939; LU 13-237078 ZC LDP) 15 minutes requested</p>	<p><b>CONTINUED TO OCTOBER 01, 2014 AT 10:15 AM TIME CERTAIN</b></p>	
<p style="text-align: center;"><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p style="text-align: center;"><b>Commissioner Amanda Fritz</b> <b>Position No. 1</b> <b>Portland Parks &amp; Recreation</b></p> <p><b>*946</b> Amend contract with Henderson Young &amp; Company, Inc. in the amount of \$57,310 to provide additional Park System Development Charge update consulting services (Ordinance; amend Contract No. 30003028) (Y-4)</p>		<p style="text-align: center;"><b>186805</b></p>
<p style="text-align: center;"><b>Commissioner Nick Fish</b> <b>Position No. 2</b> <b>Bureau of Environmental Services</b></p> <p><b>947</b> Amend Intergovernmental Agreement with U.S. Fish and Wildlife Service in the amount of \$62,577 to collect and analyze data from the Tryon Creek basin and other watersheds (Ordinance; amend Contract No. 30001882)</p>		<p style="text-align: center;"><b>PASSED TO SECOND READING SEPTEMBER 17, 2014 AT 9:30 AM</b></p>
<p><b>948</b> Authorize an Intergovernmental Agreement with Oregon State University in an amount not to exceed \$11,500 to process and analyze data from Portland watersheds (Ordinance)</p>		<p style="text-align: center;"><b>PASSED TO SECOND READING SEPTEMBER 17, 2014 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>REGULAR AGENDA</b></p> <p style="text-align: center;"><b>Commissioner Steve Novick</b> <b>Position No. 4</b> <b>Bureau of Transportation</b></p> <p><b>*949</b> Authorize contracts as required with 15 technical and expert service firms for on-call architecture and engineering services in support of the Portland Bureau of Transportation (Ordinance)</p>		<p style="text-align: center;"><b>CONTINUED TO SEPTEMBER 17, 2014 AT 9:30 AM</b></p>
<p><b>*950</b> Authorize contracts as required with eight service firms for Right of Way Appraisal and Acquisition and Relocation projects that are funded through Federal Aid (Ordinance)</p>		<p style="text-align: center;"><b>CONTINUED TO SEPTEMBER 17, 2014 AT 9:30 AM</b></p>

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<p style="text-align: center;"><b>Commissioner Nick Fish</b> <b>Position No. 2</b> <b>Bureau of Environmental Services</b></p> <p><b>951</b> Authorize contracts with Brown and Caldwell, Inc., Kennedy/Jenks Consultants, Inc. and Murray, Smith &amp; Associates, Inc. for professional engineering services to continue the Sewer System Rehabilitation Program: Project No. E10031, Phase 2 Pipe Rehabilitation; E10500, Phase 3 Pipe Rehabilitation; and E10576, Large Diameter Sewer Rehabilitation; for a total of \$9,000,000 (Ordinance) 20 minutes requested</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING SEPTEMBER 17, 2014 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Water Bureau</b></p> <p><b>952</b> Authorize a contract and provide payment for the construction phase of the Well Site Improvements Project at an estimated cost of \$750,000 (Ordinance) 10 minutes requested</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING SEPTEMBER 17, 2014 AT 9:30 AM</b></p>

At 10:43 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.

<p style="text-align: center;"><b><u>WEDNESDAY, 2:00 PM, SEPTEMBER 10, 2014</u></b></p> <p style="text-align: center;"><b>DUE TO LACK OF AN AGENDA THERE WAS NO MEETING</b></p>	
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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 10, 2014      9:30 AM**

**Hales:** Good morning, and welcome to the september 10 meeting of the Portland city council, would you please call the roll. [roll taken]

**Hales:** We have a brief agenda, we will begin with a statement from commissioner Fritz, and then move into the regular calendar.

**Fritz:** Thank you, and welcome back. Good morning, everybody, today is international suicide awareness and prevention day. The world health organization recently released a report that states every 40 seconds someone ends their life due to suicide. And as we know, Portland has a higher rate than many cities in the country. So we, as a community, must reflect on ways to spread knowledge and prevent suicide when possible. I encourage everyone to learn about the warning signs and be willing to ask the question, are you thinking of suicide? Are you thinking of hurting yourself? Although it is a tough question to ask, you could be saving a life, and you could be giving somebody the opportunity to talk. No one should have to go through this experience by themselves. Alliance for life is an organization that the city council has partnered with over the years, and dedicated to mental health services and suicide intervention. If you or someone you know might be thinking about suicide, please call this number. It's upside down? Thank you very much. 503-972-3456. There is various other numbers to call so find one that you can remember and share it in a moment of need. For more information on suicide prevention, including warning signs and resources, please visit the american foundation for suicide prevention website at [afsp.org](http://afsp.org). Thanks very much to sarah hobbs, a volunteer with this organization for providing this information, and thank you all for, for taking the time to think about this serious issue.

**Hales:** Thanks, commissioner, for highlighting that. The Portland statistics bear this out, which is that we had 16 homicides, 35 traffic deaths, and 114 suicides last year. So, we all probably pay too much attention to the first two and not enough to the third. So, every opportunity for a citizen or one of our own, police bureau, fire bureau folks to be able to connect folks up with the alliance for life is a good idea, and it literally saves lives every day, so thank you.

