



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21ST DAY OF JANUARY, 2015** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Novick, Presiding; Commissioners Fish, Fritz and Saltzman, 4.

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

Item Nos. 82, 83, 84, 88, 89 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

		Disposition:
COMMUNICATIONS		
77	Request of Amber Dunks to address Council regarding Homeless Bill of Rights (Communication)	PLACED ON FILE
78	Request of Tricia Reed to address Council regarding Homeless Bill of Rights (Communication)	PLACED ON FILE
79	Request of Jermaine Johnson to address Council regarding Homeless Bill of Rights (Communication)	PLACED ON FILE
80	Request of Teresa Raiford to address Council regarding police misconduct (Communication)	PLACED ON FILE
81	Request of Mimi German to address Council regarding police misconduct (Communication)	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION		
82	Authorize City Attorney to appear as amicus curiae in support of victims of human trafficking (Resolution introduced by Mayor Hales and Commissioner Saltzman) (Y-4)	37105
Mayor Charlie Hales Office of Management and Finance		

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83	Accept bid of Kodiak Pacific Construction for the SE 136th Avenue from SE Powell Blvd to SE Division St Sidewalk Infill Project for \$921,129 (Procurement Report - Bid No. 117105) Motion to accept the report: Moved by Fritz and seconded by Fish. (Y-4)	ACCEPTED PREPARE CONTRACT
*84	Pay claim of Mel Shulevitz in the sum of \$88,000 involving Bureau of Environmental Services (Ordinance) Motion to amend to correct payee: Moved by Fish and seconded by Saltzman. (Y-4) (Y-4)	186983 AS AMENDED
Commissioner Nick Fish Position No. 2 Bureau of Environmental Services		
85	Authorize a contract with DHI Water and Environmental, Inc. for on-call stormwater system technical support for a not to exceed amount of \$410,000 over three years (Second Reading Agenda 64) (Y-4)	186980
86	Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction and long term operation/maintenance of the Bybee/Glenwood Culvert Replacement Project No. E10480 through the exercise of the City's Eminent Domain Authority (Second Reading Agenda 65) (Y-4)	186981
Commissioner Steve Novick Position No. 4 Bureau of Transportation		
*87	Accept an Engineering Report on a Major Encroachment into the public right-of-way for 419 East Burnside St (Ordinance) (Y-4)	186982
88	Authorize an agreement with Portland Streetcar, Inc. to provide a Streetcar Operator relief point (Ordinance) Motion to remove emergency clause: Moved by Fritz and seconded by Novick. (Y-4)	PASSED TO SECOND READING AS AMENDED JANUARY 28, 2015 AT 9:30 AM
89	Amend contract with Innovative Growth Solutions, LLC in the amount of \$35,000 for additional Transportation Finance and Economic Analysis for the Portland Street Fund and authorize payment (Second Reading Agenda 69; amend Contract No. 30004131) (Y-4)	186984
REGULAR AGENDA Mayor Charlie Hales		

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Bureau of Police		
*90	Amend a contract with Sierra Training Associates, Inc. in the amount of \$52,400 to provide additional Communications Training services (Ordinance; amend Contract No. 30003712)	REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION
Office of Management and Finance		
91	Authorize a Price Agreement with Cale America, Inc. for the purchase of multi-space parking pay stations and related services for a five-year total not to exceed amount of \$11,900,000 (Procurement Report - No. 116062) 10 minutes requested Motion to accept the report: Moved by Fish and seconded by Fritz. (Y-4)	ACCEPTED PREPARE CONTRACT
92	Amend Transient Lodgings Tax to add definitions and clarify duties for operators for short-term rental locations (Second Reading 55; amend Code Chapter 6.04) (Y-3; N-1 Fritz)	186985 AS AMENDED
Commissioner Nick Fish Position No. 2 Bureau of Environmental Services		
93	Authorize a contract with the lowest responsive bidder for the construction of the SE Division PI and SE 6th Ave Sewer Rehabilitation Project No. E10630 for an estimated cost of \$720,000 (Ordinance) 10 minutes requested	PASSED TO SECOND READING JANUARY 28, 2015 AT 9:30 AM
Water Bureau		
94	Authorize a contract and provide payment for the construction of the Tabor Adjustments Project at an estimated cost of \$4,800,000 (Second Reading Agenda 74) (Y-4)	186986
Commissioner Steve Novick Position No. 4 Bureau of Transportation		
*95	Authorize a competitive solicitation for operations assistance services for Portland Streetcar (Ordinance) (Y-4)	186987

At 11:12 a.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By **Karla Moore-Love**
Clerk of the Council

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

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WEDNESDAY, 2:00 PM, JANUARY 21, 2015

**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.

JANUARY 21, 2015

9:30 AM

Novick: We have one pre-gavel item this morning. James Rudd, Dean of the Oregon Consular Corps, is here to announce the new appointment for the state of Oregon's newest Honorary Consul, Mr. Mark Williams, the newly-appointed Honorary Consul to the Republic of Moldova. Mr. Williams' appointment brings to 28 the number of sovereign nations now represented in Portland as part of the Oregon Consular Corps. Mr. Williams, do you have -- will you take a few minutes to reflect?

Mark Williams: Thank you. I was going to ask, Commissioner, if Mr. Rudd could say a few words on behalf of the Consular Corps, if we could.

Novick: Please.

James Rudd: Thank you very much. Good morning to all of you. We're very pleased to have Mark Williams joining our Consular Corps. As you know, we have two full-time consulates from Japan and Mexico, and then all the rest of us are Honorary Consuls serving the economic development opportunities in our home countries, as well as serving the people of -- I happen to be the Honorary Consul for Romania. Mr. Williams, as we said, is the Honorary Consul for Moldova. We have 25,000 Romanian Americans living in the tri-county areas -- we're quite active in that -- but all the Honorary Consuls perform their Consular duties.

I would also mention -- as you probably are aware -- during the Oregon Trade week in May, the Oregon Consular Corps along with the state of Oregon and Governor Kitzhaber, the City of Portland and Mayor Hales, as well as Bill Wyatt and the Port of Portland put on a celebrate trade banquet at the Portland Art Museum. That will be in May, and we'll have a capacity crowd, and we certainly hope that you all attend.

I'm pleased to present Mark Williams, the newest member of our Oregon Consular Corps serving the Republic of Moldova. Mr. Williams is a senior vice president for campus development at OHSU -- that's his day job. His passion is serving the country and Republic of Moldova. Mark?

Williams: Thank you, Commissioners. I just want to thank -- the City has been supportive of getting this appointment, and I also wanted to thank Hector Miramontes of your international department, who's been extremely helpful and the Consular Corps, also. I'm really looking forward to representing my new country. So, thank you very much for your time.

Novick: Thank you very much.

Fritz: I have a question. How does somebody become an Honorary Council?

Rudd: The home country has to request through the Consular Corps, and each of us are cleared through the United States State Department as well as the foreign ministry of the home country. So typically -- we do outreach as well. We have a number of people that we think are suitable to join the Consular Corps that have interests or are of that heritage of the home country, but we also need the cooperation of the home country to want to have a Consul member. So, that's really -- the first barrier that we run into is convincing the Consul General or the ambassador in Washington, D.C. that Oregon needs to have

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representation. And typically, that becomes --- part of the reason is there is an indigenous population of that country in the city.

Fritz: We have a lot of them, so I'm thinking that we could expand still further --

Rudd: Absolutely, and we're trying to.

Fritz: What are the duties? What does an Honorary Consul do?

Rudd: They really range. There are a number of our Consuls -- Germany, Great Britain, France -- that have legal authority to process visas and passports. I do not for Romania. I funnel that down to Los Angeles for the Consul General to do those kind of duties. But as long as you have a Consul or an honorary Consul in an area, all eligible people that have passports can vote if their home country's national elections. So, that's one of the benefits for Romanian Americans living in Seattle all the way down through Portland. When there is a national election in Romania, if they have a valid passport. They are allowed to come and vote in Oregon. We had our last presidential election at Wilson High School.

Fritz: Wow. So, thank you. And I assume that Hector in the Office of Government Relations can give anybody more information if anybody's watching and would like to do that?

Rudd: Absolutely. We have a very strong and good working relationship with Hector and the City.

Fritz: Great, thank you very much for coming in.

Fish: Mr. Rudd, I had a quick question. What's an example of a cultural or economic tie that we have with Romania that benefits both the state of Oregon and the great country?

Rudd: Well, right now it's more one way, it's Romanian Americans living in Portland and being very active in the community from an economic standpoint. I think the biggest drawback right now that I would have recommending a U.S. business consider Romania is their rule of law. There are real issues right now that they're going through as an Eastern Bloc country as they emerge into the European Union. But there are some American companies over in Bucharest primarily doing business.

Fish: Thank you. Thank you for joining us.

Rudd: Thank you.

Williams: Thank you very much.

Novick: Thank you very much. City Council is now in session. Karla, please call the roll.

