



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF JANUARY, 1993 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer Nancy Poggi, Sergeant at Arms.

Agenda No. 114 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 99** Cash investment balances for December 16, 1993, through January 12, 1994 (Report; Treasurer)

Disposition: Placed on File.

- 100** Accept quote of Industrial Pond Services, Inc., for the repair of a Mudcat dredge at the Columbia Boulevard Wastewater Treatment Plant for \$51,000 (Purchasing Report - Informal Quotation)

Disposition: Accepted; prepare contract.

- 101** Accept bid of H. D. Fowler Company for furnishing brass service fittings for \$61,411 (Purchasing Report - Bid 79-A)

Disposition: Accepted; prepare contract.

- 102** Accept bid of Courtesy Ford, Inc., for three passenger vans for \$46,713 (Purchasing Report - Bid 86)

Disposition: Accepted; prepare contract.

- 103** Reject all bids for furnishing three compact 4X4 utility trucks (Purchasing Report - Bid 87)

Disposition: Accepted.

JANUARY 26, 1994

- 104** Accept bid of Brattain International Trucks for furnishing four 25,000 GVW cab and chassis with service body for \$307,551 (Purchasing Report - Bid 88)

Disposition: Accepted; prepare contract.

- 105** Accept bid of Eudaly Brothers for Sellwood and Lents test sumps for \$48,750 (Purchasing Report - Bid 90)

Disposition: Accepted; prepare contract.

- 106** Vacate a portion of NW 10th Avenue and NW Hoyt Street at the southeast corner of Block 116, Couch's Addition, under certain conditions (Ordinance by Order of Council; C-9849)

Disposition: Passed to Second Reading February 2, 1994 at 9:30 a.m.

Mayor Vera Katz

- 107** Amend the boundary of North/Northwest Portland Enterprize Zone (Resolution)

Disposition: Resolution No. 35239. (Y-4)

- 108** Approve Intergovernmental Agreement between the City of Portland and the State Vocational Rehabilitation Division and Commission for the Blind (Second Reading Agenda 70)

Disposition: Ordinance No. 167294. (Y-4)

- *109** Agreement between the California Highway Patrol and the Bureau of Police for Airborne Law Enforcement training classes (Ordinance)

Disposition: Ordinance No. 167295. (Y-4)

- *110** Authorize agreement with Police Activities League for maintenance of a PAL program (Ordinance)

Disposition: Ordinance No. 167296. (Y-4)

- *111** Authorize an agreement for services with Campbell DeLong Resources, Inc., for landlord/tenant situations training (Ordinance)

Disposition: Ordinance No. 167297. (Y-4)

JANUARY 26, 1994

Commissioner Earl Blumenauer

- *112** Enter intergovernmental agreement with Tri-Met for bus shelter siting (Ordinance)

Disposition: Ordinance No. 167298. (Y-4)

Commissioner Charlie Hales

- *113** Contract with Trauma Intervention Programs, Inc., for crisis intervention training for six months at \$20,000 (Ordinance)

Disposition: Ordinance No. 167299. (Y-4)

Commissioner Gretchen Kafoury

- 115** Request from Attorney Robert J. Smith to address Council regarding the abolishment of amusement device license fees (Communication)

Disposition: Referred to Commissioner of Public Affairs.

- *116** Amend contract with the Portland Development Commission to increase resources available for affordable housing production (Ordinance; amend Contract No. 28528)

Disposition: Ordinance No. 167300. (Y-4)

- *117** Contract with Outside-In for \$10,000 to provide needle exchange services and provide for payment (Ordinance)

Disposition: Ordinance No. 167301. (Y-4)

- *118** Contract with Volunteers of America for \$20,583 to operate its domestic violence program and provide for payment (Ordinance)

Disposition: Ordinance No. 167302. (Y-4)

- *119** Authorize an agreement between the City of Portland, Multnomah County, the City of Gresham and the Housing Authority of Portland for the administration and implementation of the Housing and Community Development Commission and provide for payment (Ordinance)

Disposition: Ordinance No. 167303. (Y-4)

JANUARY 26, 1994

- *120** Authorize Intergovernmental Agreement with the Multnomah County Sheriff's Office for access to the City's 800 MHz trunking radio system (Ordinance)

Disposition: Ordinance No. 167304. (Y-4)

- *121** Increase petty cash accounts for the Bureau of General Services, Communications Services, from \$800 to \$2,000 (Ordinance; amend Ordinance Nos. 152321 and 162366)

Disposition: Ordinance No. 167305. (Y-4)

Commissioner Mike Lindberg

- 122** Accept completion of the NE 13th Avenue CSO sump project, Unit 12, and make final payment to Brundidge Construction, Inc. (Report; Contract No. 28676)

Disposition: Accepted.

