



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF APRIL, 1992 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Kafoury 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Harry Auerbach, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Mayor Clark proclaimed the month of April as Fair Housing Month.

Leroy Patton, Chair, Community Housing Resource Board, thanked the City for its advocacy of fair housing.

Agenda No. 654 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

643 Accept bid of Dennis' 7 Dees Landscaping, Inc., for Westmoreland Irrigation System for \$192,780 (Purchasing Report - Bid 77)

Disposition: Accepted; prepare contract.

644 Accept bid of The Halton Company for furnishing one crawler with loader for \$41,860 (Purchasing Report - Bid 99)

Disposition: Accepted; prepare contract.

645 Accept bid of Breslin Pontiac-GMC Truck Inc., for furnishing five four-wheel drive pickup cab and chassis with utility box for \$85,054 (Purchasing Report - Bid 100)

Disposition: Accepted; prepare contract.

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646 Accept bid of Northside Ford Trucks for furnishing seven 1.5 yard dump trucks for \$167,440 (Purchasing Report - Bid 101)

Disposition: Accepted; prepare contract.

647 Accept bid of Bruce Chevrolet, Inc., for furnishing one 25,500 GVW flatbed truck with crane for \$62,668 (Purchasing Report - Bid 102)

Disposition: Accepted; prepare contract.

648 Accept bids of K.F. Jacobsen and Company, Porter W. Yett Company and Lakeside Industries for furnishing asphalt concrete for the areas indicated (Purchasing Report - Bid 103)

Disposition: Accepted; prepare contract.

649 Accept bid of Coral Construction Company for N Willamette Boulevard bridge railing installation for \$71,805 (Purchasing Report - Bid 104)

Disposition: Accepted; prepare contract.

650 Accept bid of Marshall Associated Contractors for 16-inch water main I-5 crossing at Terwilliger Interchange for \$129,349 (Purchasing Report - Bid 115)

Disposition: Accepted; prepare contract.

Mayor J. E. Bud Clark

651 Confirm appointments of Jean DeMaster and Bruce J. Fong to the Portland City Planning Commission (Report)

Disposition: Confirmed.

***652** Pay claim of Anne Hughes (Ordinance)

Disposition: Ordinance No. 165289. (Y-4)

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***653** Amend agreement with Computer Management Services, Inc., for consulting services for implementation of Community Policing for FY 91/92 for an additional cost not to exceed \$1,495 (Ordinance; amend Contract No. 26234)

Disposition: Ordinance No. 165290. (Y-4)

***655** Call for bids for towers, buildings, emergency generators and UPS for the City of Portland 800 MHz System, authorize contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165291. (Y-4)

Commissioner Earl Blumenauer

***656** Authorize Intergovernmental Agreement with Portland State University for \$30,000 for professional services for water quality educational and database services (Ordinance)

Disposition: Ordinance No. 165292. (Y-4)

***657** Continue to delay imposing open lien interest, penalties and collections costs for special assessments for the Boyles Sanitary Sewer Local Improvement District (Ordinance; Sewers; C-9695)

Disposition: Ordinance No. 165293. (Y-4)

***658** Amend City Code Chapter 17.12 and Ordinance No. 165188 to clarify financing and enforcement actions required by the City to administer the Mid-County Sewer Financial Assistance Program (Ordinance; amend PCC Chapter 17.12 and Ordinance No. 165188)

Disposition: Ordinance No. 165294. (Y-4)

***659** Amend contract with Brown and Caldwell Consultants for professional engineering services and provide for payment (Ordinance; amend Contract No. 26224)

Disposition: Ordinance No. 165295. (Y-4)

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***660** Authorize agreement with Charles M. Hopkins and R. Scott Montgomery for implementation of DEQ Consent Order (Ordinance))

Disposition: Ordinance No. 165296. (Y-4)

***661** Call for bids for the Wheeler Basin Sewer Relief Phase I, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165297. (Y-4)

Commissioner Mike Lindberg

***662** Authorize agreement with Woodward-Clyde Consultants for professional services relating to groundwater cleanup (Ordinance)

Disposition: Ordinance No. 165298. (Y-4)

City Auditor Barbara Clark

***663** Reduce sidewalk assessment (Ordinance; amend Ordinance No. 164214)

Disposition: Ordinance No. 165299. (Y-4)

REGULAR AGENDA

***S-654** Accept easement and convey property located adjacent to 6224 SE Main Street (Ordinance)

Disposition: Substitute Ordinance No. 165300. (Y-4)

641 **TIME CERTAIN: 9:30 AM** - Request from North Portland Citizens to address Council regarding Asian Gypsy Moth Spraying (Previous Agenda 632; introduced by Commissioner Blumenauer)

Discussion: Bruce Polkerny, media specialist, Oregon Department of Agriculture, introduced state and federal employees available to answer any questions Council members might have.