Fritz: Here. **Fish:** Here. **Saltzman:** Here. **Novick:** Here.

Novick: Alright. Before we move on to communications, I'd like to note that today, those presenting communications will each be given one cinnamon roll in honor of the Decemberists. The Decemberists are releasing their new album and they were here yesterday and the mayor honored them, and they played several songs from the new album but they also played their old standard, Sons and Daughters, which includes the refrain, "we'll fill our mouths with cinnamon." So, in keeping with Decemberists week, we are having cinnamon rolls for the five communications presenters. Karla, who do we have for communications?

Item 77.

Novick: Ms. Dunks, thank you. [applause] Before we get in, I would like to remind people that we ask that there be no clapping, booing, hissing, profanity, insults, personal attacks, throwing objects, etc. in the context of communications and remind people that the rules of conduct prohibit disruptive behavior, and attendees will be warned and then will be asked to leave the room in case of disruptive behavior -- which I'm sure no one will engage in. Please state your name, you don't need to state your address, and you have three minutes. Thank you.

Amber Dunks: And I was also wondering -- there are three of us testifying on behalf of the HBR, would it be possible for all three of us to come up at the same time?

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Novick: Certainly.

Item 78.

Item 79.

Novick: Ms. Dunks.

Amber Dunks: My name is Amber Dunks, I'm here on behalf of Right 2 Survive and the Homeless Bill of Rights campaign. We're here to ask for support for our Right to Rest bill, which goes in front of the legislature this session. This bill includes the right to move freely, rest, sleep, and pray in public; to protect oneself from the elements; occupy a legally-parked vehicle; share food; and eat in public regardless of housing status.

This bill is drafted after extensive outreach was done in which 80% of survey respondents reported being harassed or criminalized for sleeping. Another 78% reported being harassed and criminalized for sitting or lying down, and 66% of respondents were cited for loitering or hanging out. The vast majority of the Oregon surveys were done in Portland.

Martin Luther King Jr. said, law and order exists for the purpose of establishing justice, and when they fail in this purpose, they become the dangerously structured dams that block the flow of social progress. Laws and ordinances that target the houseless community for carrying out basic survival activities, such as sleeping, eating, or sharing food in public, and erecting a tent or putting up a tarp to protect themselves from the elements, do not exist for the purpose of justice.

Furthermore, I assert that these laws and ordinances exist to perpetrate a cycle of houselessness by throwing up yet another barrier of the housing and employment. For example, if you're cited for sleeping in a doorway, the charge is criminal trespass. Therefore, when you apply for an apartment or a job, this shows up on your record when they perform a background check, making you less likely to succeed.

Keeping people houseless by criminalizing them for being houseless and unable to enter our already overcrowded shelter system benefits no one. MLK also said, one who breaks the law that says his conscience tells him is unjust and he accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice is in reality expressing the highest respect for the law.

This is what civil rights leaders have done in the past. We have a shameful past in this country of upholding laws and ordinances designed to target different communities of color, and now we have a shameful present of upholding these same type of laws and ordinances targeting the houseless community. This does not have to be our future.

By supporting the Right to Rest, we can break this cycle of injustice and stand up as a community, state, and eventually a country, and say that we vow to end another form of discrimination against our fellow human beings. Thank you.

Tricia Reed: Hi, my name is Trish Reed, and I'm representing Right 2 Survive and the Homeless Bill of Rights Coalition.

Martin Luther King Jr. said, now I say to you today, my friends, even though we will face the difficulties, even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day, this nation will rise up and live out the true meaning of its creed. We hold these truths to be self-evident that all men are created equal.

All men, women, and children are created equal; the creation is not the issue. The issue is that there is a systemic problem that creates cuts in affordable housing and throws up more barriers for people to obtain the little affordable housing that is left. In the midst of the crisis, laws and ordinances designed to target and criminalize the houseless and low income are created.

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Although we have made great strides in the struggle for equal rights for all, we cannot truly say as a nation that we treat all as they are created equally as long as it is still legal to criminalize and discriminate against the houseless community for carrying out basic activities needed for survival, such as eating and resting.

MLK also said, history will have to record the greatest tragedy of this period of social transition, was not the strident clamor of the bad people, but the appalling silence of the good people. I want to believe that our City Council, the audience, and everyone watching this meeting are all good people. We cannot remain silent as our most vulnerable citizens are subjected to unjust laws and ordinances that criminalize them for erecting a tent, putting up a tarp, or sometimes merely covering themselves with a blanket to protect themselves from the elements. Carrying out the simple act of sleeping -- which is a necessary, biological need for everyone -- should not be illegal for anyone. Please come out in support for the Homeless Bill of Rights and the Right to Rest bill. It's not about separate rights. It's about equal rights. Thank you.

Novick: Thank you.

Jermaine Johnson: My name is Jermaine Johnson, and I represent the Right 2 Dream Too Bill of Rights campaign. We are a corporation [indistinguishable] to introduce the Bill of Rights legislation in California, Oregon, Colorado. The bill will be going in front of the legislature in July.

Our bill would help assure that no one will be targeted or [indistinguishable] he biological need to sleep regarding their houseless status. Martin Luther King said, I had a dream that on the red hills of Georgia, the son of the former slaves and the former slave owners will be able to sit together at the table of brotherhood.

We also have a dream. Our dream is that the homeless community no longer be targeted with justice and laws and ordinances, and seek the discrimination against the crime of people based on their perceived housing status -- the laws and order used to target the houseless community today. Simply, the ugly laws in the sundown downs discriminate against people and people of color the poor and all represent.

Sleep deprivation is well-known. The United States has supported taking the formal sentence against torture. Why are we depriving people who are breaking no laws, except having no place to lay their heads? Please, support our legislation and stop the cruel and inhumane practice. Thank you.

Novick: Thank you very much.

Fritz: If people want to find out more about this campaign, how can they do that and how can they donate to help people?

Dunks: They can go to www.wraphome.org, and there's information about the Homeless Bill of Rights. WRAP is short for the Western Regional Advocacy Project. It's a coalition of groups from California, Washington, and Oregon. Also, they can contact Right to Survive, or they can contact Monica Beemer at KBOO, and we can get information to them. We have campaign meetings at our offices at 2249 East Burnside on the first, third, and fifth Fridays of the month at 11:30 in the morning, also.

Fritz: Wow. Thank you very much for your advocacy and thank you for coming.

Novick: And cinnamon rolls are available on your left. [laughter] Karla, who's next?

Item 80.

Novick: Good morning, Ms. Raiford.

Teresa Raiford: Good morning, Commissioner Novick. Good morning, other Commissioners and the absent mayor. We have a video that the clerk has that I wanted to go ahead and present to you along with a narrative from my brother, who has been on the front lines fighting for his human dignity and rights in the City of Portland. So, we'll start the video.

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Novick: Ms. Raiford, I just want to start by saying that we haven't had an opportunity to review this video since the proceedings of the Council.

Raiford: It's from TIME Magazine. It's safe media.

Novick: Yeah, I just want to make sure that if people need to be warned that children shouldn't be seeing.

Raiford: No, it's nothing graphic. I'd first seen it in an article from TIME.

[video playing]

*****: This what we doing out here, man. It's crazy out here though. I mean, he didn't deserve to die. He didn't deserve that many shots, though. You can choose somebody and they live to stop them from running. You can shoot somebody and they live to stop them from running, but you ain't gotta shoot them down. Why you gotta shoot him in the head? He ain't even have no gun on him. It's crazy.

*****: I feel like they should keep protesting until it's over with. And if we don't get justice, then that's just what's going to happen, then. We're going to be here every day until something happens. Let's keep walking.

*****: I saw Trayvon Martin, I saw George Zimmerman get away with it, and now it's another case, and now this police get away with it. I'm telling y'all man, this ain't Florida. This is St. Louis, Missouri. Come on, brother.

*****: He was so young, man. He's finna go to college like -- well, what if that was me, man? Like, I'm 14, I'm just now going to school. What if that was me finna go to college? And then the only person in my family, and then I die right before the day of school starts.

*****: What's that all about? What's that?

*****: He was 18 -- he was too young to die.

*****: What is that, though?

*****: I don't know what that is. That's them. I wrote this.

*****: Let me ask you something. If it don't make a point, then why do it?

*****: They put this on. I'm trying to scrape it off so I can write on it.

*****: I mean, that's what I'm saying, why put it on there when you can go get a piece of paper and put it on there? Mike Mike made a statement in time now, you know what I'm saying? And we have got to keep his memory alive by not defacing property -- and this is what they want y'all to do, this defacing property. Look at this. This don't even say nothing no more. Can't nobody really see it. When the rain comes, it could be washed away. But this right here will never be washed away. All these people out here will never be washed away. I bet you get out there in the middle of the street, they gonna see you because your age. It's just like fighting with your mind -- fight with a pen or a paper or marker. You know what I'm saying? Make it bigger in every way so they can see.

