



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 22ND DAY OF APRIL, 1992 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Bogle, Kafoury and Lindberg, 4.

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

706 TIME CERTAIN: 9:30 AM -Recognize April 22nd as annual Earth Day celebration and hear report from City of Portland Environmental Commission (Report introduced by Mayor Clark)

Discussion: Commissioner Blumenauer read a proclamation recognizing April 22 as Earth Day.

Mary Volm, Ad Hoc Earth Day Chair, distributed tee shirts and invited citizens to participate in a noon environmental walk.

Bill June, Chairman of the Environmental Commission, reported that the Commission is currently developing a base line on the status of various City resources, i.e. water and air, so they can see where they are in future years. The Commission is also holding public meetings to hear the environmental concerns of citizens.

Commissioner Blumenauer recognized members of the Environmental Commission present in Council.

Disposition: Placed on File.

Agenda Nos. 718 and 728 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

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CONSENT AGENDA - NO DISCUSSION

- 708** Request from Shirley Field to address Council regarding the garbage franchise ordinance (Communication)

Disposition: Referred to Commissioner of Public Works.

- 709** Cash investment balances for March 12 through April 8, 1992 (Report; Treasurer)

Disposition: Placed on file.

- 710** Accept bid of Northwest Electric Company for primary backup emergency power at Columbia Boulevard Wastewater Treatment Plant for \$211,867 (Purchasing Report - Bid 81)

Disposition: Accepted; prepare contract.

- 711** Accept bid of Larson, Inc., for Mill Park Sanitary Sewer System for \$4,359,139 (Purchasing Report - Bid 82)

Disposition: Accepted; prepare contract.

- 712** Accept bid of White Bear West for furnishing four traffic (police vehicle) scooters for \$61,868 (Purchasing Report - Bid 105)

Disposition: Accepted; prepare contract.

- 713** Accept bid of Fresh Foods Company and Western Paper Company for furnishing janitorial paper products for \$62,134 (Purchasing Report - Bid 108-A)

Disposition: Accepted; prepare contract.

- 714** Accept bid of White GMC Trucks of Portland for furnishing two 10-12 yard dump trucks for \$141,112 (Purchasing Report - Bid 112)

Disposition: Accepted; prepare contract.

- 715** Accept bid of A.C. Schommer & Sons, Inc., for grit disposal materials facility for Columbia Boulevard Wastewater Plant for \$141,800 (Purchasing Report - Bid 113)

Disposition: Accepted; prepare contract.

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- 716** Accept bid of Hewlett-Packard Company for furnishing a gas chromatograph mass spectroscopy for \$56,020 (Purchasing Report - Bid 118)

Disposition: Accepted; prepare contract.

- 717** Accept bid of Highlite Construction Company for traffic signal construction or replacement at five locations for \$338,990 (Purchasing Report - Bid 121)

Disposition: Accepted; prepare contract.

- 719** Vacate a portion of N Ramsey Boulevard and N Leadbetter Road south of Marine Drive, within the plat of Rivergate Industrial Park, under certain conditions (Second Reading Agenda 674)

Disposition: Ordinance No. 165321. (Y-4)

- 720** Vacate a portion of SW Hood Avenue and SW Arthur Street, under certain conditions (Second Reading Agenda 675)

Disposition: Ordinance No. 165322. (Y-4)

Mayor J. E. Bud Clark

- *721** Pay claim of Elsa Ardito (Ordinance)

Disposition: Ordinance No. 165323. (Y-4)

- *722** Pay claim of Natale Amato (Ordinance)

Disposition: Ordinance No. 165324. (Y-4)

- *723** Contract with David Evans and Associates, Inc., for \$13,500 for design and permitting services for Heron Lakes Maintenance Facility, waive consultant selection procedures and provide for payment (Ordinance)

Disposition: Ordinance No. 165325. (Y-4)

- *724** Call for bids for purchasing a vertical collator for the Printing & Distribution Division, Bureau of General Services, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165326. (Y-4)

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Commissioner Earl Blumenauer

- 725** Accept completion of the aeration blower installation at the Columbia Boulevard Wastewater Treatment Plant, approve Change Order No. 1 and make final payment (Report; Contract No. 27126)

Disposition: Accepted.