Bill Wright, Administrator, Plant Division, Oregon State, said the Asian gypsy moth poses significant danger to the Western United States. He said only one insect has been identified in Oregon but because of its

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ability to spread rapidly, State officials wish to take immediate action and begin a 10,000 acre eradication program in North Portland where the gypsy moth was detected. Three aerial applications of B.t (Bacillus thuringiensis var. kurstaki), a biological insecticide, are proposed. Mr. Wright said spraying will take place during the early morning hours in order to avoid contact with any more people than necessary. He said officials believe aerial application is absolutely essential and that the use of ground eradication techniques are not possible.

Commissioner Bogle asked how the gypsy moth was detected.

Mr. Wright described the method of trapping moths and said the moth was detected in St. Johns in September but not determined to be an Asian gypsy moth until December.

Joan Brown, St. Johns resident and member of Bugoff, noted that her organization had collected over 607 signatures in one week opposing the aerial spraying. Ms. Brown said Bugoff opposes the use of B.t. because of the lack of long term controlled studies showing the effect of spraying on residents. She said the effects on children and asthma sufferers are of particular concern. Ms. Brown also criticized the State Department of Agriculture for its inadequate notification procedures and asked Council not to grant the helicopter permit.

Michael Carlson, urban conservationist for Portland Audubon Society, said the Society believes spraying a 9600 acre area because of one male gypsy moth may not be the most responsible or effective way of eradicating the problem. He said trapping data indicate that the presence of male moths may not predict infestation unless a female moth or egg masses are found. Mr. Carlson said the use of B.t will reduce the caterpillar and butterfly population, possibly causing the extinction of some species. He urged consideration of other options such as mating disruption and the spraying of ships prior to their entry into Astoria. He contended that State assertions on the necessity of aerial spraying are all speculation and said North Portland citizens should not be subjected to spraying risks.

Adele Kaptur, 6841 N. Newcastle, spoke on behalf of 200 citizens concerned with the possible harmful effects, particularly on children, of a spray about which there is no controlled data.

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Other individuals speaking in opposition to the proposed spraying included:

Lee Poe, Peninsula Neighborhood Coalition
Reena Heideman, 8805 N. Glouster
Arthur Brown, 9846 N. Syracuse

Spraying opponents contended that citizens had insufficient time to respond to the proposal and that available alternatives were not presented. They emphasized the health hazards posed by aerial spraying.

Individuals speaking in favor of the spraying included:

Bonita Aadland, 9533 N. Lombard
Sebastian Degens, Port of Portland
Rod Park, Past President, Oregon Association of Nurserymen, 6315 N. Chase Road
Beverly Scott, 8717 N. Oregonian
Terry Witt, Executive Director, Oregonians for Food and Shelter, non-profit coalition representing 8,000 individuals/organizations

Supporters voiced their concern about the potential damage an Asian gypsy moth infestation would cause and said they would rather take the risk posed by spraying than endanger our forests.

Commissioner Bogle asked if finding a dead male moth meant there was a female nearby or eggs had been laid.

Kathleen Johnson, Oregon Department of Agriculture, said they believe the moth came into this country on ships as egg masses. She described the life cycle of the moth and said the traps are designed to attract male, not females moths. She said there is a strong possibility many more moths are out there which have not been detected because of the density of the trap placement. She said the Science Panel recommended the spraying program.

Mayor Clark asked why they had not immediately stepped up their trapping efforts after finding the single male moth and why they wanted to spray now.

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Ms. Johnson said they did not intensify their trapping efforts because the moth was found after the mating season had ended. Ms. Johnson said the eggs were laid last fall but will hatch in the spring which makes it critical to eliminate them during the early stages of caterpillar development when biological insecticides are most effective.