- 123** Accept completion of the NE 13th Avenue Basin CSO sump project, Unit 13, and make final payment to Brundidge Construction, Inc. (Report; Contract No. 28677)

Disposition: Accepted.

- *124** Authorize an agreement with Valmet Automation Ltd. for system maintenance services for a two year period at a cost not to exceed \$50,880 for the Water Control Center control system and provide for payment (Ordinance)

Disposition: Ordinance No. 167306. (Y-4)

- *125** Authorize a contract and provide for payment for the SW 29th Avenue and SW Texas Street sanitary sewer system (Ordinance)

Disposition: Ordinance No. 167307. (Y-4)

City Auditor Barbara Clark

- *126** Cancel sewer system development charge for 5115 SE 115th Avenue (Ordinance; amend Ordinance No. 165166)

Disposition: Ordinance No. 167308. (Y-4)

JANUARY 26, 1994

REGULAR AGENDA

- *114** Authorize an agreement between the Bureau of Parks and Recreation and Ken Leahy Construction for \$320,458 to construct cart paths at Heron Lakes Golf Course (Ordinance)

Disposition: Continued to February 2, 1994 at 9:30 a.m.

- 97** **TIME CERTAIN: 9:30 AM** - Accept report and recommendations for the N. Ida Avenue Neighborhood Traffic Management project (Report introduced by Commissioner Blumenauer)

Discussion: Donna Green, Office of Transportation, described the project, noting that average speeds range from 35 to 39 miles per hour, while the posted speed is 25 miles per hour. Goals and objectives include reducing traffic speed and the number of vehicles by placing three 14-foot speed bumps on the street. A second goal is to improve safety for vehicles, bicyclists and pedestrians by improving visibility in and out of the Fred Meyer store and by creating a safer environment for pedestrians and bicyclists. She noted that of 106 eligible votes, 77.5 per cent favored the project. No diversion devices were chosen because of the lack of neighborhood collectors nearby to divert the traffic.

Commissioner Blumenauer asked about the schedule that was followed.

Ms. Green said it began as one of four projects in 1991 but was placed on hold because of a lack of resources. She said implementation of the speed bumps is set for this spring and curb extensions this summer.

Al Bickel, 6915 N. Syracuse, 97203, said speed bumps seem to be the best way of reducing speeds to 25 miles per hour so that people have a chance to cross the street safely.

Bob Haskin, 6910 N. Syracuse, 97203, said one of the main reasons for pursuing this project is to increase safety for neighborhood children. He said he conducted two radar checks and found that 30 per cent of the cars went to Fred Meyer and they generally went slower than those going elsewhere.

Ramon Pottratz, 6907 N. Syracuse, said something has to be done to decrease speeding on the street.

Commissioner Blumenauer said this project demonstrates how staff has been trying to learn from citizens to design projects that are less costly, can be implemented more quickly and are less intrusive. He said the process could be accelerated if the Council is willing even though modifying it might bring more controversy to Council.

Commissioner Kafoury asked if people could put their own speed bumps in.

Commissioner Blumenauer said they are working on accelerating the speed bump placement process and giving neighborhoods more control. If the speed bump package in the budget is approved, there will be an opportunity to go through that process faster and allow them to be placed in neighborhoods that would never receive priority under the current NTMP process.

Commissioner Hales said that is intriguing, adding that the Office of Neighborhood Associations is bringing together public outreach staff in all the bureaus to see if a coordinated effort can be made to work with neighborhoods and is also preparing a letter to bureaus and public agencies laying down some ground rules about how to involve neighborhood associations. He said the neighborhood association structure might provide a faster way through the public involvement and balloting process on these projects.

Commissioner Blumenauer said his personal bias would be to have neighborhood association transportation and land-use committees play a larger role in this process.

Disposition: Accepted. (Y-4)

- 127** Accept bid of Battan's Building Management and Construction for SW 29th and SW Texas Street sanitary sewer for \$39,970 (Informal Bid)

Disposition: Accepted; prepare contract.