- *726** Intergovernmental Agreement with Multnomah County to provide for construction and maintenance of a new driveway to the Portland Exposition Center on N Force Avenue at N Marine Drive (Ordinance)

Disposition: Ordinance No. 165327. (Y-4)

- *727** Agreement with Oregon Department of Transportation, Highway Division, and Multnomah County defining reconstruction and maintenance responsibilities at the intersection of NE Airport Way at NE 181st Avenue and NE Sandy Boulevard (Ordinance)

Disposition: Ordinance No. 165328. (Y-4)

- *729** Amend lease agreement with R.J. Templeton Co., dba Ferrero Equities, Inc., to extend the lease term and to update the lease language (Ordinance; amend Contract No. 22821)

Disposition: Ordinance No. 165329. (Y-4)

- *730** Authorize application for an \$85,000 grant from the State of Oregon, Department of Transportation, Traffic Safety Division, by the Bureau of Traffic Management, to promote the second year of a comprehensive community traffic safety initiative (Ordinance)

Disposition: Ordinance No. 165330. (Y-4)

- *731** Revocable permit to Portland Oregon Visitors Association to maintain banners on street light poles from May 1 through May 30, 1992 (Ordinance)

Disposition: Ordinance No. 165331. (Y-4)

- *732** Revocable permit to State Games of Oregon (Oregon Amateur Sports Foundation) to maintain banners on street light poles from June 21 to July 12, 1992 (Ordinance)

Disposition: Ordinance No. 165332. (Y-4)

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- *733** Call for bids to restore and convert an existing street lighting system on SW Alder Street and W Burnside Street (Ordinance)

Disposition: Ordinance No. 165333. (Y-4)

- *734** Call for bids for the NE Halsey Street from NE 58th Avenue to NE 61st Avenue Sewer Reconstruction Project, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165334. (Y-4)

- *735** Call for bids for the remodel of Swan Island Pump Station, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165335. (Y-4)

- *736** Call for bids for the Tryon Creek Wastewater Treatment Plant chlorination and automation improvements project, authorize a contract and payment (Ordinance)

Disposition: Ordinance No. 165336. (Y-4)

- *737** Call for bids to construct Phase One of the Eastmoreland Neighborhood Traffic Management Project on SE Martins Street, SE Tolman Street and SE Bybee Boulevard (Ordinance)

Disposition: Ordinance No. 165337. (Y-4)

- *738** Call for bids for the Hayden Island Sanitary Reconstruction and Lotus Island Pump Station, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165338. (Y-4)

Commissioner Dick Bogle

- *739** Contract with Burlington Water District for fire prevention and suppression services (Ordinance)

Disposition: Ordinance No. 165339. (Y-4)

- *740** Contract with Alder Creek Lumber Company, Inc., for fire prevention and suppression services (Ordinance)

Disposition: Ordinance No. 165340. (Y-4)

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- *741** Extend professional services contract period with Marine & Environmental Testing, Inc., for one year (Ordinance; amend Contract No. 27227)

Disposition: Ordinance No. 165341. (Y-4)

- *742** Extend professional services contract with David Chandler, Ph.D, for one year in the amount of an additional \$27,000 (Ordinance; amend Contract No. 26839)

Disposition: Ordinance No. 165342. (Y-4)

Commissioner Mike Lindberg

- 743** Approve Change Order No. 3 for \$25,660, accept contract with Copenhagen, Inc., as complete, authorize final payment of \$76,758 and waive liquidated damages (Report to Council; Contract No. 27271)

Disposition: Approved.