*****: Alright.

[end of video]

Raiford: So that's what we doing. That's what we doing, and we're not going to stop. We're not going to stop until we get justice. We're asking for it, we're working for it, we're educating our youth so that they can get it, so that their understanding the power. They know you work for them. That's what they do know. And they're going to learn the rules of engagement so that they can win at this, but you have got to do it. You have got to be courageous, you cannot have no buffers between you and the people that exist in this community. You can't go to people that you appoint as the professional of the problem and not speak to them directly, not be engaged with them directly. That's a direct insult. You got to understand that, you gotta know that. You did not see no leaders on that video standing around kumbaya with them families. They out there by themselves. Those people come to you to make you feel comfortable around us. We don't need that. You have got to reduce those barriers and break those ties that bind you to injustice against us.

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Marcus [**]:** Everything she just said is extremely valid.

Novick: Sir, please state your name.

Marcus: My name is Marcus.

Novick: Thank you.

Marcus: I should not have to fear leaving this building, fearing that I am going to be followed by one of you guys because I am here stating my name on the record. I also shouldn't fear that me dying is what it's going to take for you guys to do something about what's happening to the people of color out here. I'm out here every day. This protest that you see on the video -- that's an everyday thing for us. The protest is not just us walking down the street yelling and screaming. My skin is the protest, it seems like.

You guys sit behind this desk and act like you're doing something, but you're really not. Even watching this video, half of you really watched it while most of you really were looking around at the audience. The [indistinguishable] that you guys have -- it's a sickness it just seems like, that you have.

The protest is for you to wake up. The protest is for you to do something. The protest is there is just knocking on the door before we kick the door down. Once again, it is a knock before we kick the door down. What are you afraid of? I'm educated. I'm not a gang banger. What makes me different than you? Just because you have on a suit and tie, and I wear a fitted cap and hoodie. How would you feel if my people had attacked you guys because of how you dress and how you talk, and we follow you at all your Starbucks?

Racism is a sickness, and it's not something that you can just cover up with Martin Luther King quotes and Malcom X quotes and Rosa Park quotes. I'm not asking you to help me. I'm asking you to wake up yourself and teach the rest of your people to wake up. Use the power that you have to wake up your community to unify so that there is equality. That is a fight that we have been fighting forever. Martin Luther King had the dream, and that's all that he had. Now, we are here putting the action after that dream. I feel like that is the fear that you guys have is now that there's action -- that the dream is being laid down.

Novick: Thank you, Mr. Marcus. Really appreciate your testimony and the video.

Raiford: You know what we're asking you for. Make the right recommendations and stand accountable. Even if your signature is on the contract, Charles.

Novick: Thank you. [applause]

Item 81.

Mimi German: Hi, my name is Mimi German. I have a plea for City Council today. I didn't know that it was a plea but I spoke to a lawyer this morning, and he said, this is a plea.

Dr. Martin Luther King had what I call the triple threat, and he dealt with it, and I want to reiterate what it was that he said and how I think we can make things move along in our city. The triple threat -- racism, poverty and militarism. These are the things that he addressed and what I'm addressing today.

I come today in solidarity as a white woman with the Black community of Portland and Black communities everywhere. Daily, I see the oppression of my Black sisters and brothers. It is easy to see because it is everywhere if your eyes and heart are watching. Empathy and understanding don't require much more than an opening of the heart. I am here to talk to your hearts.

We are in a fight for justice. We -- white, black, red, yellow -- all of us need equality. We are in a fight for justice, and we will not sit quietly or politely in your institutions. We will win. Justice occurs when oppressors have been held accountable for the crimes they have committed against society.

Today, I speak about the crimes committed against the Black community by Portland's racist police who go unpunished and free to continue to commit terror against people of color in the city. Today, I'm speaking about the injustices of children of color not

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having adequate education in our schools while paying white overlords hundreds of thousands of dollars to continue the oppression at hand. Today, I'm talking about the militarization of the police force that is present not only at protests and marches, but also at school board meetings to protect the board from the people that they are supposed to be working for -- which is what happened last night.

Demilitarize your minds so that you can see the insanity of what you are doing to the people in your community -- the people who have hired you to do your jobs. Racial profiling in an unfettered power over the Black community must change. If you must enforce something, enforce dignity for all humanity right here in the City of Portland. Care about what you have been elected to do.

In honor of Dr. Martin Luther King, whose name is a guiding light for truth and justice for all, I ask you to use your collective power to immediately hold accountable all police behavior that resembles -- even in its shadows -- a reflection of racism. End racism now. This can be done today. Will you stand with me in full commitment to ensure that the Black community can not only relinquish its fear of walking in the streets of Portland, but thrive in our city? In honor of the truth spoken by Dr. Martin Luther King for equality of all people, will you stand with me, all of us, in the chamber and City Council, stand with me and racism in Portland now. We will hold you accountable.

Novick: Thank you, Ms. Mimi German. And again, if you would like a cinnamon roll, there is one to your left.

German: I do not want one.

Novick: Now, we'll onto the consent calendar. Karla, I understand a number of items have been pulled?

Moore-Love: Correct. I have 82, 83, 84, 88, and 89.

Novick: OK.

Fritz: Is there any left? Will you say those again, please?

Moore-Love: 82, 83, 84, 88, and 89.

Novick: We'll take those up at the beginning of the regular agenda. Meanwhile, we'll take a vote on the balance of the consent calendar. Karla, please call the roll.

Roll on consent agenda.

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

Novick: OK. The balance of the consent agenda is passed, and let's see, we move onto 82, Karla?

Item 82.

Novick: Good morning.

Harry Auerbach, Chief Deputy City Attorney: Good morning. Thank you, Commissioner Novick and members of the Council. My name is Harry Auerbach, I'm Chief Deputy City Attorney. The matter before you is a resolution to authorize our office to sign onto a briefing being prepared by the city and county of San Francisco in a case brought by the plaintiffs in Massachusetts, alleging complicity of online advertisers in human sex trafficking. I would be happy to answer any questions you have about that.

Fritz: Do we know who pulled the item?

Saltzman: I actually pulled it because I wanted to bring attention to this item. I think it's an important issue for us to join with the city and county of San Francisco in filing a friend of the court brief. In this case, it does involve child victims of sex trafficking who are trafficked via internet. And while the internet has brought about positive changes, I also feel it has been used as a tool to promote trafficking of women and children. I believe that this case seeks to protect the victims of sex trafficking, and I do support our city joining with the city and county of San Francisco to file this friend of the court brief. And I asked Harry to be here to answer any questions.

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Novick: Thank you, Commissioner. Karla, do you have sign-up sheet?

Moore-Love: I did not have a sign-up sheet for pulled items.

Novick: Thank you, Mr. Auerbach. Karla, please call the roll. I'm sorry -- does anyone want to testify on this item?

Charles Johnson: Good morning, Commissioners. For the record, my name is Charles Johnson, and I'm glad that the Commissioner Saltzman pulled this item. I know that the City and the Police Bureau have worked in the past, and that both the Human Rights Commission and the City police department have specialists concerned with human trafficking.

When we talk about going amicus curiae, maybe the northern district of California, I can't help but to think this is a better use of our City Attorney's time than having them appeal this decision of Judge Simon regarding the United States of America suing the City of Portland and y'all settling with them.

The other issue that needs to be raised is this fall, your idea of fighting human trafficking was simply to have the Portland Police pay for a guy to fly here from New York, a lonely guy, and then set him up as if he was some sort of pimp. So, I hope that the new police chief, Chief O'Dea, will be working closely with y'all to make sure that your real human trafficking fight is focused on real victims and real under aged victims and not having police send a thousand text messages to an adult in New York about a fictitious adult that exists in the minds of the detectives. Thank you.

Novick: Thank you, Mr. Johnson. Anyone else want to testify on this item? Karla, please call the roll.

Item 82.

Fritz: Thank you, Commissioner Saltzman, for pulling this to bring attention to it. I certainly support the effort to crack down on sexual slavery and exploitation. Aye.

Fish: Aye.

Saltzman: I want to thank the City Attorney's Office for bringing this important case to our attention, and we're happy to have you join in this case. Aye.

Novick: Thanks to the City Attorney's Office and to Commissioner Saltzman for drawing attention to this item. Aye.

Item 83.

Novick: Karla, who pulled this item?

Moore-Love: Mr. Lightning pulled this one.

Novick: OK. Is Christine Moody here to address this item?

Fish: Christine is here, and she's going to give a presentation.

Novick: OK. Oh, hey, Christine. Come on up. Good morning.

Christine Moody, Chief Procurement Officer, Office of Management and Finance:

Good morning, Commissioner. Actually, I was here for another item, so I'll just let you know that this is a procurement report recommending the contract award to --

Fish: A little louder, Christine.

Moore-Love: Pull the mic down.

Moody: I'm sorry, how about that -- does that work? Recommending a contract award to Kodiak Pacific Construction in the amount of \$902,129, which is below the engineer's estimate of \$1,146,000.

