



Clean and Safe Committee Meeting Minutes

Thursday March 14, 2019 1:00 – 2:00 pm

549 Congress St.

Committee members present: Sue-Ellen McClain, David Davis, Megan Doane, Kim Farrar, Bob Keegan, David Packard

Guest: Greg Mitchell, Economic Department, City of Portland

Staff present: Casey Gilbert, Taffy Eaton

Minute 1. Welcome: David Packard called the meeting to order and welcomed everyone present

Minute 2. Review and acceptance of February 14th meeting minutes: Kim Farrar made a motion to accept the minutes as presented. Sue-Ellen McClain seconded the motion and the minutes were unanimously accepted.

Minute 3. Review and discussion: FY20 draft Master Agreement, Supplemental Services Agreement (SSA) and Exhibit Greg Mitchell described the process the City employed in drafting the revised documents:

- Work began in Fall 2018. Meeting included Casey Gilbert, Sue-Ellen McClain, Public Works department representatives, the Department of Parks & Recreation, Greg Mitchell and City Manager Jon Jennings. It was an inclusive process. The committee met 3 times in September and October with Greg at the lead.
- The existing documents were cumbersome, overlapping and confusing. The committee decided to create one contract outlining baseline and supplemental services with all exhibits attached. This is a clearer, cleaner format.
- The City's Economic Development Department is in charge of the contracts. The City sends every property owner notice of the assessment fees and meeting dates.
- City staff produced a mock revision in early October and welcomed changes from the PD Board and staff.
- The contractual arrangement has never charged for capital services. The contract is only for the cost of labor essentially. It's a fixed fee basis, no matter the number of winter storms requiring snow clean-up and removal.
- The PD budget and work plan need to be added to these contracts when presented as a full package to Council in May
- The City has also delivered the Public Works Department FY20 budget to PD. Greg is unable to respond to Public Works budget questions. Casey and Board members will ask Chris Branch those questions at their March 20th meeting.

Committee member comments:

- Kim Farrar asked if this draft is just the rephrasing of older documents or were changes made? Greg believes the reset button was hit.
- Kim also mentioned that event exemptions are no longer present, which might mean PD will be charged for event assistance.
- Casey offered an explanation:
 - Old Port Festival and the Tree Lighting are included in the SSA. New language will not change anything budget-wise, it merely protects each organization.
 - Winter Lights responsibility will be clarified (PD pays for installation and lights, City pays for electricity)

- The white ‘twinkle lights’ are included in the SSA/Downtown PW budget but the Traffic Department installs them.
- The tree in Monument Square is installed by the Forestry Department/City Arborist
- Sue-Ellen McClain commented that the overall genre of the contracts makes PD sound like a side department of the City with added language. The language regarding termination was harsh. It’s time to make it more of a collaboration.
- David Packard added that the language is one-sided on the City’s side as far as who makes decisions
- Megan Doane thinks the draft is similar to the original contract regarding too much City oversight
- Megan Doane also requested adding non-gender pronouns (ie. They)
- Winter Operations and graffiti are major concerns

Greg Mitchell’s response:

- Greg has 10 years-experience with the contracts.
- City Council has final authority over the mil rate via approval of the PD budget.
- The contracts are a public source of information as it is almost \$1,000,000 of public money.
- The City starts with the strongest language possible. Ultimately, it is Corporation Counsel’s view to be as clear as possible with the contracts.
- It is standard operating procedure to have tough termination language in contracts. The City recognizes the value PD provides and could offer additional language in their redline edits to support that.
- Greg suggested committee members redline the document and send it back to him
- Casey added that since this is the first major overhaul of this longstanding contract, it may not be perfect – but if there is anything that was missed it can be revisited next year. We will be sure to carefully monitor and review it over FY20.
- Greg added that the City historically had a City Councilor on the PD Board for accountability sake.
- Casey said these contracts, while important guideposts, don’t truly reflect the intricate and important nature of the day to day relationship between PD, the City, City staff and the Downtown Public Works staff.
- Budget question – the “ball fields” crew help with snow removal

Minute 4. Master Agreement discussion: David Packard said that today he hopes we can talk about a few specifics. An Ad hoc Committee will work on further redlining. Greg said the deadline is May 22nd for the two June City Council meetings. He would like the redlines by the end of April if PD submits a number of changes.

- Article 4B: Maintenance crew question – 3 Maintenance Workers = 2 on day shift, 1 on night shift
- Article 4F” Add “material modification” in budget variation wording.
- Back to Article 4B, same for the City. Needs will be met, regardless of budget shifts. Old SSA contract language will be brought into this article.
- Article 2B: The City should not automatically reduce assessment payments to cover indirect costs, rather send PD a bill for these services. Greg Mitchell will advocate for this. The gross amount of assessments will be provided to PD.
- Article 5: “Responsibilities provided by” vs Article 2B in old agreement. Change to “authorizes”.
- Article 6D: the sentence beginning “In case Portland Downtown”, it should be the City of Portland not PD that shall be reimbursed.
- Article 6A&B: Do we need A if we have B?
- Article 12C: We want to make sure this clause will not prohibit the PD logo on uniforms
- Exhibit E: Some of PD events are listed but not all. Rework the language.
- Article 4C: Needs cleaning up as there is some duplication of content
- It seems like there are a lot of areas where the City Manager makes determinations that should be softened, as in a partnership between the City and PD.
- Casey added that any new PD event would need to go through the approval process and would have no guarantee of in-kind City services.
- There was a question about the last 2 pages in the packet. Greg clarified by saying the draft contract should be a 19-page document and the January 31st document is old. E is last exhibit.

Committee members thanked Greg Mitchell for his help today. Kim Farrar added that we are all beholden to the tax payer and working in the same direction.

Minute 4. Next steps

1. David Packard will organize the Ad hoc committee. Committee members should send comments to David and Sue-Ellen McClain for committee work.
2. Sue-Ellen McClain said the Ad hoc Committee will return the redlined draft to Greg Mitchell in 2 weeks

David adjourned the meeting at 2:10 pm.

Respectfully submitted,
Taffy Eaton, Recorder.