Commissioner Charlie Hales

- *128** Authorize an Agreement with Financial Consulting Solutions Group, Inc., in an amount not to exceed \$40,000 for performance of a cost of service study for the Bureau of Planning (Ordinance)

Discussion: Commissioner Hales said this is the cost-of-service study authorized in this year's budget.

Commissioner Kafoury asked about the impact on the upcoming budget.

Commissioner Hales said they expect to get the data by early April so the information will only be available in the final stages of the budget process.

Commissioner Kafoury asked if the issue of increasing fees was still around.

Commissioner Hales said whether they could raise fees for July 1 based on the recommendations of this study is up in the air and while it is possible that they could propose fee increases in May based on this study, it is more likely to take longer.

Disposition: Ordinance No. 167309. (Y-4)

***98 TIME CERTAIN: 10:00 AM** - Enter into an Intergovernmental Agreement for management of the Willamette Shore Line right-of-way (Ordinance introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said seven years ago the City was able to purchase, through a consortium, this right-of-way, now estimated as worth \$10-15 million, for less than \$2 million and protect it for public use. He said tremendous leadership on this has been shown by the City of Lake Oswego at the southern end of the alignment.

Vicki Diede, Bureau of Transportation Engineering, said Portland has been the lead member of the consortium and all requests for private crossings and encroachments come to the City, even when they are within another jurisdiction. She described the process for granting such permits, adding that in February, 1993 Tri-Met and Metro approached the City with concern about how management of the right-of-way was progressing. A technical advisory group was formed which concluded that encroachments might impair the utility of the railroad for future mass transit purposes and also substantially increase the cost to the public as well as to private property owners. These concerns are addressed in the agreement before Council today which sets up a structure for the long term governance of the line, with participation by all members of the consortium. Portland will no longer issue all permits but will only be responsible for those segments within the City limits. Tri-Met will evaluate requests for encroachment based on the agreed upon policies. The policy addresses two major issues: 1) use of the right-of-way and 2) private crossings. Outside the City there have been property owners who did not know the corridor was on the regional transit plan. Another goal is to provide a safe environment by prohibiting uses within the right-of-way which would increase the cost of developing it in the future, prohibiting new at-grade crossings and phasing out private at-grade crossings over time. A final goal was to ensure that private owners are not prohibited from accessing their property.

Ms. Diede noted some of the common concerns. One is that this agreement results in endorsement of the Willamette Shores corridor as the preferred alignment for the south/north light rail line. She said the agreement does not advocate for or against this alignment but merely preserves this asset for possible future use. Another concern is the

impact of light rail trains through the existing right-of-way in the condominium area of John's Landing. She noted City support for the alternative alignment on Macadam. She said Metro is considering, as an alternative to the Macadam route, a tunnel which would go under the existing right-of-way. No proposal putting high speed trains through the condo area is on the table. Concern that the policy would require the removal of landscaping in the John's Landing area is groundless as the policy deals only with new requests for landscaping within the right-of-way and the only reason to remove existing landscaping would be for safety reasons. Since rail mass transit will not use the right-of-way through the condominiums, this should not be a concern.

Ms. Diede said another issue concerns a request for a new at-grade pedestrian crossing south of the Sellwood Bridge.

Commissioner Lindberg asked if the Metro light rail study specifically states that if the alignment goes through John's Landing it would be not be above ground.

Ms. Diede said it would be a tunnel option and the two alignments mentioned earlier are the only ones on the table.

Mike Cook, Chair, Willamette Shores Unit Owners Association, said this proposal will have a devastating impact on the John's Landing area and on property values. He said they were assured that if there were to be light rail it would be on Macadam but the way this reads, high speed capacity transit could run through the middle of the units. He said they were told at a recent meeting that both the Macadam route and a route through the condominium area were still being actively considered for the westside alignment of light rail. He said they feel they are being fast-tracked into something that is not right for their neighborhood or the City and asked that this be amended to limit future use to this section of right-of-way to an intensity no greater than current use and commit to vacate this line at such time as light rail is run along Macadam.

Richard Vial, attorney representing Willamette Shores, said the changes that would be required by either of the alignments would be significant, but the uncertainty created by keeping both alignments alive also has a significant impact on marketability of the condo units. He cited an ordinance adopted in 1974 stating that the John's Landing project shall ensure provision of a right-of-way for two-directional mass transit -- the north/south link project site. Part of that ordinance reads: "The present Southern Pacific right-of-way may be used in its present location or in its relocation as part of such required right-of-way. He said the words "or in a relocation" clearly gave rise to reliance by owners that there would be either one or the other but certainly not two alignments. The current proposal would not take into consideration a surface use of the existing

JANUARY 26, 1994

Southern Pacific right-of-way. If that is the case, Council should condition its participation in this agreement upon not keeping this option open.