Novick: Sounds good.

Moody: There is a 74.4% MWESB participation on this project.

Fritz: Worth drawing attention to.

Novick: Excellent.

Fish: Christine, this is the second time in two weeks that you've come to us where the bid was below the engineer's estimate, and yet we've seen in other areas the bids coming in

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above because of the economic forces. Any particular reason why we're now seeing better prices?

Moody: On this one, I think it probably has to do with the competitiveness. There was 10 bids received on this. So, when there's more bids received, the pricing tends to go a bit lower.

Fish: Thank you.

Novick: Perhaps our contracting community shares our commitment to building sidewalks in outer East Portland, and that's why they're particularly enthusiastic about this. Thank you, Christine. Anyone want to testify on this item?

Lightning: My name is Lightning, I represent Lightning PDX Rethink Lab. One of the things I want to have a clear understanding on transportation is that when we see vehicles out there with the City of Portland doing the paving and various other projects, is it more beneficial to have the City of Portland doing those jobs, and is the City of Portland paid back when they do those jobs? Because what I'm seeing -- these other contractors coming in and getting bids throughout and doing work, that money is being directed to those contractors, but when we have a shortfall of money to Transportation in the areas of streets, paving, sidewalks, and other areas, is it not more advantageous to have the City of Portland doing these jobs? Could you answer that, Mr. Novick?

Novick: Actually, Lightning, we are restricted in some ways in that the state law requires that jobs above a certain size -- which can include some kinds of paving jobs -- have to be contracted out. That's state law. So, the things that we can do ourselves we generally do, which includes paving projects and sidewalk projects. Generally, we do contract out; and in part, that's because of the state law requirements and what size of jobs have to be contracted out.

Lightning: And is the City, in fact, reimbursed when you do the job back to the general fund or to Transportation? Are they not reimbursed down the line?

Novick: Transportation does that work with its own -- with the money that it receives from the gas tax and from parking revenues. Transportation gets very little general fund.

Lightning: OK. Very good. Thank you.

Novick: Thank you, Lightning. Anyone else to testify on this item?

Fritz: Move to accept the report.

Fish: Second.

Novick: Karla, please call the roll.

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

Item 84.

Novick: Mr. Fish.

Fish: Mr. President, Mr. Buehler is here. I think there's an amendment that you want us to take up?

John Buehler, Risk Management, Office of Management and Finance: That's correct, we pulled this for --

Fish: Just give us your name.

Buehler: I'm John Buehler from the Risk Management office, and we pulled this off the consent agenda to make a minor amendment as to the payee. We had failed to include the claimant's attorney as a co-payee on the check, according to the ordinance. So, the correction should be as follows -- part A of the directive part of the ordinance should read, the Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$88,000 made payable to Mel Shulevitz -- and then with this addition -- and to Steven Kahn, his attorney.

Fish: I move the amendment.

Saltzman: Second.

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Novick: Karla, please call the -- oh, anyone want to testify on this? Karla, please call the roll.

Moore-Love: On the amendment?

Novick: Yes.

Roll on amendment.

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

Novick: And to testify on the item as a whole?

Buehler: It was on the consent agenda. If you need anything further, I would be happy to answer any questions.

Fish: I want you to hang out in case an issue comes up.

Charles Jordan: There certainly are specific questions. I'm more familiar with settlements -- just last week, the great management that y'all in the police department do make you pay out \$47,000 to a guy who had his leg chewed on by a dog. So, when you have these things, don't even put them on the consent agenda anymore. Have a written statement that says, the injury or wrong experienced by the party is, blank, and although we use technical and legal language and admit no guilt, we're sorry it happened, and tell the people what happened.

So, please direct the question to your party here, and have them explain what happened to one of our neighbors and why \$88,000 of taxpayer money is being expended. I don't care if it's printed in any fancy document linked on the web. I want to hear it announced and read in the record. Thank you very much. My name's Charles Johnson if I skipped that part.

Novick: Thank you, Charles. Anyone else wish to testify on this item? Karla, please call the roll.

Item 84 Roll.

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

Novick: Thank you.

Item 88.

Fritz: So, Commissioner Novick -- I mean, Mr. President -- I pulled this item for discussion. I'm concerned as to why we're paying for operations to Portland Streetcar when we already pay overhead to Portland Streetcar, why we would be providing bathroom and kitchen cleaning services, and why we're entering into this contract which includes an agreement for Portland Streetcar, Inc. to enter into a five-year lease for this office space when later in the agenda, we're going to be considering going out for bid for a new contract potentially with somebody else.

Novick: Thank you, Commissioner. Kathryn and Mr. Bower, would you please address those questions?

Kathryn Levine, Portland Bureau of Transportation: Thank you. This agreement provides for the operator relief point. The City -- to answer, perhaps, your questions in reverse order -- the City is not party to the lease between PSI and the building owner. This agreement specifically is between the City and PSI for the operator relief point, which provides is a break and a bathroom for operators. It is on both the NS and the CL lines. We have --

Fritz: Why -- just going back -- excuse me for interrupting, but why is then the lease a part of the contract?

Levine: I think that PSI is acknowledging that they have entered into a lease, and they have control of the space that they're offering to us.

Dan Bower: I believe what the contract says is -- it's more of a whereas statement --

Fritz: No, it's part of the agreement, both parties agree that PSI agrees to enter into a five-year lease for office space.

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Bower: We could probably amend that that language. We have already entered into the agreement. It's completely separate from this.

Novick: But the City is not a party to that.

Bower: No, we're not.

Levine: Correct.

Bower: PSI has a lease agreement on its own office space.

Levine: So, to the question --

Fritz: What a minute, it says this agreement is effective as of December 1st, so you've entered into this agreement?

Bower: No.

Levine: It was drafted for December 1st.

Fritz: OK.

Levine: To answer to your question about operator relief points, we have had a trailer at the OMSI location for operator relief which includes a bathroom, and there is also an operator relief in SW Lowell and south waterfront where drivers can get out of the vehicle, use the restroom, take a break.

With the extension of the loop, the trailer at the OMSI location I believe will be removed, which only makes it more important that the operators have a place on the line where they can -- we can switch drivers and an operator can go to a break room and use a restroom.

Fritz: Why isn't this providing such a place a part of the overhead that we pay to Portland Streetcar, Inc. to manage --

Bower: You don't pay me any overhead.

Fritz: Yes, we do.

Bower: Out of the current agreement, you do not.

Novick: Commissioner, my understanding is that what the City is agreeing to do here is to provide cleaning services for the relief point, which is something that our maintenance crews do elsewhere. So, it's more convenient for us to do it rather than to have Portland Streetcar, Inc. contract separately for somebody else to do it. Do I have that right, Kathryn?

Levine: That's correct. Our City utility workers have a regular route. They clean all platforms and pick up garbage, and they do that at the other two relief points. So, this would be adding this as a stop for them in their regular route.

Bower: The crux of the issues Portland Streetcar, Inc. is not responsible for providing bathrooms for the operators. That's not part of the agreement. The City needs to have an operator relief point at some point. You're going to have to clean a bathroom at some point. Ours happens to be right where both lines cross. It's built and ready to be used today. So, it's a question of how much do we want to pay for toilet paper and who's paying for toilet paper.

Fritz: And I realize it's a relatively small amount, however, we do build into -- with all of our contracts with the Portland Streetcar, Inc., there is an additional markup. So, I don't understand why --

Bower: I have to disagree with that, ma'am. That's not the way the contract is written.

Novick: Well --

Levine: I think there is a difference between the capital contracts, which I believe you are referring to, and the operating agreement. The operating agreement does not provide for a profit margin.

Fritz: OK, but the capital contract has a built-in overhead.

Levine: The capital contracts, I believe, did.

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Novick: Kathryn, am I correct that currently, the operators are using the facilities at the maintenance yard, for example, as relief points, which we maintain. So, we provide cleaning services there.

Levine: We do have the headquarters under I-405 which has facilities. But unfortunately, it's not on the intersection of both lines. So, this is a more convenient location for operators using both the NS and CL line.

Fritz: But it involves a bathroom that's going to be located in Portland Streetcar, Inc.'s offices.

Levine: There is a bathroom in the office and they are making it available to the operators to use, yes.

Novick: So --

Fritz: Who's cleaning it now?

Bower: I am.

Fritz: And that's the case for many of the remote locations in office neighborhood associations. It's the staff --

Bower: Right, and if it was just my staff using it and not 54 operators a day, I would be perfectly fine with that. I have two staff. I've been cleaning it for several months.

Fritz: And thank you for doing that.

Bower: Mm-hmm, I enjoy it. But with 54 operators a day circling through there routinely, the bathroom gets pretty heavily used. My neighbors have already complained about the number of times the toilet is flushing. It's a very convenient spot. Again, my argument here is you're going to have to clean a bathroom somewhere along the line. This bathroom is right there, it's already built. There's not a whole lot more to this.