- *744** Amend contract with E&S Environmental Chemistry, Inc., at a cost of \$3,000 (Ordinance; amend Contract No. 26974)

Disposition: Ordinance No. 165343. (Y-4)

- *745** Contract with Northwest Outdoor Equipment to furnish golf course turf care equipment to Portland Parks and Recreation Golf Division (Ordinance)

Disposition: Ordinance No. 165344. (Y-4)

- *746** Authorize application for \$115,000 from the Oregon Department of Energy's Small Scale Energy Loan Program to make energy efficiency improvements on the Multnomah Arts Center (Ordinance)

Disposition: Ordinance No. 165345. (Y-4)

City Auditor Barbara Clark

- 747** Assess property for sewer system development charges through March, 1992 (Second Reading Agenda 701)

Disposition: Ordinance No. 165346. (Y-4)

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- 748** Assess property for sidewalk maintenance through January 31, 1992
(Second Reading Agenda 702)

Disposition: Ordinance No. 165347. (Y-4)

- 749** Create the SE 18th Avenue from SE Clinton Street to SE Division Street
HCD Local Improvement District and construct sumps (Second Reading
Agenda 703)

Disposition: Ordinance No. 165348. (Y-4)

REGULAR AGENDA

- 718** Vacate a portion of SW Hall Street, under certain conditions (Ordinance by
Order of Council; C-9763)

Discussion: Linda Kissling, 1581 SW Upper Hall, said she and her husband were interested parties who should have been a part of the mediation process. She objected to the restrictions that are to be placed on the half of the vacated street they would receive, noting that under terms of the mediation agreement, the property would be required to have a designated view corridor, a sewer easement and a City-dedicated stairway. She said they are left with no pluses, only a tax burden of 30 per cent of the view property and a requirement to maintain all foliage below street level. She asked for a two week extension to allow them to be included in the mediation process. Finally, Mrs. Kissling described the harassment from opponents of the street vacation that she and her husband have been subjected to during this process.

Jeff Kleinman, attorney representing Russell and Mary Lamb, said the mediated outcome was a miracle considering the different emotions and substantive issues involved. He said the only people who participated in the mediation were the Fowlers and the Lambs even though the Lambs had requested that neighborhood association representatives be included.

Mr. Kleinman said the Kisslings, who would be receiving half the benefit from the vacation, had an opportunity to be co-applicants with the Fowlers but chose instead to ride their coat tails. He argued that the Kisslings had no more right to reopen the issue now than any of the other interested parties but that the Lambs would be happy to meet with them to see if something

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could be worked out. He said he believed an agreement would be unlikely if the mediation were reopened and that it is unfair to the Fowlers who will lose a building season if this is delayed.

Disposition: Passed to Second Reading April 29, 1992 at 9:30 a.m.

- *728** Amend contract with CH2M-Hill, Northwest, to complete studies on the arterial street system, future North Corridor light rail alignments and improvements to the Greeley-Banfield section of Interstate 5 as they relate to the siting of the proposed Oregon Arena (Ordinance; amend contract No. 26956)

Discussion: The Clerk said an amendment had been distributed correcting the Fiscal Year to 1991-92 in several places.

Disposition: Ordinance No. 165349 as amended. (Y-4)

Mayor J. E. Bud Clark

- 750** Amend application authorization for amendment to the boundaries of the North/Northeast Portland Enterprise Zone (Resolution; amend Resolution No. 34973)

Disposition: Resolution No. 34984. (Y-4)

- *751** Authorize continued negotiations for the purchase of rights-of-way required for the extension of SE Water Avenue to the new OMSI Science Center and in the event that no satisfactory agreement can be reached, authorize the Portland Development Commission to commence condemnation proceedings and obtain early possession (Ordinance)

Discussion: Larry Brown, Portland Development Commission, said the Commission wants to proceed expeditiously to obtain the property so the opening of OMSI this fall will not be delayed.

Disposition: Ordinance No. 165350. (Y-4)

Commissioner Earl Blumenauer

- *S-752** Authorize a transfer of funds for construction and management of the Holladay Street Improvements, Phase III Project (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, said a substitute had been filed and distributed. Commissioner Bogle moved that it be accepted;

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Commissioner Kafoury seconded and the motion carried. (Y-4)

Disposition: Substitute Ordinance No. 165351. (Y-4)

Commissioner Gretchen Kafoury

- 753** Transmit Planning Commission recommendation for a ten-year property tax exemption for Gionet Development Company, for new multiple-unit housing at the block between SW 10th, 11th, Columbia and Jefferson (Report)

Discussion: Commissioner Kafoury said they are very excited about the number of low-cost housing units this tax exemption will allow.