Diana Lee Holuka, 5620 SW Riverside Lane, #2, 97201, spoke on behalf of Martin Taylor, emphasizing the former good planning that was done in the John's Landing area and ask that the Comprehensive Plan and the Macadam Corridor Design continue that good effort.

Eric Van Doorninck, 104-4980 SW Landing Dr., said light rail does not fit in this neighborhood and people there do not want it. He said the Eastside would be better suited for it. He said his concern about this proposal is that it appears to be written to facilitate light rail in the Macadam corridor and said all the work that has been done to make John's Landing a liveable community should not be jeopardized by slapping a light rail in the middle of it.

Kristin Scheible, 11627 SW Summerville, 97219, spoke in favor of keeping the transportation corridor open, arguing that it would be irresponsible to allow the rights of the privileged few to impose on the rights of the community to have a fast, efficient and environmentally sound transportation alternative.

Mildred McGilvra, 5630 SW Riverside Lane, #20, 97201, said when she purchased her condo she was informed that Council had settled on the Macadam corridor. If that has changed, it is a betrayal of trust which will also significantly decrease property values in the area.

Leslie Scheible, 11627 SW Summerville, 97219, asked that the corridor be kept open, adding her belief that she represents the silent majority of Portland citizens.

Leland Michels, The Landing Condominiums, said he will dynamite any electric transmission lines.

Commissioner Blumenauer said a sincere effort is being made to try to give people answers as they relate to three items. First, the Willamette Shores trolley line will remain doing what it does now, with a slight upgrade for safety. Second, there will be a decision within a year as to whether the high-speed light rail line goes on the East or on the West side, either on Macadam or underground. Third, there is the potential to have a streetcar, something in between the trolley and light rail. He said the City will try to do a better job of separating out the three issues in an understandable way.

Ann Bronson, Willamette Wharf Associates, said the owners are concerned about eliminating or phasing out the private crossings, citing

the crossing at Hamilton Court, which is heavily used. Another concern is the future condemnation of Willamette Wharf Associates property if there is a need for additional right-of-way.

Steve Schell, representing Citation, Inc., described an access problem to Citation property and said they are requesting a temporary access easement in order to build a house and will in turn give the City the right to require an above-grade crossing when the City begins to use the line. He asked that this be worked out over the next week.

Commissioner Lindberg asked if this would require an amendment or be a separate agreement.

Commissioner Blumenauer said he thinks this would be separate.

Michael Sisavic, Willamette Shores Condominium owner, said running the light rail by his unit would physically destroy it and he opposes this proposal as it still maintains the option of having the light rail there. He said there seems to be a difference in what they have heard in Council today and what is in the agreement itself. He said the strategy of separating the three issues is questionable, adding that he does not see enough evidence of traffic problems in the area to require these solutions.

Mohammad Fattahi, Transportation Planner, Clackamas County, said the County, a member of the consortium, is looking forward to approval.

Curtis Finch, 2711 Lakeview Blvd., Lake Oswego, 97035, asked for preservation of the right-of-way for future uses, perhaps for a low-speed commuter line out to West Linn. Noise and safety problems, encroachment and other problems can be mitigated satisfactorily with creative thinking. He said it is important to stop further encroachment on the right-of-way.

Carl Clark, 12701 SW Iron Mountain Blvd., 97219, said mass transit is the right thing to do and encouraged further protection of the right-of-way.

Diane Pancoast, 12843 SW Iron Mountain Blvd., spoke in favor of protecting the right-of-way from encroachment. She said this line ran through the neighborhood before any of the residences were built there. The trolley has been an asset and created a lively spot at the end of its route in Lake Oswego. She noted many new housing developments being built in West Linn which impact traffic on Macadam.

Xavier Falconi, representing the Mayor of the City of Lake Oswego, expressed Lake Oswego's desire to develop the north and south extensions for the trolley line and to preserve the right-of-way for the six

jurisdictions that are members of the consortium.

Steve Shain, North Macadam Development Council, spoke in favor of the proposal as it preserves the viability of the right-of-way and gives direction to southern neighborhoods as well as Metro and the City in terms of the Central City streetcar or the north/south light rail.