**Fish:** A housekeeping matter. I know that we have members of the public interested in 945. We won't be taking up the time certain for about another 15 Minutes, but perhaps, it would be wise for us to say on the record that we are intending to set that over and not taking it up?

**Hales:** That's right. We are setting it over to october 1st, so we'll get to that procedurally in a few minutes. But, that's our plan, and that's when we'll be taking it up again as a full council.

**Fish:** So to be clear we won't be taking testimony or deliberating today.

**Hales:** That's right.

**Fish:** For people here and interested in that issue.

**Hales:** Ok. We're going to start with communication items and move into the regular calendar. If you are here to speak on a regular item, we typically allow people three minutes. You are certainly, just need to give us your name, not your address. If you are a lobbyist for an organization, let us know that, please, and we do not typically allow public demonstrations in the council unless it's to celebrate someone or something, so we would like to give each of us a chance to have our say, so if you agree with someone and want to demonstrate that, wave your hand, but we want to make sure that we keep the decorum in the chamber and people of all points of view can give their points of view without feeling pressured. We'll take the communication items first, and we'll deal with our

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consent calendar, and then the time certain item, and then the remainder of the calendar, so welcome. Let's start with communications, please.

\*\*\*\*\*: Good morning.

**Item 940.**

**Barry Joe Stull:** Good morning. I would like to start by touching base with my plant I brought in here, the poinsettia, sylvia. Sylvia is doing well. Sylvia is in a container I modeled after my friends patented design, called it an easy grower, but it's a, a bucket system, and has a wick and, and about a month ago I watered the container and, and through the wonders of science and capillary action, sylvia and the soil that she is in takes care of herself. Paul middleton, who had that patent, had inside this apartment, it's still vacant, by the way, I had his patent number, and I did my research in that apartment. Paul middleton had a form of my condition from a spinal cord injury, and I could tell if he had pot, by whether he was in a wheelchair or not, and unlike the new kids, marijuana wasn't always legal, and he got busted, and he committed suicide. I'm talking about a very serious thing, when my personal friend has to make a choice between killing himself to rid himself not only of the pain that he's going to endure in custody, but to shed his wife from the burden of their house being seized in a civil forfeiture. I take this very, very serious. So, the apartment that I was illegally evicted from is vacant right now. I want you to do something about it. Stop being a chicken. She's making a fool of you, Mayor. She says there is not enough funding for affordable housing. This is a nonprofit. They have a five-plex that's vacant today with people living across the street, so that's the corruption that i've been thumping around inside the jail for because I draw attention to it. I was arrested for criminal trespass, at the bureau of labor and industries, the civil rights division, found not guilty at trial. I was arrested at lewis & clark college where they scoured my head on the paving stones, found not guilty on that, and I was arrested at the central precinct lobby, found not guilty at trial. Ok, so, if people don't like, like me talking about cannabis because it's a great therapeutic option. I would like us to calm down and be a bit rational and stop letting the criminals run the show. I expect there to be a call to maxine fitzpatrick today, mayor, asking why it's vacant. They have committed fraud, which is actionable, and you can prosecute that, so that being said, there is a new study out, and it talks about the options for chronic pain and the quote that I will leave you with is the treatment of chronic pain represents a significant unmet therapeutic need, and the fact that we are paying \$1,000 a business day to mothball the wapato jail when we could have that be one of the legal places where the federal government approves cannabis research. That's why i'm here today. Not here to complain about all the dozens of times that I will face arrest for standing up for these issues. I do get a little upset and for good reason. So, let's do something about the fact that the conditional use permit that the city of Portland authorized to have that property even be constructed, you will recall you were on the council in the mid '90s, let's do something and turn the swords into plowshares. Thank your for my time today.

**Hales:** Thanks very much.

**Stull:** I really expect action on this.

**Hales:** What paper is that?

**Stull:** The Portland observer, and I have given your office a copy. We'll touch basis on that today, but this is criminal. What she is doing is shameful.

**Item 941.**

**Hales:** 941. I understand mr. Bloom has had a recent heart surgery and Margaret neal is going to speak on his behalf so welcome. I hope he's doing ok.

**Margaret Neal:** So, i'm Margaret neal, the director of the institute on aging from Portland state university, and I wanted to just take this opportunity to, to make an announcement about this event we're holding as a part of our age-friendly Portland initiative. Mayor hales, thank you for agreeing to speak, and commissioner Fish, thank you for agreeing to speak. Other individuals will include the, the comedy sports, golden harvest will do a performance, and bill thomas, who wrote the book, what are old people for, will be there, and it will be both an intellectually stimulating and, and a fun

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event. It is on september 23 from 3:30 to 6:30 p.m. People can register. There is no cost for the event. Go online to agefriendlyPortland.org. The goal of this effort is to highlight the positive roles that older adults have in our community and to try and begin a discussion, small groups of people throughout the city, to talk about the positive roles that our older adults already hold and what they can do in the future and what kinds of policy, innovations can, can be addressed to try and create those positive roles and facilitate more engagement of older adults, so that we become a community for all ages. I should have said that I am the co-coordinator of the age friendly Portland advisory council, along with my colleague, dr. Alan dela torre. He has additional copies of the flyer, and then I have a flyer for each of you, as well. So, if you have any questions, please let me know.