Disposition: Accepted.

- 754** Grant a ten-year tax exemption to Gionet Development Company, for new multiple-unit housing at the block between SW 10th, 11th, Columbia and Jefferson (Ordinance)

Disposition: Passed to Second Reading April 29, 1992 at 9:30 a.m.

- 755** Amend Title 33, Planning and Zoning, to clarify several minor issues (Ordinance)

Discussion: Susan McKinney, Planning Bureau, said this package of 19 minor amendments has been approved by the Planning Commission. She said the original package had 23 issues but the Commission decided to remove the three involving substandard lots and deal with them separately. They will come before Council next week.

Kathryn Imperati, Senior Deputy City Attorney, noted that while this ordinance showed an asterisk on the calendar, no emergency clause was included in the ordinance itself.

Ms. McKinney said it was meant to be a non-emergency ordinance.

Commissioner Blumenauer said it should be noted that the asterisk was a typographical error.

Disposition: Passed to Second Reading April 29, 1992 at 9:30 a.m.

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- *756** Contract with Franciscan Enterprise, Inc., for \$52,000 to acquire up to 13 vacant lots in inner-northeast Portland to receive houses being moved from another location and provide for payment (Ordinance)

Discussion: Commissioner Kafoury said she was very appreciative of Franciscan's hard work.

Disposition: Ordinance No. 165352. (Y-4)

- *757** Amend agreement with Northeast Community Development Corporation to increase the amount by \$75,000 and provide for payment (Ordinance; amend Agreement No. 27441)

Discussion: Commissioner Kafoury said this is an agreement to increase the grant by \$75,000 because expenses were higher than anticipated.

Disposition: Ordinance No. 165353. (Y-4)

- 707** **TIME CERTAIN: 10:00 AM** - Adopt the 1992-93 Affirmative Action Plan and repeal, replace or amend sections of the City Code (Ordinance introduced by Mayor Clark; amend Section 3.90.060; 3.100.005; 3.100.010 through 3.100.023; 4.02.010 (1); 4.020.010 (23); 4.020.010 (44))

Discussion: Steve Bauer, Director of the Office of Finance and Administration, said this document represents over two years of effort by many persons as well as the Affirmative Action Advisory Committee. He said by focusing on solutions instead of pointing fingers, the plan attempts to do more than merely meet Federal regulations. He said it will give more flexibility to the bureaus but also holds them more accountable for implementation of their plans.

Mr. Bauer said he believes that, after years of struggling, this plan provides a complete transformation of the program. He said this ordinance sets standards and goals, with specific bureau plans to be presented to Council later.

Robert Phillips, Affirmative Action Officer, said this plan focuses on three areas: responsibility, accountability and productivity. He said the plan corrects complications in the current Code which created nightmares for the City Attorney in trying to defend it. He said the plan is voluntary, designed to comply with EEO guidelines as well as both federal and state affirmative action policies.

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To alleviate the critical situation which currently exists regarding the application of affirmative action principles to contracting, Mr. Phillips said the plan will require contractors to insure that their organizations offer equal opportunity to minorities and the disabled. He added that the plan contains a strong commitment to the disabled population to increase both access and employment opportunities. There is also a strong commitment to training in three areas - affirmative action, cultural awareness and skills training.

Mr. Phillips noted that the plan calls for an annual review by Council, which has the ultimate responsibility for the Plan's success. He reviewed attainment goals for the work force: 29.15 percent female, 13.2 percent minority and 2.2 percent disabled. Hiring goals for this year are also specified. A stream-lined complaint process and the establishment of awards to individuals or bureaus who create opportunities for the unemployed and disabled are other features of the plan. Following adoption of the plan, bureaus will have three months to develop their strategies.