Jerry Baker, Public Works Director, City of Lake Oswego, stressed the importance of deterring encroachments, noting that when the trolley line was taken over there was only one access across the tracks and now there are at least six. The right-of-way seems to be getting smaller and smaller and this cannot continue if the trolley is to continue to operate.

Gerald Fox, Tri-Met, said building on an old railroad right-of-way is difficult, especially if people bought houses there and did not know what was coming. The consortium is calling for a policy that discourages encroachments that will interfere with the rail. One major concern is private crossings where it is extremely difficult to provide safety and the proposed Willamette Shores policy envisions phasing all such crossings out.

Commissioner Lindberg said one reason why so many people came to Council today is they do not have a way to access the process for determining the light rail alignment. He suggested putting out something in writing to John's Landing residents about what the public process is.

Commissioner Blumenauer said a representative from Metro is here today to describe that process.

J. D. Schweinfurth, 5300 SW Landing, #10, said John's Landing residents need to be assured that mass transit will not run through the condominiums on the right-of-way. He asked that this assurance be incorporated in this agreement.

Gorham Nicol, 3891 Calaroga Dr., West Linn, 97068, said everyone has to realize there are risks in owning property, especially when a right-of-way exists. He said it is important to stop any infringement on the right-of-way but at the same time not deceive any residents about what could happen.

Lynda Clark, Norris, Beggs and Simpson, managing agents for The River Forum, noted that the draft policy requires owners of property with private crossings to upgrade or modify crossings requiring major safety improvements. One of the driveways in River Forum is considered a private crossing and the owners object to the open ended requirement to make these improvements and to the possibility of the driveway being

eliminated. They ask for help in budgeting what the cost might be. Further clarification is also sought about a possible future street connection shown on the draft that appears to run through the River Forum property.

Commissioner Blumenauer asked staff to be available.

Roger Neu, President, Friends of Willamette Shore Trolley, supported the management policy and preservation of this important resource. He noted that the right-of-way is a \$28 million asset the City acquired for \$1.4 million several years ago and said it deserves guidelines for its preservation and for preventing encroachments that devalue it.

Richard Garfinkle, 01411 SW Comus, 97219, supported preserving the right-of-way in order to preserve options for the future. As John's Landing becomes more of an urban village, more ways other than roads will be needed to transport people.

Vern Rifer, Secretary, Riverwind Condominium Association, said owners strongly object to conversion of the existing line to high capacity transit because of the impact it would have on the units. He said Council should favor City neighborhoods over suburban commuters, likening this to Council's decision to preserve neighborhoods by cancelling the Mt. Hood freeway. The current Willamette Shores right-of-way as it passes through John's Landing is not an appropriate place for high-capacity transit and the agreement should not be signed until this section of the right-of-way is deleted from consideration for such transit.

Sharon Kelly Meyer, South Corridor Manager for South/North Corridor study for Metro, said 14 different jurisdictions are involved in the outreach program. She said they met with the John's Landing people and with business groups in the area and understand their concerns with respect to process. At this point they envision a major decision between the east and west sides will be made this summer.

Commissioner Blumenauer said this will come to Council within the next seven months and the City will have extensive public hearings. If Council says the line must be on one side while staff recommendations favor the other side, the project will not proceed until there is agreement. One frustration is that citizens want assurances that x or y will happen but Metro is captive of a process that involves 14 jurisdictions, two states and the federal government and cannot give those assurances on its own.

Ms. Meyer said this will be a very extensive decision-making process and there will be recommendations from all the jurisdictions before a determination is made by Metro. Local input will be critical.

JANUARY 26, 1994

Commissioner Hales asked Ms. Diede about the problem raised by Steve Schell. He said he assumes the consortium would have the ability to grant temporary uses as well as permanent solutions.

Ms. Diede said by entering into this agreement, the City puts some formal structure around the consortium's ability to deal with these specific issues, which will need to be dealt with on a case by case basis. She said the consortium is the proper forum for determining these.

Commissioner Hales asked if the consortium mechanism will cause a significant delay in the ability to grant temporary permits.

Ms. Diede said she thinks the process will be more efficient than before as previously the City was doing all the permitting regardless of where the abutting property was or the jurisdiction it was in and often the City did not get involved until late in the game.

Commissioner Blumenauer said the intent is to have a framework to make things go faster and be more efficient.