**Fish:** Just a comment. Thank you for your great work. Yes, we recognize that there is a huge opportunity, and in fact, we're very proud that we are the only city to receive the global age friendly city designation in this country. So, we --

**Neal:** We were one of the first nine and now there are others.

**Fish:** Well, they are just copycats.

**Neal:** Exactly.

**Fish:** The other thing I would note, though, and charlie And I are honored to be asked to participate in the conference, is that as the baby boomers age, and we see more people reach retirement age and age in place, we're going to see a greater, I think, incidence of the potential for elder abuse. Steve duin wrote a series over the last two weeks focusing on a particular real estate transaction, and raising some pretty powerful questions, and I think it was very sobering because he has the power to sign his life on a transaction, but it begs the question, how many of these kinds of things occur and are not reported? And as people age, they become more vulnerable, more susceptible to financial exploitation, more likely to be taken advantage of. We are inundated with people making calls to our homes, with fraudulent schemes, asking for private information to address a bank issue or a computer issue. They are getting very sophisticated about trying to lure you into giving information. So, as we celebrate the wonderful upside of having older adults in our community, I think we need to recommit to making sure that older adults are not preyed on, and this baby boomer cohort will be the largest group of older, of, you know, older adults in our history, and unfortunately, a lot of bad people know that now and are gearing up to take advantage. So, I hope that the mayor, as part of the legislative agenda, we can take a look at whether there is sensible reforms to existing law, in light of steve duin's columns and the other evidence that we have about exploitation of older adults, but we're very proud of psu's role, and your role in this effort.

**Neal:** Thank you very much.

**Hales:** Thank you. We look forward to it. Wish jay well for us.

**Neal:** I will. Thanks so much.

**Item 942.**

**Hales:** Is mr. Pickering here? It does not look like it, ok. Next one, please.

**Item 943.**

**Hales:** Is she here? Ok. 944.

**Item 944.**

**Leon Chavarria:** I am leon chavarria, a member of the board of the cant committee on accessible transportation, which stands for committee on accessible transportation which helps tri-met because everyone on the board has some sort of problem, like a disability. I have a seizure problem, many have mobility devices, spinal injuries, and another person in the corner has a visual disability. Anyway, I mentioned my idea at a meeting earlier this year, when I cross the street on 34th street, I don't know if this is clear enough for you, but, I should have done it bigger. Anyway, when a person starts to cross, the easiest way, I can say, to cross the street is learn to stop. When you stop at the middle line, the cars will more easily see you and will more easily see you, and they will stop further away, and then you have right of passage. So people that have trouble Walking, I mean, I had a pinched nerve this summer, but it's not a problem anymore, but anyway, people that have,

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have -- it's hard for them to cross the street, especially a wide boulevard, like for instance, powell, or any other longer street that, that is also very busy, it's hard to get to the middle line, catch their breath, slow down the warped speed of their mobility device, and hit warp again, when, when the cars are stopped, and then cross the street. That's the only thing.

**Hales:** You are talking about 34th and powell?

**Chavarria:** Well, that was my example. This would be any -- this would be any street, so I think that just, just to cross the street, people have to learn to stop and not continue, unless the cars stop, because you don't want to force yourself into the middle of speeding traffic. The buses are right there. Come on, i'm not asking you, but just saying, come on, a lot of people don't pay attention. They think, I have to catch the bus. No, no, not with the speeding cars.

**Hales:** Good point. You know, we have experimented a bit with putting a refuge, you know, at the midpoint, and it seems to work.

**Chavarria:** Excuse me and, and the man I spoke to, he says he drives, he also rides his bus a lot, i'm sorry, he drives, but he also rides his bus a lot.

**Hales:** His bike.

**Chavarria:** His bike. And he rides his bike a lot, but he says what is very helpful is the flashing lights, but I know that would put, well, you know, it would be a financial problem for this, for the city, so, but i'm thinking, just to help people stop, maybe have, have, have a stop sign, in english, and then one in spanish because people come from both directions, and then say, stop, wait for the cars.

**Hales:** Good point. Thank you. Thank you very much. Appreciate you, you bringing that up. Thank you.

**Hales:** Ok. I said we would move to consent calendar but I am going to amend that because I think it's been requested that all three items on the consent calendar be pulled for discussion, so, as we usually do, we'll put those at the end of the calendar. Then we will move next to, to the time certain item, no. 945.

**Item 945.**

**Hales:** At the conclusion of the hearing last week, on this matter, the council closed the hearing and continued it to today for deliberation. However, after the hearing, the applicant granted an extension of the 120-day time clock for purposes of allowing the full council to deliberate and vote in october. Given two of the members present today have not had the opportunity to review the record, it would be approach to take some additional time and come back with the council members being fully informed about what happened. So, unless there are any objections, as I mentioned earlier, I am going to continue this matter to, to october 1st at 10:15, for deliberation and a tentative vote, and we don't intend to accept any further testimony, but to allow the council members to review the record and be prepared to deliberate and to decide. So, this is set over to october 1st at 10:15.

**Hales:** okay, regular calendar, please.

**Item 949.**

**Hales:** So, he is here, and commissioner novick asked that he present this, and the next item to us, to authorize this, so welcome.