Novick: So, this is a much more convenient place for the operators to stop as opposed to going onto the maintenance yard and using the facilities there. And instead of paying for additional cleaning at the maintenance yard and buying additional toilet paper we're paying for it here instead.

Levine: That's correct.

Fritz: How does TriMet manage this issue?

Levine: I do not know how TriMet does their operator relief points.

Bower: They have a full-time staff person whose job it is to go out and find relief points for drivers. Some of this happens through public, private partnerships like this, where -- for example, our relief point on Lowell and Bond is a partnership with Streetcar and the City and REACH, where they agreed to build a bathroom in exchange for the City cleaning it and using it for their operator relief point. Sometimes, when we have issues with the system, we'll make a deal with the coffee shop and agree to have our drivers come in and I'll go in and pay \$100 up front out of my budget so our operators have free reign to the bathroom. It's just a deal by deal basis. I can tell you right now as an operator -- I've been dealing with them a lot -- they have 15 minutes at most, and for them to walk six blocks either direction both ways to use a bathroom is an extreme inconvenience for them right now.

Fritz: Where is the nearest loo?

Bower: The Portland Loo would be in -- what's that park -- Jamison Square.

Fritz: And how far is that?

Bower: About three blocks.

Fritz: Thank you for your explanation.

Novick: Thank you.

Levine: Thank you.

Novick: Anybody want to testify on this item?

Joe Walsh: Mind if I join you guys up here?

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Levine: Please do.

Walsh: You'll make me nervous.

Levine: Do you want us to leave?

Walsh: No, I'm not that nervous. My name is Joe Walsh, and I represent individuals for justice. This is a really interesting item because it was on the consent agenda, and it's also on the emergency, which automatically annoys us. It seems to me -- and please correct me if I am wrong -- this was a reaction to the Auditor coming down and severely criticizing the department, saying things like your ridership is 19% over what it is, that the figures are phony, that you don't know what you're doing, that management is really bad. And for an Auditor to say those things -- for me to say it, you're kind of used to it. But for an auditor to say it, it's significant. Because usually the words are more gentle than that.

So what do we have in this? My understanding is, Commissioner Novick, that you are contracting to somebody outside the City to come in and tell you, exactly what the Auditor just told you because that's what your paperwork says. You are going to spend anywhere from 500,000 to a million dollars of Transportation money for a contractor to tell you you're screwed up.

So, I have a deal for you. I have a deal for you. Don't interrupt me. I am going to tell you that you are screwed up, just give me \$50. [laughter] And we can save \$900,000 or whatever it is. These are reasons that we do not trust you with the money --

Novick: Mr. Walsh, your testimony has to be on this item --

Walsh: Don't interrupt me, sir, I have three minutes. When my three minutes are up, you can run your mouth --

Novick: Mr. Walsh, testimony on this item, on cleaning bathrooms.

Walsh: I'm speaking on this item --

Novick: On this item? Bathrooms?

Walsh: You're spending a million dollars on this item --

Novick: No, we are not.

Walsh: And you put it on the consent agenda --

Novick: Mr. Walsh --

Walsh: Just slip it underneath --

Novick: Mr. Walsh, you're actually addressing a separate item. Your testimony is not addressing this item, if you have testimony on this item --

Walsh: This is 83,, right?

Novick: You're talking about the procurement --

Walsh: This is 88. The bureau estimates these services could range from 500,000 to a million dollar based on prior year's status. Where am I wrong, sir?

Fritz: Where'd you read that, Joe?

Walsh: Tell me where I am wrong. In your own paperwork. It's here. Would you like to see it, Amanda? I will send it up to you. [applause]

Levine: I believe it is Item 95.

Bower: We are talking about the price of toilet paper.

Novick: Right.

Walsh: You're talking about the price of toilet paper?

Novick: Mr. Walsh, if you want to return to testify on item 95, you're free to do so.

Walsh: I will return to testify on 95 and basically say the same thing.

Novick: Thank you, sir.

Walsh: That is my argument. I'm sorry, I was outside, and I walked in, and I thought that this was item 88.

Bower: It is.

Walsh: Why is the paperwork -- this came right off the computer.

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Fritz: It's on the agenda later; it's a different item.

Walsh: But why would this be a different item if they asked for the paperwork on 88 on your website.

Fritz: The link is wrong, you're telling us?

Walsh: Pardon?

Fritz: Maybe the link is wrong, is incorrect?

Walsh: How is that possible if you just click on the number, and you say, give me all the copies of the paper?

Novick: I don't know, Mr. Walsh, but there's two separate streetcar items, there's this one and there's 95, and I think that your comments are more intended to address 95.

Levine: I have copies of them both if you want to take a minute and we can go over them separately.

Walsh: Sure.

Levine: OK, let's do that.

Walsh: This is the streetcar, that's the one that I wanted to talk about. So, you want me to come back on 95?

Novick: There's two separate -- yes, please, sir.

Walsh: I'm telling you there is a problem on your website, because the command I gave was give me the background paperwork on this item, and this is what came up. So, why is that?

Novick: I don't know, Mr. Walsh, we'll check into that, thank you.

Walsh: That would be a good thing. A million dollars here, a million dollars there --

Novick: Thank you, Mr. Walsh.

Walsh: I'll be back on that item. OK

Novick: Anybody else wanting to testify on this item?

Fritz: I just have one further question, and that is about the emergency clause. What's the urgency to get this done now rather than in 30 days?

Levine: For us, the bathroom is available for us, and having operator access to a restroom seemed like a routine business item.

Fritz: They're already using it.

Bower: Well, they have started last week because last week the OMSI station was shut down, so the operators have no place to use the bathroom on the Central Loop line. So, I allowed them to use my bathroom last week. If it doesn't have to be an emergency, that's perfectly fine with me.

Fritz: It's retroactive to December anyway, right?

Bower: Right. They have been using it for a week.

Fritz: So you don't -- there's no need. We could remove the emergency clause.

Levine: If you wished.

Novick: And Mr. Bower would continue cleaning the bathroom himself?

Bower: Make my wife happy.

Novick: Is that your wish, Commissioner?

Fritz: Yes, please.

Novick: OK. I forget -- do we need a motion to move the emergency clause?

Moore-Love: Yes, we do.

Fritz: I move we remove the emergency. Thank you for your testimony.

Bower: Sure.

Moore-Love: Is there a second?

Novick: Second. Please call the roll, Karla.

Roll on motion to remove emergency clause.

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

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Novick: And do we have a roll call on the underlying --

Moore-Love: It passes to a second.

Novick: Oh, that's right. I apologize.

Fritz: Thank you very much for the staff for being present and answering our questions.

Item 89.

Novick: Second.

Moore-Love: I had to pull this because I accidentally put it on consent.

Novick: Second reading, roll call.

Item 89 Roll.

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

Fritz: Is that the first time you've pulled something yourself?

Moore-Love: I think I have done this before. [laughs]

Fritz: Good catch, thank you.

Item 90.

Novick: Karla, I think I might have seen that this item was returned to the Mayor's Office. Am I making that up?

Moore-Love: I have a citizen, Mimi German that pulled this.

Novick: OK.

*****: I'm sorry, I just want to clarify something. What I have here is regular agenda 90, is that right?

Moore-Love: It's on the regular agenda. I had not heard the Mayor's Office had referred this back.

Novick: You have not heard that? Hmm, that's in my notes for some reason.

Fish: Steve, why don't we did he defer it until we get clarification?

*****: [inaudible]

Moore-Love: We'll come back to it as soon as we find out from the Mayor's Office.

Item 91.

Christine Moody, Chief Procurement Officer, Office of Management and Finance:

Christine Moody, procurement services. On December 11, 2013, City Council passed an ordinance authorizing the issuance of a competitive solicitation to develop a five-year Price agreement for the parking pay stations and related services. On April 15, 2014, a request for proposals was issued, and on May 20, 2014, five proposal responses were received.

The RFP process included four evaluation steps. First, a preliminary review for responsiveness to the minimum RFP requirements was performed. Then, a written evaluation process of the proposals by a five-person evaluation team that included three City staff, one person from the City of Eugene, and one minority evaluator.

At that time, three proposals were short-listed to continue on in the process. The next stage of the process was a system review that was comprised of three components. A system demonstration was evaluated by six technical experts, including staff from the meter shop and technology services, on-street trials where the equipment was tested on the street and evaluated by staff from the meter shop, and a parking customer survey in which over 600 responses were received.

After this stage, two proposers moved onto the last step of the evaluation process in which oral interviews were performed and the proposers each submitted a best and final offer. This was evaluated by a team that includes PBOT staff and the minority evaluator. The evaluation committee determined that Cale America was the highest-scoring proposer and should be awarded the price agreement.

I wanted to commend the work of Barb Gibson from Procurement Services and Marni Glick from Transportation on their work on this RFP. This process was well thought-out and the City received no protest on awarding this contract.