Commissioner Kafoury asked whether any Asian gypsy moths had been caught in Astoria and whether ships will be monitored.

Ms. Johnson said only one Asian gypsy moth has been found in the entire state, but this is not surprising given the low rate of trapping.

Gary Smith, USDA Aphis (Animal and Plant Health Inspection Service), said his organization, which has responsibility for monitoring pests on ships, identified over 160 vessels that could have become contaminated by Asian moth and have encouraged them not to come into American ports from April through July. If they do enter, inspections will take place at the mouth of Columbia. He said they are making every effort they can to eliminate the risk.

Alex Wynstra, City Forester, urged support of the State eradication program. He said he has seen the damage caused by the Eastern gypsy moth and does not believe the City should gamble on it happening here. Mr. Wynstra said he has heard of no adverse effects with B.t. and he himself has used it for 5 years in the City without any problems.

Mayor Clark asked why ground spray could not be used.

Mr. Wynstra said ground sprayers can not reach the tall fir trees and therefore do not provide full coverage.

Commissioner Blumenauer said he hoped improvements could be made in the notification process. He said while it is best to err on the side of caution it is unclear in this case just which is the cautious side. However, after hearing Mr. Wynstra's testimony, he believes a vote for the ordinance is in order.

Commissioner Bogle said the one moth is an early warning sign that should be heeded.

Commissioner Kafoury said at first she felt the proposed spraying was an over response but now believes it is merited.

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Mayor Clark said the stakes are heavy because of the economic damage that could happen and he will vote for approval despite his skepticism about the safety claims made for B.t.

Commissioner Blumenauer said the City is willing to meet with citizens of North Portland in the next few days to minimize the impacts of the spraying.

Disposition: Placed on file.

***642** Grant approval of request to operate aircraft over congested area (Ordinance introduced by Mayor Clark)

Disposition: Ordinance No. 165301. (Y-4)

Commissioner Earl Blumenauer

664 Consider vacating a certain portion of SW Hall Street between SW 16th Avenue and SW Upper Hall Street at request of David A. Fowler (Previous Agenda 424)

Discussion: Commissioner Blumenauer said he was very pleased that agreement has been reached through the mediation process.

Kathryn Hall, Office of Transportation, said the petitioner, David Fowler and his neighbors, the Lambs, entered into mediation, which was also attended by representatives of the SW Hills Residential League and Goose Hollow Foothills League. She said agreement was reached on condition that easements be granted providing for a public view, a pedestrian pathway and for preservation of the existing line sewer. The agreement also calls for the property owners to prune the vegetation in order to maintain the public view and to enter into a separate covenant regarding the construction of Mr. Fowler's home.

Commissioner Blumenauer moved to adopt the conditions and add them to the Engineer's report. Commissioner Bogle seconded and the motion carried. (Y-4) The City Engineer will be directed to prepare an ordinance incorporating the additions.

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Commissioner Blumenauer thanked all parties involved and said it looks like this extra effort was worthwhile as the view will now be protected.

Disposition: Approved with added conditions; City Engineer prepare ordinance. (Y-4)

Commissioner Gretchen Kafoury

***665** Create a County-wide Housing and Community Development Commission (Ordinance; repeal Code Chapter 3.38 and replace with amended chapter)

Discussion: Commissioner Kafoury said this action expands the Housing Authority to make it county-wide. She said they are now trying to identify citizens who would like to be members. She said the current goal is to add another 650 housing units to the 500 new units planned.

Steve Rudman, Bureau of Community Development, said CHAS is a five year strategy adopted by Gresham, Multnomah County and Portland in December. In the next year they hope to build and renovate several hundred rental units, encourage first home ownership in distressed areas, provide housing rehabilitation opportunities and link housing to other services for the homeless and those with special needs. He said there will be no additional staffing for the Commission.

Ed McNamara, CHAS chair, Director of Neighborhood Housing fund, said the proposed Commission represents the culmination of years of effort to better coordinate housing efforts. He said it has been very difficult to get good information about existing programs and conditions.

Randy Mullen, Director of Housing for the Portland Development Commission, offered unqualified support for the new Commission.

Denny West, Director, Housing Authority of Portland, said the CHAS has greatly helped his agency determine its direction. He strongly endorsed creation of the Commission and the expanded Housing Authority.