**Andrew Carlstrom, Portland Bureau of Transportation:** Thank you. Good morning, mayor hales and city commissioner, I am Andrew carlstrom with the employee services division, the manager, as described in this ordinance, p-bot requires professional services to support implementation of the transportation capital improvement program because they don't have the sufficient expertise in specific areas to accomplish certain project tasks. They are requesting authorization of on-call contracts for architectural and engineering services. As you are, no doubt, aware, on-call services contracts, such as those in this ordinance, facilitate long range planning, increased project control, and provide for an uninterrupted supply of needed services when they are required. Using an open and competitive procurement process, pbot advertised an rfp, received 49

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proposals in nine service areas for architectural and engineering services. Nine selection committees evaluated the proposals against performance criteria and, and 15 firms were selected to provide services in these areas, which are, are urban design and landscape architecture, transportation planning, and technical services, structural engineering, and traffic engineering, traffic signal design, and street lighting design, and street design and parking management. One of the firms is a minority woman, emerging small business, which is mayer/reed, which will be on-call for urban design and landscape architectural services. The maximum amount for the three-year performance period for each category ranges from \$75,000 to \$250,000, and task orders will be negotiated with selected firms on a rotational basis starting with the highest ranked firm. The aggregate total contract authority for all contracts is, is \$1.825 million.

**Hales:** Having worked in the engineering world, there are not a lot of minority and women and emerging firms. Our goal is to keep improving the prospects for those firms. Any thoughts, sort of an after-action report, if you would, on having gone through this procurement? We have a little bit of participation, but not very much. Is there, are there other things that we could be doing as we periodically do these on-call contracts to try to build more capacity and get to a better outcome in terms of the participation of those firms?

**Carlstrom:** Pbot did a significant outreach on this procurement, working with the procurement services, which they did a lot of direct outreach, and we also -- pbot attended the Oregon governor's marketplace so we'll be working with them to see how to increase the utilization rate.

**Fish:** You are right, the only area that we do get mwesb credit here is, is with a woman-owned business, but that, I know, from the disparity study, we tend to outperform there and underperform in the minority and emerging small business. Since tri-met has been successful through its programs, have we looked at tri-met's procurement policies since they were going to likely be putting contracts out for the same kinds of services to see whether they have had any better success building capacity?

**Carlstrom:** At our director's direction, we have started to look at tri-met's policies.

**Fish:** Perhaps we could have future feedback on that.

**Hales:** Have they been successful in the engineering side at tri-met?

**Fish:** No.

**Hales:** It's a problem in a front of ways and sectors, but with the engineering side, there is an upstream problem. We need to get women and people of color to go to engineering school, complete the degree, and get the p.e., start a company. This is engineering work, and it's a problem in the engineering profession, you know, for both women and people of color, they are not -- there are not very many of either yet in the field. That's a problem.

**Fish:** At the hispanic chamber dinner, there were some small companies represented. They may end up having difficulty competing against the larger firms that have a fuller range of services. But, I don't know whether they would have more success than we have, but I know that you and I both know that tri-met puts a lot of resources into that, so --

**Hales:** I like that suggestion, and this is the kind of contract that the smaller firms ought to be able to do. We're talking when \$100,000 on-call contracts, so a very small firm can do that amount of work, not necessarily a \$10 million design job, but they could do this kind of work. So, i'm real interested in having that follow-up discussion, so perhaps, when you and, and others at pbot have finished that, that research, it would be good to come back to council in a work session or a report and let us know what you have heard.

**Fritz:** In the meantime, might there be merit in making this contract for less time? It will expire in 2017, and I will not be here in 2017.

**Hales:** This is a three-year agreement.

**Fritz:** Given it has such minimal participation --

**Hales:** Good point. Do we only do this every three years? Or do we have, have a rolling cycle?



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**Carlstrom:** My understanding, it has been every three year, but, I don't know if there is a restriction.

**Hales:** So we won't reopen the window for three years? So, I like that idea. Make it a one year. Give us a chance to see if there was some adjustments and go back out, and you are not restricted to having 15 firms. You could have, have 25, right? At some point, it becomes impractical but you could have more, but, given the interest on the council about, about looking for ways and means, or better practices than what we've been doing, of trying to, to provide opportunities because this is really the -- these are the gateway projects if the firms are going to get work with the city. This is a great place to start.

**Fish:** And commissioner Fritz, I reject the premise of your comment.

**Hales:** She claims she will not be here.

**Fish:** We'll have that fact checked in three years.

**Fritz:** But before we move on --

**Fish:** But to your point, we do have a task force that was established when we did the, the updated of the disparity study of community services, many of them businesses that are trying to compete. I think that it would be prudent for us to reach out to that task force in addition just to say, what could we do differently next year to make sure that opportunity is spread more broadly? We have that list.

**Fritz:** We need to amend the maximum contract amount since it was for three years rather than --

**Hales:** Not having worked in this world, you have an on-call contract with an upper limit, and they turn on the switch if they need help on this project or that project. So, it might be 36,000 for this project or, or 5,000 for that.

**Fritz:** To not exceed over three years or \$1.8 million. We would not want to exceed 1.8 million in one year.

**Hales:** Per firm amount might be the same. You are hearing where we are headed, which is the council doesn't want to act on this today. But, might want to you come back with an amended version of one year, and why don't you look at the total amount question that commissioner Fritz raised and bring it back next week or, or the week after, whenever you are ready. But, it sounds like we would like to set this over rather than act on it and give you a chance to make -- to put those amendments together and bring it back.

**Fish:** Pick it up next week as an emergency ordinance.

**Hales:** Yes. So this is set over for one week. Let's take the second one while you are here. See if the same issue arises there or not. Let Karla read it, first. Go ahead.

**Moore-Love:** We also had a request for testimony on the 949.

**Hales:** Ok. No one asked to testify? I'm saying we have a second item here, the right-of-way stuff.

\*\*\*\*\*: I wanted to testify --

**Hales:** You want to testify or wait until next week? We're going to take this up next week.

\*\*\*\*\*: Ok. I just have a very short thing.