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You have before you the procurement report recommending awarding of a contract to Cale America for a five-year not-to-exceed amount of \$11,900,000. Cale America, Inc. has a current City of Portland business license and is in full compliance with City business requirements. I wanted to note that Cale America is a legally distinct company from the Cale USA in which the City previously had a contract.

At this point, I will turn this over to Marni Glick from Portland Bureau of Transportation if you have any questions about the project, and I can answer questions about the solicitation process.

Marni Glick, Portland Bureau of Transportation: I'm Marni Glick, Transportation, and I'm just available to answer questions you might have about the project.

Fish: Marni, this is not directly related to the matter before us, but could you remind us -- when someone parks on the street and the parking pay station that -- it services the block that they are parking -- is not functioning. What are you supposed to do?

Glick: We tell people to go around the corner and find another machine that's working.

Fish: And what about reporting the machine that isn't working?

Glick: There is a phone number on the machine itself. We encourage people to call the help desk and the help desk will make a note of it, and then our meter repair shop will see the help desk tickets and they'll respond to those.

Fish: And what are some of the reasons a parking machine might not be operational?

Glick: There can be a number of reasons. One could be that the paper, the meter receipt paper may be jammed in side. There may be coins that may be jamming the machine. On occasion, we find that people will gum up the openings of the machine, which would affect its performance. It's possible also that while the machines are solar-powered, it could be that the battery is not working and it would cause the machine to go down. So, those are some of the more frequent reasons.

Fish: Thank you.

Novick: Any other questions? Thank you very much. Karla, do we have any testimony on this item?

Moore-Love: I think two people signed up -- I don't have the signup sheet right now.

Novick: It looks like we do have someone.

Robin Cash: Hi. My name is Robin Cash, and I wanted actually to speak about an earlier issue, and I asked one of the staff people where to sign up, and he directed me, and 91 was the only thing. If you could give me one minute, it's not about 91.

Novick: Actually, we generally restrict testimony to the item before us. What was the item that you wanted to talk about?

Cash: So, I wanted to talk about the earlier issue about homelessness.

Novick: Actually, we are talking about that in the context of communications that people sign up for in advance. We cannot really have people interrupt the agenda to address issues that were addressed in Communications. I apologize.

Cash: Me, too.

Novick: Thank you.

Fritz: You could talk to Karla to sign up for one of those communications yourself if you'd like, or you could send us your comments in writing. We do read those.

Novick: Thank you.

Cash: Thank you for your extreme courtesy today.

Moore-Love: Did Joe Walsh and Charles Johnson wish to speak to Item 91?

Charles Johnson: Good morning, Commissioners. For the record, my name is Charles Johnson. Since after three years, our brilliant DA, Mr. Underhill, is still prosecuting Jamison Park defendants from 2007, I was a little bit distracted. I didn't hear all the presentation. But when I see \$11 million -- and I think that there are some problems with the website

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because the PDF is only showing me one page at this time. So, I really think that the citizens would like to know the return on investment, some ROI here. We're going to pay \$11 million for parking stuff. How much of this money will come back to the City and be available for funding streets and TriMet and all of that?

Novick: There is obviously the cost of the machines and of enforcement. Marni, what's the percentage of revenues that goes to enforcement in the meters? Actually, why don't you come up, if you could?

Glick: I guess what I would say for parking cost is about for every dollar of revenue, it cost us 33 cents to generate. So, about a third of the cost is spent on operating. And as you mentioned previously, parking revenues is a very significant revenue source for Transportation. It's the second largest, and we bring in about 22, 23 million dollars a year from parking revenue.

Novick: Thank you.

Joe Walsh: My name is Walsh, I represent individuals for justice. When I saw this item, I just had a thought.

During the testimony of where to raise funds for the repair of our roads, one of the suggestions was a sticker to put on the cars, and that became really complicated because nobody could figure out what the laws were or how we could do it or how complicated it would get. And we were looking at people that were driving into the city, and that seems to be the big interest there.

I wondered about the parking spots. It would seem to be easy if we had parking places that people would pay yearly fees in order to park there. So, if you went to a building, you would have to have a sticker on your car, plus you would have to pay the normal -- paying whatever the amount would be. That would generate an awful lot of money. And you would tap into the people coming into the city that actually use our roads.

So, it would complement the sticker idea, but it would make it simpler instead of running around trying to figure out how you would put stickers on cars that are just kind of holding. So, if you have them in the parking garage, it seems to me that may be a possible way of generating some loot. And I know that you want the loot.

Novick: Thank you, Mr. Walsh. My assumption is -- and I think this is the way they do it in Chicago -- we weren't going to have cops stopping people moving to see if they have a sticker. But the enforcement of a sticker regime -- which we're asking the legislature if they give us authority to do, although there is a separate question of whether we actually do it -- would involve going into parking garages. That would involve of course hiring additional people because we need enforcement officers, not just going into the streets but the garages.

Walsh: OK. You're saying that it's not legally possible to do that now?

Novick: Our attorneys believe that the legislative prohibition against the City having vehicle registration fees -- given the way the language reads -- could easily be read to prohibit us from requiring anyone who parks in the city has a sticker.

Walsh: OK.

Mimi German: My name is Mimi German, and I have I think three questions. One is, don't we already have meters that work?

Novick: We don't have meters in parts of the city where we decided we needed to have meters, such as in Northwest and the Central Eastside.

German: OK. So, if the meters that we already have that we're talking about aren't working -- so we need a different meter -- who is responsible then for --

Novick: Ms. German, it's not that the meters we have aren't working, it's that we don't have enough of them. We need a bunch of new meters in places where there currently aren't meters.

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German: OK, but I thought that I heard the other woman speaking saying that the meters get -- are broken, and they get gummed up, and they get, you know, the paper doesn't work right for the receipts and things like that, so that made me think that they were not working right.

OK, well, that's one question that hasn't been answered yet, but the others are -- of the 33 cents per dollar for cost, how much of that -- is that everything? Does that include -- and I guess that this is to the woman who presented -- does that include the cost for workers -- not just anybody who is dealing with repairing meters or putting in meters, but is that office cost, is that personnel or -- what I really want to know is, what's the true cost of this? The 33 cents covers what, exactly? And does that cover administrative fees? Does that cover salaries? Or is that on top of it, meaning that the City gets nothing in return? Is my point.

Novick: The City certainly gets something. Marni, do you want to come up again and address that?

Glick: So, the 33 cents includes all of our staff costs, repair and maintenance -- basically, everything that we put into operating the system.

I also wanted to go back -- we have no plans to replace the machines that are currently on the street now. They are working, they're working fine. We do a lot of preventative maintenance. There are things that just happen in the course of the day that just keep a machine from working the way that we would like it to. And so, we will be continuing with our ongoing maintenance of the current installation. As the Commissioner said, we need additional machines, so we went through the process to purchase additional machines. We may or may not purchase all that we would be able to under the contract, but it gives us some capacity to purchase more machines as we determine that paid parking should be expanded.

Novick: Thank you.

Fish: Let me also just clarify something. We sometimes get asked, what happens when the machine on a street is not functioning? And it's going to fail to function from time to time for the reasons she explain. It might be vandalized, paper might run out, whatever.

Some people who use our system think if that machine isn't working, they are not required to get a sticker from another machine. So, what I wanted to do was put that out there, because some people get tickets thinking -- remember the old days when your meter didn't work?

German: No, I know what you're saying --

Fish: The meter didn't work, and you could put a note saying meter is broken. But now, it's as if the meter is around the corner and you still have to get a sticker. I wanted to clarify that people still have to find a sticker.

German: So, as a final question -- the money that comes back to the City, where does that money go?

Novick: That money goes into maintaining our streets. It's a major source -- in addition to the gas tax, it's a major source of revenue for what street maintenance we can afford to do.

German: Thank you.

Novick: Thank you. Anyone else to testify on this item? Can I have a motion to accept the report?

Fish: I move the procurement report.

Fritz: Second.

Novick: Thank you. Karla, please call the roll.

Item 91 Roll.

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Fritz: Thank you, Commissioner Novick and staff for diligently looking into this issue and for taking the time. It is interesting that you settled on Cale as the favorite option, and I trust that you have done your due diligence. Aye.

Fish: Aye.

Saltzman: Aye.

Novick: Well, thanks to Marni and to the procurement team for going through this process and coming to this result. I should note that although we have lost some money in parking revenues because we postponed the day that we have meters in Northwest, it also turns out that in the interim, the cost of purchasing meters themselves has gone down. So, that was -- I mean, we're spending less on the meters than we would have thought that we were a year and a half ago. Aye.

Moore-Love: Did you want to take care of item 90?

Novick: Yeah, item 90 is being returned to the mayor's office.

Item 90.

Novick: And the Mayor's Office asked that to be returned to them.

Item 92.

Novick: Second reading and roll call.

Item 92 Roll.

Fritz: So unfortunately, I'm not able to support this ordinance.