Commissioner Blumenauer said he understands the frustration about the three different alternatives but Council cannot give assurances about what it will buy into in perpetuity. He cited increased congestion in this area, adding that he believes it is important to preserve rail capacity because it is the least disruptive and expensive option and also the one most compatible with the City's strategies for a livable community. He said he looks forward to making some of the difficult decisions and giving citizens the certainty they are seeking, although it will not make everyone happy.

Commissioner Hales said the problem is trying to solve 50 years of unbalanced transportation and land-use policies which have designed communities around the automobile. Some solutions will be difficult but the City does not have a choice if it wants to preserve the livability of John's Landing and the Portland metropolitan area. He said there is a need to do no more harm to this resource and he believes a transit project will be built in this area but the question is how.

Commissioner Kafoury said citizens want certainty but, if not enough time is allowed for everyone to be heard, people also get upset. She said the City is trying to balance the interests but public officials cannot promise that nothing will ever happen and it is critical to preserve this right-of-way.

Commissioner Lindberg said people in the neighborhoods have legitimate concerns but this ordinance in no way designates the corridor as a high capacity transit route.

Disposition: Ordinance No. 167310. (Y-4)

Commissioner Mike Lindberg

- 129** Accept report on the Block-by-Block Weatherization program (Report)

Discussion: Susan Anderson, Energy Office, said Council requested this report during last year's budget process. The report answers questions as to whether there is a need, who is being helped and if City funds can be leveraged with utility funds. She explained that there are 16,000 families living in uninsulated homes with high heating bills. She said since 1986 this program has insulated homes for 1500 families making less than \$9000 a year, 90 per cent of which had no insulation at all. She said of the \$900 average cost, the City pays \$400, the utilities put up \$200 and the County adds about \$300 per home.

Disposition: Accepted.

- *130** Intergovernmental agreement with the Multnomah County Community Action program office for \$108,000 to provide services for implementing the Block-by-Block Weatherization program (Ordinance)

Disposition: Ordinance No. 167311. (Y-4)

- 131** Adopt a combined consultant and bureau team process for managing Portland's Combined Sewer Overflow program (Resolution)

Discussion: Commissioner Blumenauer said this balances the option of building a large bureaucracy to deal with the issue or contracting the whole thing out. This is an appropriate mix of City staff and outside consultants. One concern is the notion that anyone who is a contractor or sub-contractor on the management side would not be available to do any design work. He said he understands the idea of the split in order not to give someone an unfair advantage but there may be times when the team that is assembled actually has the best people and fulfills other City goals, such as involving women and minorities.

Commissioner Lindberg said he will follow up on this, particularly whether this precludes opportunities to meet MBE and FBE goals.

Commissioner Hales said he has been concerned about the issue of contracting out versus using internal technical expertise. He said while BES ends up being the focus for this because of the amount of work

related to the CSO issue, the problem is endemic across the board. This is a sound general policy statement that encompasses a good balance between the two objectives but the devil will be in the details and in the management.

Commissioner Lindberg said this avoids a dramatic increase in City staff, is a good balance and will expedite the process because it will provide immediate access to people with expertise who have done almost the identical thing in other cities. It should end up saving money over the long term.

Disposition: Resolution No. 35240. (Y-4)

132 Adopt the Public Art Policy for the Bureau of Environmental Services and Bureau of Water Works (Previous Agenda 90)

Discussion: Commissioner Lindberg said integrating public art with public works goes back thousands of years, adding beauty and meaning to places where people gather. He said this is a flexible approach and gives people common sense options. The idea is to do this without adding to project cost because it is an integral part of the project from the start. This policy will achieve the goals and still keep rates down.

Noam Stampfer, Interim Director, Bureau of Environmental Services, said adding art could reduce the costs as was the Bureau's experience with the Headworks project. That project generated tremendous support and the key is involving people right from the start.

Eloise McMurray, Metro Arts Commission, thanked Council for its ongoing support for this program. This policy is very timely because a national dialogue is going on about involving arts on infrastructure projects.

Commissioner Blumenauer said BES has proven it can do this, increasing public acceptance and employee morale, and it is important to capture this in a policy. There is now no area remaining that does not have a public art policy.

Disposition: Resolution No. 35241. (Y-4)

***133** Contract with Parametrix, Inc., to conduct a remedial investigation and feasibility study of the Columbia Slough and to provide for payment (Previous Agenda 92)

Discussion: Commissioner Lindberg asked staff to address some of the concerns raised.