**Hales:** Sure, come on up, joe.

**Joe Walsh:** I am joe walsh, I represent the individuals for justice. We take objection to the lack of public input on this. One of the things that we looked at right away is to see if the public has some input. And if you look at the records, it shows none. And since there is \$2 million involved, I think the public should have had a lot of input into this. There are 18 contracts, I think. It is somewhere between 15 and 18 contracts, but, coming up to 1.8 million. So, that's our objection. We object as a policy putting these things through on an emergency basis. We don't like to see that, when we see emergency basis, and we think that the staff does a really good job, and you should have enough time to do these on the regular basis. Thank you.

**Hales:** Thank you.

**Fritz:** Mr. Walsh's point is well made. I think that the public involvement statement isn't entirely accurate. My understanding is the minority evaluation program includes a person from the community on the Selection committee, is that correct?

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**Carlstrom:** That's correct.

**Fritz:** So, I think that it's in the framing of the answers to the public involvement that that's the mechanism the public is involved. It should be improved.

**Walsh:** Someone made a mistake.

**Fritz:** The public involvement advisory committee is doing an audit after the public involvement statements and i'm looking forward to their report because sometimes they are well filled out and sometimes not.

**Hales:** Good point. Let's take 950.

**Item 950.**

**Hales:** Ok.

**Andrew Carlstrom, Bureau of Transportation:** As described in this ordinance, pbob requires professional technical and expert right-of-way services to support the specific project requirements for the majority of which are not yet known. Pbob needs these services, which meet the federal requirements when federal funds through odot grants that impact the right-of-way are awarded to the city. As with the previous item, flexible services contracts provide an uninterrupted supply of needed contractors, and pbob does not have in-house expertise for right-of-way appraisal services. Using an open and competitive procurement process, pbob advertised an rfp, and received 11 proposals, of which eight were selected, five for appraisal service and is three for acquisition and, and relocation services. Three of the eight firms selected are minority women and Emerging small businesses, and they are epic land solutions for appraisal services, jarvis appraisal for acquisition and relocation services and, and McEldowney and associates for acquisition and relocation services. This ordinance authorizes eight contracts for a maximum of, of 100,000 each, and the total contract authority for all contracts is, is 800,000.

**Hales:** So you did better in terms of the mwsbe participation because it's work that does not require a p.e. stamp. It's one of the reasons. He also did a good job on outreach.

**Fritz:** How many minorities?

**Hales:** Three out of the eight.

**Fritz:** Of all three, how many minority firms?

**Hales:** As opposed to women?

**Fritz:** Yes.

**Carlstrom:** I don't know. I can get back to you on that.

**Hales:** Do you want to set this over and do them together? Obviously, they were, they were able to achieve the goals a little better in this one.

**Fritz:** I think it would be helpful to look at that, and some are wondering why wasn't there a minority evaluation, public input process into this?

**Carlstrom:** For the financial impact statement?

**Fritz:** Why is this different? There is probably a good answer, but there is -- this one didn't require the minority evaluation and the other one did. Why are they different?

**Carlstrom:** There was a minority evaluator on the committee of five.

**Fritz:** It doesn't say so in the ordinance.

**Dave McEldowney, Right of Way Acquisition Supervisor:** I'm the dave mceldowney, right of way acquisition supervisor. We did go through the normal process. We did have a minority evaluator as part of the panel.

**Fritz:** It would be helpful in the future to just specify that. Thank you.

**Hales:** Is there anyone that wants to speak on this one? So, do you want to set this over, as well?

**Fritz:** Unless you know what the three firms of the minority women or emerging small business are.

**McEldowney:** I think the question was, you are separating it the differentiations between women and minorities? I don't believe that there was any.

**Hales:** Any minority firms? The other three were women owned firms?

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**McEldowney:** I am just guessing.

**Fritz:** Let's find out.

**McEldowney:** Yes. Jarvis, female -- no.

**Hales:** Well, what I would suggest, and sounds like there is interest in this, let's set both these over, and give you a chance to come back with an amendment on the first one, and I am hearing a strong interest on the counselor on having a work session on this subject. Not just, obviously, about pbot, but we have got a lot of bureaus that are doing small on-call contracts, and maybe kind of an opportunity area for, for us to improve performance. So, it might be a, a useful exercise for more than one bureau.

**Fritz:** And in fact, while you were gone, on city business last week, we had a contract with moore excavation, and asked them why they were not --

**Hales:** I was here for that but not the afternoon.

**Fritz:** That plays into it, the answer was, we would like to employ our employees, well, it's public money, needs to be put out for the public good.

**Fish:** We are going to have a -- my understanding from the auditor's schedule, mayor, is that sometime -- winter, maybe, we'll get an audit of procurement services generally, and maybe armed with that, we could come back and take a look at the procurement and this as a piece of that, and see how we're doing generally and not limited to pbot.

**Hales:** And I don't think it should be limited to pbot. It sounds like we should come back with the amendments in a week for the first item. I don't see any reason to amend the second one, myself. But, come back with the one-year version of 949, and we'll make sure that you and others are included in the work session, and I think you are right, commissioner Fish, after the audit comes out, it would be a ripe moment for us to take up those questions with the procurement officer.