Jim Owens, Vice Chair of the CHAS, 2233 NE Schyuler, said while what is proposed today has been talked about for a number of years,

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service providers have now put aside their bureaucratic concerns about turf and reached agreement.

Nick Farr, Vice President Enterprise Foundation, Columbia, MD, said with the changes proposed today and the expanded resources, Portland has the structural base it needs to move forward. He said compared to most other cities, the situation here is very manageable even though there is a real possibility that the gap between housing affordability and costs could grow.

Disposition: Ordinance No. 165302. (Y-4)

S-*666 Enter into intergovernmental agreements with the City of Gresham and Multnomah County to expand the area of operation of the Housing Authority of Portland throughout Multnomah County and to increase the HAP Board of Commissioners to nine members (Ordinance)

Discussion: Commissioner Kafoury said a substitute had been filed. Commissioner Blumenauer seconded and the motion carried. (Y-4)

Disposition: Substitute Ordinance No. 165303. (Y-4)

At 11:30 a.m., Council adjourned.

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WEDNESDAY, 2:00 PM, April 8, 1992

DUE TO LACK OF AN AGENDA

THE MEETING HAS BEEN CANCELED

April 9, 1992

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF APRIL, 1992 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Kafoury, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Linda Meng, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

667 **TIME CERTAIN: 2:00 PM** - Convene Council as Budget Committee to approve FY 1992/93 Proposed Budget and hold State Revenue Sharing Hearing (Hearing)

Discussion: Tim Grewe, Budget Director, said the first purpose of today's hearing is to hold a statutorily required hearing to review and receive testimony on anticipated revenues through the State revenue sharing program for the next fiscal year. Secondly, today Council will hold a final hearing on the proposed budget for fiscal year 1992/93 prior to its submission to the Tax Supervising and Conservation Commission.

Mayor Clark summarized for the record the contents of a report on the State revenue sharing program distributed to the Council earlier. He asked for public testimony on the program. No one responded.

Mr. Grewe said the proposed budget reflects Council directives derived during the February budget hearings.

The Mayor asked if there were any citizens present who wished to testify on the City's proposed budget. No one responded.

Commissioner Kafoury asked about State revenue sharing resources.

Mr. Grewe said the City receives money from two separate programs, the State revenue sharing program as well as a percentage of State cigarette and liquor taxes, for a total of approximately \$7.5 million.

Commissioner Bogle moved adoption of the budget and Commissioner Kafoury seconded.

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Commissioner Bogle drew attention to the \$40,000 from the Water Fund that will go to fund a liaison position in the Bureau of Purchasing to increase minority and female contracting. He said he was disappointed not to get the nine firefighter positions requested and additional funding for police and arts.

Commissioner Kafoury said when the final budget is adopted in June it will include a specific reference to the \$100,000 to be added for youth programs.

Mayor Clark noted that some of Multnomah County's responsibilities were picked up by the City. He said this has been a frugal, hold-the-line Council all the way through.

Disposition: Adopted. (Y-3; N-1, Commissioner Blumenauer)

668 Appeal of Scott A. Wells and Associates of a Business License Appeals Board decision (Hearing)

Discussion: Teri Kupsick, Audit Manager for the Bureau of Licenses, said since 1978 a new business whose initial period of operation was less than 12 months was required to estimate its income to determine the renewal fee. This annual estimated fee was adjusted by the Bureau the following year based upon the actual income for the 12 month period. In 1990 this adjustment was appealed to the Business License Appeals Board which found that the Bureau's methodology was not supported by the Code. Following that decision, in January, 1991, the Bureau stopped adjusting annualized fees and corrected any returns which included an adjustment calculation. One such return was from Mr. Wells, who applied a credit based on the adjustment of the prior year's annualized fee to his current License renewal. She said the Bureau disallowed the credit and Mr. Wells appealed to the Business License Appeals Board which upheld its previous decision that the Code does not allow such adjustments.

Ms. Kupsick asked Council to uphold the Business License Appeals Board decision, adding that Council's decision will impact all new licensees that have filed since January, 1991.

In response to a question from Mayor Clark, Ms. Kupsick said under the new ruling the Bureau can no longer look back to the prior year and adjust upwards or downwards. She said in the case of Mr. Wells, his

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annualized fee turned out to be more than what his actual income showed and so he applied for a credit for the next year.