I am very concerned that we are taking the wrong approach. The short-term rentals generate over 600 jobs and helps about 60% of the folks who are renting out a room on an occasional basis to stay in their homes according to the Airbnb survey, and that is a worthy thing.

It changes the way we do enforcement to using a tax-based approach to going after folks who have not gotten permits. And if we're going to pick -- if we're going to change the approach, I think it requires a much broader policy discussion because usually, our enforcement is complaint-driven and there are multiple other things that are advertised on the internet that we are not going after to find out whether or not they are paying their taxes.

I understand that each of the platforms are different and that not all of them have been as helpful as Airbnb, so that's challenging. I also recognize that this current approach has the Director of the Revenue department very much responsible for figuring out who to go after and who not, and I don't think that the regulations are adequately specific in that fact.

I'm concerned about the number of additional staff we're going to need to take this approach. And this is an experiment that we need -- we need to take the lesser encouragement approach before we go after folks with a big stick, and I don't think that we have done enough in terms of educating the hosts about the need to get permits.

I also don't want the internet advertising sites getting information that hosts have divulged to an entrusted website without their permission. I think we're walking down a road here that requires a much bigger conversation about freedom of the internet, but also confidentiality of personal information.

And so I would prefer to go down an educational approach because the other thing that we're doing is challenging our former partner, Airbnb, and potentially fighting that issue of the -- they are having to divulge the information to us. I think that that's going to cost taxpayers a lot of money, and that we should have the broader conversation about that at the same time.

I think that the sharing economy should not be not be a top-down but a bottom-up approach looking at how to help it benefit regular people who are -- while educating on

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maintaining their responsibility to comply with the regulations, and that we should start with that before we go to this big stick approach. So respectfully, no.

Fish: I want to start by thanking Thomas Lannom and the Revenue bureau staff for their good work in this area; Liam Frost in my office; and what I think that be a collegial and collaborative discussion with Council.

I approach this a little differently, and I'll just put the human face on it. I have a 22-year-old daughter who is likely to use a short-term rental site. If she chooses to do so, I want to make sure that it's a safe place -- just like I want to make sure that she goes to a hotel, motel, or a bed and breakfast, it's safe. So, I would like to know that the host has honorable intentions, I'd like to know that there is a working smoke detector, and I'd like to know in the event of a fire that there's some place that she can escape the unit through.

Our regulatory system is designed to make sure that the guests are safe. Over 93% of hosts that are currently in this business have not sought a permit from the City. That means that there are hundreds of places in our community where we cannot say with a straight face that the guest is safe.

We have set up what I believe is a reasonable regulatory system, but what we have been told by the industry is, "butt out." An industry, by the way, that is a \$40 billion industry today or more. They've said, you at the local level stay out of our way, you don't have a right to regulate us.

Well, I disagree. I think that in Portland, we have the right to enforce reasonable community standards. With every right, there is a responsibility. Unlike other cities in the country that are in court prohibiting short-term rentals, we have embraced short-term rentals. But we have said with the right comes the responsibility. And I do not think that it is an intrusive requirement for a platform that makes money advertising these units to ensure that the host is complying with the reasonable community standards of this city.

So, last week I voted no to extend the right to multi-family apartment buildings. I did so then because the industry has made it clear that they do not intend to play ball with us on the enforcement side. Today, I think that we struck the right balance on enforcement, and I am going to vote aye. Again, thank you, Thomas and all the folks who worked diligently on this ordinance. Aye.

Saltzman: Aye.

Novick: Thank you, Thomas. And I'd also like to thank Steve Unger of the Lion and Rose Bed and Breakfast who came to this Council and proposed what I thought was the brilliant idea of simply requiring that any online listing for short-term rental list the permit number, which is a very simple way of our being able to do effective enforcement. What we've been doing is authorizing an activity which is currently illegal, and making it legal under certain rules. And for those rules to stick, we need enforcement. I agree with Commissioner Fish; I think that we have struck the right balance here. Aye.

Item 93.

Novick: Commissioner Fish.

Fish: I'm going to turn it over to my team.

Scott Gibson, Bureau of Environmental Services: Thank you, Commissioner Fish and City Council. My name is Scott Gibson, I'm at the Bureau of Environmental Services. With me today is Terence Chan, he's an engineer at BES who is also the project manager, and we're going to talk about a very basic sewer construction project. I will turn it over to Terence -- do you have the first slide? I will turn it over to Terence to tell you a bit about the project.

Terence Chan, Bureau of Environmental Services: First of all, I would like to start with a couple of photos of the project. This project is located on the SE Division Place between SE 6th and 7th Avenue in an industrial area. Here's a picture of the project site. And here

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are some pictures from the City inspection, showing the existing condition of the pipe and the manhole. We can see cracks and the pipe is a bit older, and there's standing water in the pipe.

The 18-inch combined sewer in this project was built in 1919, the City inspection showed major cracking and deformation along the pipes. An extended portion of the pipe is older in shape -- and as you see in the previous pictures -- and there are two major sections along the pipe segment. Full replacement of the sewer pipe is necessary before the complete failure occurred. Also, modeling analysis to show that the pipe is under capacity and needs to be upsized to a 30-inch to prevent surcharge.

There are some challenges in this project. First of all, there are numerous utilities near the pipe to be replaced, including a 20-inch and a 4.5-inch gas main about four feet to the north; a 100-year-old 30-inch cast iron water main about nine feet to the south; and a 15-inch sanitary sewer about two feet to the south. Moreover, the ground condition in the project area is poor, with low cohesion granular soil on top of sawdust and undocumented fill --

Fish: When we say undocumented fill, what are we referring to?

Chan: We don't know what's there. You know, back in the old days, people just dumped whatever they find and just fill that whole area.

Gibson: So, there's not records of how the fill was placed, whether compaction was achieved, when it was being replaced. And most likely, it was -- as Terence described -- just end dumped saw mill debris that was just pushed into a pile. So, we cannot rely on its geotechnical properties is essentially what he's saying.

Chan: So, this makes the shoring for any excavation very challenging. Due to the above reasons, after meeting with the technical review committee, the design team selected the inject construction method for replacing the majority of the deteriorating sewer to minimize the conflict with other utilities and the risk of caving in of the trench.

The scope of work for this project is to replace about 280 linear feet of 18-inch sewer with 30-inch HDPE pipe in open-cut construction method; replace two manholes and three inlets and five laterals. Extensive community outreach has been conducted since July of last year through information fliers. Public concerns and issues were identified and incorporated into the design. This project will increase the sewer capacity, reduce risks of street flooding and sewer backup, and hence, protect public health and the environment.

Gibson: So, the overall engineer's estimate for this contract is \$720,000. Terence has done a good job at fully defining the scope and using the most recent bid results to come up with that estimate -- he's listed it at optimal level of confidence. There is -- we do have some questions -- given the risky nature of this particular project -- about how the contractor is going to price that risk. So, while we've done our best to estimate it at optimal, I think that this is probably a chance where we might not meet that standard. Once again, it will be determined by how many bids we receive, and how the contractors price the risk of the poor soils. So, moving forward, the total project budget is \$939,000. We're looking for a notice to proceed in June, and the construction will be from June through November. And if there are any questions, Terence is here to answer them.

Fish: Two questions. The ordinance itself says estimated cost of \$720,000. So, what's the difference between the two figures?

Gibson: That would be the construction administration and design administration. So, the 720 is for the construction contract, the others are cost for the geotechnical investigation surveying and our staff, also construction management services and PI services during construction -- so that's the margin.

Fish: Scott, is this specialized work, or are we likely to have multiple bids by qualified contractors?

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Gibson: It is specialized work. We estimate between three and five bidders. But it is specialized work. We have a program that you approved for urgent rehabilitation of sewers, which we use for more routine stuff. But because this is a basically jacked in place pipe, it's a little bit more technical. We didn't establish that in the contract, so we're procuring a separate contract.

Fish: And also, you said that there's some risk here, so maybe you are hedging a bit on the optimal designation. If we anticipate risk and some uncertainty, why wouldn't we say the confidence level is medium rather than optimal? What goes into your thinking in making that judgment?

Gibson: So, the instructions that I try to communicate with my team is if it is possible for you to provide an optimal level of confidence estimate to the council, I want you to do that. So, it's just a matter of your effort; I want you to expend that effort and provide that estimate. Sometimes, we can't -- no matter how much we do in the office, we can't predict what the bid results are going to be. And typically, in a smaller project like this with soil conditions and the methodology we have taken, there's a greater variation in the way that the contractors will bid, and depending on who bids and what they provide, will determine whether we have met that standard which we committed to. One of the things that we try to do though is always expend the effort to give the best estimates to the council that we can.

Novick: Any public testimony on this item?

Moore-Love: I didn't have sign-up sheet.

Novick: Goes to second reading.

Item 94.

Novick: Second reading, roll call.

Item 94 Roll.