**McEldowney:** Mayor and commissioners, one of my big concerns here is we need to have the contracts in place to work on the federally funded projects, where the money is coming through odot, and we are not able to use our current contracts for that. So, I believe it's kind of holding us back on some of our projects right now.

**Hales:** If you come back week and we keep the emergency clause, you are good to go.

**McEldowney:** I just wanted to throw that out there.

**Hales:** We are not going to deliberate ad nauseum on this set of contracts but we want to use it as part of the larger discussion.

**McEldowney:** Excellent.

**Hales:** Anyone want to speak on this? If not, we will set this over to next week, as well. See you then. Thank you. ok. 951.

**Item 951.**

**Hales:** Commissioner Fish.

**Fish:** This ordinance would authorize the bureau of environmental services to contract with three consulting firms to design upcoming sewer repair projects. The bureau operates and maintains over 2,500 miles of sewer pipes and more than a third of those pipes are 80 years or older. Bes has identified critical sewers that are nearing the end of the useful life, and need to be repaired or replaced to avoid pipe failure. Bes intends to work with the consulting firms to design sewer repairs that will protect water quality, public health, and the environment. I am pleased to introduce scott gibson and claudia sterling to give us a brief overview and take your questions.

**Hales:** Good morning.

**Scott Gibson, Bureau of Environmental Services:** Good morning. Mr. Mayor, city council member, I am the principal engineer at the city of Portland, and with me is claudia, as commissioner Fish said, and we are asking for authorization on contracts. These contracts will support one of the bureau's most basic work elements, and that is to safely and reliably collect sewage and convey it to the treatment facilities. The city owns and operates as commissioner Fish said, about 2,500 miles of sanitary and combined sewer pipe, and that are about, and one-third of those are about 80 years or

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older. And this is a large and expensive system with the replacement value estimated at about 6.5 billion. With each pipe failure we violate our permit, damaged property, create risk to human health, and it's our goal to prevent that by doing proactive engineering. The bureau carries out a comprehensive plan sewer inspection program using robotic cameras, the data from these inspections is coded in the defects, and a series of analytical tools are used to determine the risk of failure. The cost to repair that, along with the environmental costs of the failure, these costs are compared against the cost of a preventative repair that would intervene and prevent the failure, and we come up with a cost benefit risk-based approach to determining which sewer should be repaired and when. Our project targets the highest return on investment pipes, and we used this process also to prioritize the pipes. This map we're showing here is Sort of a pixilated version of the risk that comes out of the analysis. It shows where the sewer risk is, and this is in our system's plan, and we, we are, our actual analysis is on a pipe by pipe basis, including up to 10-foot segments, so we look at each ten-foot segment of pipe for risk of failure, but we pixilated this here to give you a good idea of where the rehabilitation need is and the projects that you will improve in the past and future will be located. Some of the challenges with this work, that we face in preparing our projects for construction, they include minimizing the construction disturbances, communicating with the community, ensuring we construct high quality, long lived infrastructure, and optimizing our construction costs, and coordinating with other bureaus and activities. This is an example from a recent project that is, was out to bid, the kenton sewer rehabilitation project. Our public outreach group supports a systemic outreach program that helps to educate the neighborhoods, and about the needs of these projects, and the impacts. We do this early and regularly in order to communicate with the neighbors so they know what's coming. And, and we also do online resources specifically, we recently sent out a flyer on pipe bursting to one of the neighbors because the neighbors were asking about the technique and what we were doing and they had unique elements to it, so we followed up their questions with some information about the process. A competitive selection process has been completed, and the bureau is recommending an award of, to three qualified firms and teams, and the primary firms are brown and caldwell, kennedy jenks, and murray smith. The scope of work included in these contracts includes the project management surveying, civil engineering, geo technical engineering, constructability review and validation, and selection of appropriate pipe rehabilitation methodologies, and permitting traffic engineering, and utility coordination and public involvement and, and a couple others. The teams were formed to help the bureau meet the aspirational goal of 20% participation by minority women and emerging small businesses. The combined participation rate for all three teams is about 35% on these contracts. It's well above our 20% aspirational goal. The three prime firms have done a good job at reaching out to minority women and emerging partners, and building teams that could help us to meet this goal. We're utilizing 24 minority women emerging small business firms in these three contracts. And roughly, three of the \$9 million would be passed through to the minority women and emerging small businesses. The next step, if approved, notice to proceed will be in october and we'll begin design work immediately, typical duration, 16 to 24 months, depending on the complexity of the work, and the follow-on construction contracts, will come back before the council for approval before they go out to construction. That's the presentation. If you have any questions --

**Fish:** Thank you.

**Hales:** I have a couple, keep your slides handy, if you could go back to that list, there were two lists. One was second or third slide. Not this one, but go back. Keep going, please. There is a list of work elements, some of which you self perform and some of which you contract out for.

**\*\*\*\*\*:** This one?

**Hales:** No, no, go back, further upstream. Maybe I missed it. There was a list. Why don't you go forward again. Yeah, that one. Ok. So, some of this work, coordination with other bureaus, communicating with the community groups, I assume that the primary -- that work is primarily

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done by city staff, right? And then the technical work of engineering, solutions is what the, you are contracting out for.

**Gibson:** Right, each of these efforts has, has a project manager, and a public information specialist assigned to them to work with the consultants, and they generally do focus on the internal coordination between the building, the bureaus and the messaging and Communicating with the public.

**Hales:** But you hire the -- you contract with these firms for project managers so, through the construction phase, right?