Scott Wells, Scott Wells and Associates, said even though he was in business only part of 1989, he was required to estimate his annualized income and pay a license fee based on that. In 1990, he applied for a credit because his actual income was less than the estimate. He believes failure to recover the overpayment is inequitable because: 1) no effort was made to refund prior excess payments under the new law and therefore it did not adequately grandfather in those in compliance with the earlier law; 2) the business license form filed in 1990 specifically allowed for recovery and; 3) his fee in 1990 was higher than businesses making the same amount of money but in existence for the entire year.

Commissioner Kafoury asked about the impact of this on other licenses.

Ms. Kupsick said if the decision is reversed it could potentially affect 1,000 licensees whose returns would need to be reviewed to see if adjustments are necessary.

Commissioner Kafoury moved to deny the appeal and Commissioner Bogle seconded.

Disposition: Appeal denied (Y-4)

669 Liquor license for Islanders International, Inc., dba Islanders Ship Supply, 1622 N Lombard, warehouse liquor license (new outlet); Favorable recommendation (Report)

Discussion: Henry Emrich, License Bureau, said this is an application for warehouse liquor sales, adding that no on-premise consumption or retail sales of alcoholic beverages would be allowed. He said in the past an associated business which offers various services for ship crews may have caused disturbances. He said the applicant has indicated a willingness to meet neighborhood concerns by enforcing a no alcohol policy. Mr. Emrich said other neighborhood concerns are addressed in an agreement which has been distributed to Council, although some issues regarding parking and loading remain. He said the applicant has agreed to communicate regularly with neighborhood groups to answer immediate and future concerns. Based upon these positive measures, the Bureau requests a favorable recommendation.

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Alan Wilkerson, Pastor of Kenton Presbyterian Church, said neighbors on N. Concord believe there should be no loading or unloading of large trucks on N. Concord and that loading should be limited to normal business hours. He said school children have been unable to use the street because of trucks parked across the sidewalk.

Others testifying with concerns about parking and the safety of children walking to school included:

Arthur Everett, 7534 N. Elmore Avenue
Michael Weeks, 7335 N. Concord
Eleanore Bergee, 7334 N. Concord
Dave Roberts, 7315 N. Concord

Willa Roberts, 7315 N Concord, read a letter from the Kenton School PTA asking for denial of the license, based on the traffic problems children face because of Islander's loading and unloading practices. She said there have also been problems with alcohol on the premises and excessive noise. If the license is granted, additional restrictions were requested to: 1) limit the hours of operation; 2) ban loading and unloading on N. Concord and 3) prohibit the entertainment of clients or use of alcohol on the premises.

Bob Stricker, 7218 N Concord, read a letter from Elaine Jamison, principal of Kenton Elementary School, noting the danger to students walking to school and reiterating the restrictions requested by the PTA.

Roday Asalar, part owner of Islanders, said they do not always have a choice about delivery times since many ships come and leave at irregular hours. She said night loadings are only done about once a month. She said they try to meet neighbor concerns.

Commissioner Bogle asked if they could load on a street other than Concord.

Ms. Asalar said it was not possible because the warehouse is on Concord. She said the only time the driveway is blocked is when two trucks are being loaded or unloaded and she will recommend that in the future they load one at a time. She said it is difficult for them to limit outside truck deliveries.

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Commissioner Kafoury said the applicant appears willing to work with the neighbors.

Commissioner Blumenauer said the good faith agreement is a step in the right direction but he would like to see conditions added to keep the sidewalks from being blocked when school children are going to school and to give instructions to those loading and unloading to respect traffic concerns.

Ms. Asalar said the added conditions were unacceptable.

Commissioner Blumenauer said the Office of Transportation will be monitoring the traffic situation.

Commissioner Kafoury said neighbors need to take the responsibility to let the owners know when there are problems.

Commissioner Blumenauer moved that the applicant negotiate with neighbors on two items: 1) keeping the sidewalks clear and 2) limiting delivery hours when children are going to and from school. Commissioner Kafoury seconded. The motion carried (Y-3; N-1, Clark)

Mayor Clark said he was voting no because he believes the business will prove incompatible with all the requirements the neighbors want and that it belongs elsewhere.

Disposition: Favorably recommended with added conditions. (Y-3; N-1, Clark)

At 3:00 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland



By Cay Kershner
Clerk of the Council