Fritz: I know Commissioner Fish is going to go through what we're doing here. I really appreciate the public input on this and also your leadership. Aye.

Fish: Right back at you, Commissioner Fritz. This is a partnership between the Parks Bureau and the Water Bureau, and it's an honor to work with you on this. My vote today allows the bureau to take a necessary step to meet a regulatory deadline. It does not signal a decision about the merits of the land use process currently pending before the Historic Landmarks Commission. When and if the Landmarks Commission's decision is appealed to the council, I will base my decision on the testimony and evidence in the record at that time. Additionally, it's important to note that the contract that results from this procurement will not come back to Council for approval until the land use process is resolved at the City level. Aye.

Saltzman: Aye.

Novick: Aye.

Item 95.

Novick: Colleagues, Portland Streetcar is owned by the City of Portland and operated in partnership with TriMet and an operations assistance provider which since 2001 has been the Portland Streetcar, Inc. or PSI. That contract with PSI will expire in June 2015. PBOT is seeking Council approval for a competitive bid process for operations assistance services. When the existing contract began, Portland Streetcar was a start-up and was going to be a fully operational service within the regional transit system. PBOT will integrate 2014 audit recommendations into the solicitation, including upgrading performance measures, greater financial transparency, and focus on operation success. Kathryn, would you care to elaborate?

Kathryn Levine, Portland Bureau of Transportation: Thank you. This is the first step in a multi-step procurement process.

Novick: Kathryn, please restate your name.

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Levine: I'm sorry, I'm Kathryn Levine from Portland Transportation. This is the first step in a multi-step procurement process. So, it is Council authorization to put out a request for proposals. Ultimately, it would be a goods and services contract, and the process as I understand it would be a formal sealed proposal back through procurement. It's my understanding that once the procurement process has occurred and there's been evaluation and there's a recommendation that the bureau and procurement will return to Council with a report and a recommendation of a contract. So, this is not the only time that you would see this, you would see this after the evaluation as well.

We're looking at an RFP for eight major services areas. This is to provide operations assistance to Portland Streetcar -- and as the Commissioner noted, Streetcar is owned and operated by the City of Portland. We are in partnership with TriMet that provides the trained staff, including operators and mechanics, and we currently have our -- Portland Streetcar, Inc. is contracted as our operation assistance provider. That contract, which we've had since 2001, expires in 2015. This solicitation would be to request operation assistance services.

The eight areas we're looking at are customer service and communications, sponsorship and marketing, leadership and private sector engagement, service planning and scenario developments, best practice and recommendations for performance measure improvements, annual performance reporting, and overseeing implementation of our master agreement between the City of Portland and TriMet. So, these assistance services as I said are regarded by the City Attorney's Office as a goods and services procurement, but we are using an RFP process which is very similar to a PTE process.

Novick: Kathryn, I believe there is an emergency clause in this item. I know that Mr. Walsh will ask why that is. Could you explain that?

Levine: I know it's only January, but the contract expires at the end of June. So, we're looking for Council approval to move forward with the RFP as soon as it's finalized so we can have sufficient time to advertise, solicit proposals, work through an evaluation and negotiation process, and return to Council this summer.

Novick: Thank you.

Fritz: Could you tell us what kind of outreach you're doing? Obviously, this is a fairly specialized kind of operation. How are you helping to look for other potential bidders?

Levine: In addition to the publication -- which I understand is very general in nature -- that happens standard, we would be looking at the transit industry itself, where we would find most proposers. So, the American Public Transit Association, APTA, maintains a biweekly newsletter as well as a website. There are certainly publications of RFPs from across the country there. The other location is called transittalent.com. We found that site to be particularly useful when we're seeking applicants for transit jobs at Portland Streetcar, but that website also posts and advertises to the transit community requests for proposals.

Fritz: Is there any specific outreach to minority communities?

Levine: I've not looked into any particularly certified areas beyond what we would normally do in Portland, looking through OAME and other organizations to make people aware of the contract.

Fritz: We found in Parks that doing some targeted outreach has been very helpful.

Levine: OK.

Saltzman: So, this is a proposal to solicit bids or proposals for the operations of the streetcar currently provided by Portland Streetcar, Inc., is that correct?

Levine: There's tremendous overlap, but there are differences. The original contract included a capital development element, and this system has really grown into an operating system within the regional transit system. So, our focus is very much on operations assistance.

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Saltzman: Which is currently being performed for us by --

Levine: We do obtain that service from Portland Streetcar, Inc.

Saltzman: So, they would probably be proposing to continue to provide such assistance or --

Levine: I would expect that they will be one of the proposers, yes.

Fish: Commissioner Novick, the impact statement says all funds for operational assistance will be budgeted in PBOT FY '15-16 budget. Does that mean that you do not intend to seek general fund support for this?

Novick: We intend to seek general fund support for PBOT operations in general. We do not intend to specifically seek general fund support for streetcar operations.

Fish: OK, so we can have that conversation further when the request comes. Thank you. Mr. Walsh, I just got a text from your wife wondering why you are testifying again on this matter.

Joe Walsh: For the record, my name is Joe Walsh, and I do have egg on my face. Two bites at the apple is always nice, except when you have scrambled eggs all over your face. Apparently, what happened was when I hit 88, the documentation from '95 came up. I think that's what happened. I don't have access to a computer, so I'm not really sure.

Our concern remains the same with the exception that it's not under a consent agenda, which is -- for the viewing audience, it's a block of actions taken by the Council so that they don't have to bother voting on each one of them and taking up time. The council considers them so routine that there's no controversy involved and they push it through consent agenda. It's an irritant to individuals for justice. We don't like consent agenda either here or at the county. County is even worse.

So, when we talk about this item, what we're concerned about is it seems to us that with all of the employees that we have and all of the intelligence and brightness that we have in the City, that we could get a select group to say, how are we doing on this item? You know, if the department of transportation wants to do the streetcars, you could get a group together within the department of transportation and say, take a look at what we're doing and tell us what we're doing wrong.

To spend a million dollars -- and that's what the figure is, it's 500 to a million dollars -- and although I had the number wrong as far as the item, this number comes from your own paperwork -- \$500,000 is a low figure, a million -- and this is administrative. This is not nails and hammers. This is administrative. You're going out to a contractor and say, tell us how we're doing and we're going to pay you up to a million dollars. That's insanity to the citizens listening to this stuff. You have enough employees, you know, to do a quality control.

The Auditor was very, very straightforward of what your problems were. It doesn't seem to be confusion on the problems that we're having. It's the acknowledgment of them. I mean, that's what the Auditor is saying. You're not even acknowledging, you're screwing around with the figures to make yourself look good. Well, that's a disaster. She doesn't go that far, but she says it's what, 19% over what the figures actually say. So, that's our objection. We don't like you spending money on administrative stuff when we see that there are people in this City that are bright enough to give you a quality control.

Novick: Thank you, Mr. Walsh. Any further public testimony? Karla, please call the roll.

Fritz: Let me just ask a question, though -- that does beg the question, why are we contracting out rather than taking over the operations ourselves?

Novick: Well, PSI has performed certain functions which we don't normally perform ourselves, such as marketing sponsorships for streetcar stops and big belly trash cans. And PSI's board provides the private sector with direct input into operating and service recommendations, as well as review of current financials and long-term planning. And the

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private sector actually has significant investment in streetcar through LIDs, for example. To me, the marketing of sponsorships is particularly important and it is something that we don't normal do ourselves. Kathryn, is there anything you'd care to add?

Levine: I think that the private sector engagement has been very important, and it is not unlike what we have -- my understanding of what we have at the Pittcock Mansion, for example, where there's a 501(c)3 actively engaging with the community, carrying out some responsibilities under City staff.

Fritz: We don't pay them; they're run by a board -- I mean, a foundation.

Levine: Right, but they raise money from the City-owned asset.

Fritz: Right, but we don't pay them to do so. So, that's --

Fish: We invest heavily on the capital side, but your point is well taken. We subsidize their operations.

Fritz: Right. And what's the consideration of asking TriMet to take over the operations?

Levine: Trimet has been a terrific funding partner and through the master agreement has stated and contracted that as the system developed, it will take over more and more of the operating expenses. However, they have not expressed interest in owning or solely operating the system. They are interested in being a funding partner to us.

Novick: We have asked them that.

Levine: Yeah.

Fritz: OK, thank you.

Novick: Karla, please call the roll.

Item 95 Roll.

Fritz: I do support the emergency in this case because we -- obviously, the current contract expires at the end of June; that's not a lot of time to do something like this. I hope, though, we are going to have a very robust outreach process. And of course, the new contract will come back to Council, and I'm going to be very interested in that. Aye.

Fish: Aye. **Saltzman:** Aye. **Novick:** Aye.

Novick: Thank you, Kathryn.

Levine: Thank you.

Novick: Karla, is there anything we have left to deal with? I think not, just want to check.

Moore-Love: I think that's it.

Novick: We are adjourned.

At 11:12 a.m., Council adjourned.