**Gibson:** Each of the consulting firms will have a project manager on their side, which will manage the coordination of the sub-consultants, and the work of the project management is shared between the city staff and the leader for the consulting firm.

**Hales:** About how much construction is this \$9 million worth of technical support going to support?

**Gibson:** We recently ran the numbers, and the engineering fee is running between 10% and 15%. You could multiply them by 10 and say this is \$90 million on the high end. Somewhere around \$70 million on the low end.

**Hales:** Good. I wanted to get that sense of scale, that you, on the engineering side or around 10%, typically, and you are dividing that work between our own staff, and elements of it, and then this larger outside resource for the rest. Good. Thank you.

**Fish:** That's two engineers engaging in a vetting of the issue and the rest of us will get college credits for being witnesses to this today.

**Fritz:** Thank you very much. And the minority women participation is really impressive. And i'm going to be asking the parks director to contact you to find out about how you put out these contracts and encourage the formation of teams, obviously, it's a big amount of money, but then if you are able to get the contract to include that participation, by smaller businesses, that's what we want to do, good job.

**Hales:** Anyone want to speak on this?

**Moore-Love:** We have two people signed up to speak.

**Fish:** Non emergency?

**Hales:** Yes.

**Joe Walsh:** I'm joe walsh, represent individuals for justice, most of my questions were answered in the back and forth that you had, which is really good. I would like to compliment bes on this one. I am a big critic of bes, and what they do outside of, of what is considered normal storage expenditures, so when they get into the environmental projects, and stuff like that, we're heavy critics on that, and we think that should come out of the general funds. This one is, is right what they are supposed to be doing, so I am really here to compliment them on that. Also, to take the opportunity to compliment them, because we are a critic. So, to be just when you are right, you are right, and they are right on this one. We would like to see the required waging moved out to \$15 an hour. We're not going to get that. We know that. We would like to bring it out. When you do these contracts, you could require, I think, you can ask the, the city attorney on this one, that the, the construction part or the Architectural part have a minimum of \$15 an hour. And starts the process. You can hear a lot about \$15 an hour. It's going to drive you up the wall because it's expensive to do, and people, people get very nervous about it. But, if you think about it, \$15 an hour is, is \$30,000 a year. When I retired in 1995, a long time ago, as a utility supervisor I made \$22 an hour, that's 20 years ago, so, it's not a lot of money, \$15 an hour. So, we would ask you to think about that and, and maybe ask the city attorney, if you can do it, and sooner or later, it will be here. So i'm just giving you a heads up. You are going to face it anyway, it is all throughout the nation now. People are going on strike for \$15 an hour. That's the battle cry. Thank you.

**Hales:** Thank you. I'm very interested in that issue. I think that, actually, in this case, these, these contracts are already subject to the council's fair contracting requirements in state prevailing wage

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law so I would be surprised if there was anybody on these job sites paid less than \$15 an hour because we're talking construction, but I may be wrong.

**Walsh:** I have no way of knowing that.

**Hales:** I think that this is all, all union, union scale work.

**Walsh:** It would be a nice message to send out.

**Hales:** Oh, yeah, thank you. Anyone else? Ok. This is, this is moved to second reading. [gavel pounded]

**Hales:** 952.

**Item 952.**

**Fish:** Principal engineer dave peters is here for a brief presentation and to answer your questions.

**Hales:** Good morning.

**Dave Peters, Water Bureau:** Thank you, commissioner Fish, good morning, mayor hales and commissioners. I am david peters, a principal engineer with the water bureau, and I am here to speak about the ordinance to authorize construction of the well site improvements. This is a \$750,000 construction contract that will improve the well pumps and motors at three of the sites, and improve the pump motor controls at eight other well sites. The, the columbia south shore wellfield has 26 production wells. And we have a program pulling these pumps and motors every 15 to 20 years to, to evaluate their condition, maintain the pump and motors, and fix any problems that we identify. This is part of the capital bureau's, the capitalized maintenance program and so, these are the next three wells scheduled to be taken care of. This work will extend the life of the existing pumping equipment, and it will improve the water quality, and improve the efficiency of the, of the pumping of the water. This will be a formal bid package, working with the purchasing bureau to do this as a low bid contract, so we'll be selecting the lowest responsive responsible bidder to complete this work. The design of this package was done by the bureau staff, and has not had any consultants involved in the creation of the package. The construction is being bid because this requires some specialized equipment and expertise that the bureau does not have on staff. These are large pumps and motors that hang several hundred feet down into the ground, and requires large equipment to pull out and, and maintain the pump and motors and then the well, itself. The bureau will be doing the construction management survey, and construction inspection on these, and as well as some of the connection of the instrumentation and controls. That's a brief overview. I open it up to any questions at this time.

**Hales:** Small question, what do we do with the old ones?

**Peters:** Actually, we're -- we send these off to get fixed up, so we'll continue to use the existing wells, and they will just be upgraded and put back into place.

**Hales:** Ok.

**Fish:** Fun fact, total capacity out of the, the wells is about 100 million gallons?

**Peters:** 100 million gallons.

**Fish:** In addition to, you know, as much as \$19 billion gallons of pristine water and reserve in the bull run, we have this capacity of an additional 100 million, if we need.

**Peters:** There is actually 10 billion gallons available in the ground. We can pump that out at a rate of 100 million gallons a day, so half the size of the bull run system.