Commissioner Lindberg asked if the first review of the Plan would be held in April, 1993.

Mr. Phillips said progress summaries will be issued before that as well as quarterly evaluations.

Commissioner Blumenauer said he believes public review twice a year is more appropriate so corrections can be made during the course of the year.

Commissioner Lindberg agreed and asked Mr. Phillips to take this suggestion as a Council direction.

Mr. Phillips said he will report back to Council three months after the bureau strategies have been submitted.

Madeline Wessel, Deputy City Attorney, said the Plan contains fact-based decisions that are defensible legally despite the constitutionally-troubled waters that currently exist because of recent Supreme Court decisions. She said quite a few current Code sections, which were found to be duplicative and confusing, are being replaced with language that clearly specifies what the City should do.

Disposition: Passed to Second Reading April 29, 1992 at 9:30 a.m.

At 10:40 a.m., Council recessed.

April 22, 1992

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 22ND DAY OF APRIL, 1992 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Bogle, Kafoury and Lindberg, 4.

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

758 TIME CERTAIN: 2:00 PM - Deliver verbal progress report on the Combined Sewer Overflow Program (Report introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said the Bureau of Environmental Services began the management plan for the CSO in September 1990 and last summer entered into a binding agreement with DEQ that is the most ambitious CSO control program in the United States.

Bob Eimstad, CSO and Stormwater Program Manager, updated Council on what the Bureau has done to satisfy requirements of the Stipulation and Final Order (SFO) and the progress that has been made on facilities planning.

Regarding the SFO, Mr. Eimstad said the City has successfully met all 14 deadlines established to date and is on track to meet the rest. He said the City recognized problems posed by combined sewer overflow even before the SFO and had already begun facilities planning although the DEQ-imposed requirements have required some adjustments. Mr. Eimstad said one of their main planning tools involves the use of very sophisticated computer models to given them information they lacked before.

Mr. Eimstad said annually six billion gallons of combined sewage comes out of the sewer treatment system and goes into the Willamette River and Columbia Slough. Most of this is stormwater, with roughly 20 percent classified as sanitary sewage, 90 per cent of which is treated at the sanitary sewage plant. He said of most concern is the presence of fecal bacteria in the river, over two thirds of which comes from the City's combined sewer system.

Commissioner Lindberg asked if there were programs in place to treat pollutants coming from upstream.

Mr. Eimstad said there are very good controls on industries and municipalities but that much of the remaining problem is attributable to agricultural and forestry practices.

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Regarding solutions, Mr. Eimstad said they are looking at pollutant source control, reducing stormwater inflow, and storage and treatment alternatives. As part of an attempt to convert the stringent challenges imposed by the SFO into opportunities, they hope to "daylight" some of the streams, such as Tanner Creek, by taking them out of the collection system and using them to improve recreational opportunities and wild life habitat.

Mr. Eimstad noted that a series of public meetings is being held on the CSO program and said the River Alert program, designed to alert people to those times when combined sewers are impacting water quality, will also continue again this summer.

Commissioner Blumenauer asked Council to flag employees, particularly in Parks, Planning and the Fire Bureau, who could liaison with the Bureau of Environmental Services on issues, such as use of grey water, that might link their bureaus.

Mr. Eimstad introduced members of the team involved in managing the CSO and initiating facilities planning.

Commissioner Blumenauer said the program is on a very tight time line, the key date being July 1, 1992 when the facilities plan is due to the DEQ.

Commissioner Kafoury asked if there would be a briefing on the water shortage.

Commissioner Lindberg said the reservoirs are full now and the Water Bureau expects to start drawing them down about July 3. He said they issued a very detailed report about the shortage which no one seemed to be interested in, perhaps because it was raining at the time. He said there is no place to store water once the reservoirs are full.

Disposition: Placed on File.

At 2:30 p.m. Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council

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THURSDAY, 2:00 PM, April 23, 1992

**DUE TO THE LACK OF AN AGENDA
THE MEETING WAS CANCELED**