Commissioner Hales said he questioned spending \$2.5 million on research rather than actual mitigation but is satisfied with the Bureau response that mitigation costs would be reduced by more than the cost of the research. Second, he questioned whether the timing of this is appropriate or if it would be better to wait to do the research on the status of sediments and water column until after the physical corrections have been made to the sewer outfalls. He said that is a much closer call and he would like assurance that the City would spend no less by waiting before he agrees to proceed.

Noam Stampfer, BES Interim Director, said they would not spend less by waiting as they would lose ground and opportunities to do source control work and take interim measures on historically contaminated sites.

Commissioner Lindberg said the deadline for eliminating all overflows in the Slough is the year 2000. If the City waits until all the other stuff is done, it would not meet that deadline. Another factor is that this was part of the agreement that was made as part of a Consent Order with the DEQ relating to a lawsuit.

Mr. Stampfer said this is the heart and soul of the work done under that Consent Order.

Commissioner Hales said he is satisfied with the answer on money to be spent and the City will be in better compliance with the DEQ mandates. However, just spending the money because one might get sued is not acceptable.

Disposition: Ordinance No. 167312. (Y-4)

- *134** Authorize a cost-sharing agreement with the U.S. Forest Service for spotted owl habitat surveys of the Bull Run watershed (Ordinance)

Disposition: Ordinance No. 167313. (Y-4)

City Auditor Barbara Clark

- 135** Assess property for large lot deferral contracts through December, 1993 (Hearing; Ordinance; L0039)

Discussion: Dan Vizzini, City Auditor's office, said this and the following item concern mid-County sewer contracts. He noted that the window of savings closed December 31 and several more batches of contracts will be coming through in the next few weeks.

Disposition: Passed to Second Reading February 2, 1994 at 9:30 a.m.

JANUARY 26, 1994

- 136** Assess property for sewer system development charges through December, 1994 (Hearing; Ordinance; Z0504 through Z0512)

Disposition: Passed to Second Reading February 2, 1994 at 9:30 a.m.

At 12:07 p.m., Council recessed.

JANUARY 26, 1994

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF JANUARY, 1994 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Douglas L. Swail, Sergeant at Arms.

REGULAR AGENDA

- 138** Tentatively deny appeal of Portsmouth Neighborhood Association and grant appeal of the University of Portland, with modified conditions, regarding the Hearings Officer's decision on the conditional use master plan for the university at 5000 N. Willamette Blvd. (Findings; 93-00355 CU MS)

Disposition: Continued to February 2, 1994 at 2:00 p.m.

Commissioner Gretchen Kafoury

- 139** Liquor license application for African Roots, Inc., dba African Roots restaurant, 1011 NW 16th Avenue. Restaurant liquor license (new outlet); Favorable recommendation (Report)

Discussion: Mike Sanderson, Bureau of Licenses, said the Bureau is forwarding a favorable recommendation because the site is properly zoned.

Disposition: Favorably recommended. (Y-4)

- S-*137 TIME CERTAIN: 2:00 PM** - Designate seven Heritage Trees in the City of Portland (Ordinance introduced by Commissioner Hales)

Discussion: Harry Auerbach, Deputy City Attorney, noted that a substitute ordinance had been filed designating six instead of seven Heritage Trees as one of the property owners has delayed signing the consent form.

Commissioner Hales moved the substitute; Commissioner Lindberg seconded and the substitute was so ordered.

Commissioner Hales said Urban Forestry Commission members are here to describe the designation of these living resources as historic resources for the City.

JANUARY 26, 1994

Jane Glazer, Urban Forestry Commission and head of the Heritage Tree subcommittee, said they are asking the City to approve the protection of six trees. She reviewed how the preservation of trees has evolved and decried the loss of other valued trees to the chain saws of developers. She said members of the Forestry Commission rewrote the City Code in order to implement a program to preserve some of these trees. She said plaques will be placed on each of the six trees and arrangements will be made for their care in cases where the property owners cannot afford maintenance costs.

Ms. Glazer showed slides of the trees nominated for designation as well as the existing historic trees preserved through the Historic Landmark process.

Bill Naito, Chair of the Urban Forestry Commission, said this is a marvelous tool for educating both children and adults on the value of our urban forest.

Disposition: Substitute Ordinance No. 167314. (Y-4)

At 2:27 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council