**Fish:** Extraordinary.

**Hales:** Thank you. Anyone here to speak on this?

**Moore-Love:** No one signed up.

**Hales:** That's set over to second reading. [gavel pounded]

**Hales:** We'll return to the consent calendar items we pulled off starting with 946.

**Item 946.**

**Hales:** Joe, did you want to speak on these?

**Walsh:** Yes, can you give me two minutes to get some oxygen.

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**Hales:** Sure. Or bring it with you. I don't think we have staff here. The first two are contract amendments, and then the third one is an intergovernmental agreement with Oregon state to do data analysis from our watersheds. So, 946, joe, is the first one.

**Fish:** Mayor, we do have some staff here, and what I would like to propose, if mr. Walsh could go through his questions on all three, and then I will have staff come up and answer any questions he poses.

**Hales:** Is that ok with you joe?

**Walsh:** We can try the first one and see where we go.

**Hales:** Go ahead.

**Walsh:** We are going to start on 947?

**Hales:** 946.

**Walsh:** Okay. Our objection to this is we're a little confused. This is what I was talking about. Talking about 947.

**Hales:** 946, contract amendment with henderson.

**Walsh:** Ok. 946 Back up. This one we are confused on because not a lot of money -- it's \$57,000, you are going to expend and when we looked at the paperwork, under the programs scheduled c, contract, prepare 10 monthly progress reports right under that, and then we goes to f. We are a little confused on that. The d e is missing. It does go to f. It says the contractor will evaluate the city policies, concerning higher education and campus housing, this is in the parks and recreation, so we looked at this and we said, ok, what are we doing here? We are going to send squirrels to college or are we going to spend this money to educate the public on what's going on in the parks? What are we going to spend this money on? Since this is on the consent agenda, we object to the public not being able to understand where \$50,000 of their money is going. We resent that, that we feel that this is a very strange expenditure of funds, and I am sure that somebody can explain it. However, there is a door over on lonsdale in the men's room that we cannot get replaced. People are peeing in public, and we cannot get the damn door replaced because there is no money, but you are going to spend \$50,000 on this. We object to that. Strongly.

**Fritz:** The sentence about concerning higher education and campus housing can be confusing, that's the essence of why this contract needs to be amended. We are looking at the system development charges, that are charged to colleges for that on-campus housing, so there is a dispute if they should be charged similar to residences, or since they are paying for their lecture halls and other office and semi-commercial buildings --

**Walsh:** What does that have to do with the parks and recreation? With benches and trees.

**Hales:** If you listen, we're required under state law to do this work.

**Fritz:** That's how we get the system development charges, which we charge to new development to help offset the impacts of new residents on the system, and that's the same system development charges we are using to build the gateway and beach parks and multiple other amenities in the city. We need -- we have to be able to show that we're charging the correct amount in the correct way. And what's come up with the community committee, that's looking at this issue, is that more detail -- more work needs to be done on the campus housing, so that's why the contract is being extended. If you would like more information, you are welcome to talk to tim crail in my office, he would be happy to give you as much information --

**Walsh:** Let me respond, please.

**Fish:** I am going to comment. I want to underscore two things, commissioner Fritz mentioned. This is required by state law. A periodic review of the systems development charges, and two, a citizen committee is, has been formed to make recommendations to the commissioner in charge and the council, so it is a required effort, and this particular contract provides additional resources to support their work, and commissioner Fritz often is modest when she talks about the use of sdc's on the east side but it is under her leadership that we have spent millions of dollars in building fees to begin to build out parks on the east side, and without that tool, we would not have an effective tool.

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So we are required to be able to justify these fees, which is why we do periodic review. We have to have a legally defensible rationale because joe, as you probably know, there are lots of organized groups in the state that object to systems development charges and they go to court to prevent jurisdictions from collecting them. We have to have a legally defensible position on sdc's. In turn we take those fees and invest in good things like parks on the east side. That's what this is, this, is the context for this matter.

**Hales:** We have heard your statement, and -- joe, we're going to move on. We're done with this item, and we're going to move on.

**Walsh:** I am going to respond.

**Hales:** No. You are not. We are not having a debate here. Mr. Walsh, we're going to ask you to, to stand down. Mr. Walsh, I am going to warn you one more time, that you are, you are being disruptive. Mr. Walsh, you are being disruptive. No you don't. Sir I will warn you one more time. You have the ability to come up here and speak.

**Walsh:** Don't do this.

**Hales:** Mr. Walsh, you're done. I am going to ask you to leave the chamber now, you've been disruptive and we are not going to take any further testimony. You sir are excluded.

**Walsh:** I am not leaving.

**Hales:** You are excluded.

**Walsh:** I am not excluded either.

**Hales:** Yes you are. We are going to continue our council discussion and, and --

**Walsh:** No you are not going to continue anything until you apologize.

**Hales:** You are going to continue to yell if you wish until such time as security removes you from the chambers. Council is recessed while security deals with this individual.

[The meeting recessed at 10:31a.m. and reconvened at 10:42 a.m.]

**Hales:** We're going to return to 946, is there anyone else wants to speak on this? Ok, council roll call on the emergency ordinance, 946.

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

**Hales:** Aye. 947.

**Item 947.**

**Hales:** Anyone want to speak? Council comments? Roll call.

**Fish:** It goes to a second.

**Hales:** Ok. Goes to a second reading and 948.

**Item 948.**

**Hales:** Anyone want to testify? Also moves to a second reading and we are adjourned. [gavel pounded] Thanks everybody.

At 10:43 a.m., Council adjourned.