



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF NOVEMBER, 1994 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

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

Agenda Nos. 1815, 1818 and 1819 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1812** Accept bid of Stoner Associates for network analysis software and support for \$91,250 (Purchasing Report - RFP 198)

Disposition: Accepted; prepare contract.

- 1813** Vacate a certain portion of NE Mallory Avenue south of NE Winchell Street, under certain conditions (Second Reading Agenda 1786; C-9862)

Disposition: Ordinance No. 168302. (Y-5)

Mayor Vera Katz

- 1814** Confirm appointment of Robert Maneker to the Police Internal Investigations Auditing Committee (Report)

Disposition: Confirmed.

- 1816** Reappoint Howard Shapiro to the Housing Authority of Portland Board of Directors (Resolution)

Disposition: Resolution No. 35336. (Y-5)

- *1817** Pay claim of Teresa Merlo (Ordinance)

Disposition: Ordinance No. 168303. (Y-5)

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- *1820** Amend City Code regarding Special Alarm Permits and Sound Emission Cutoff Features (Ordinance; amend Code Sections 14.74.130 and 14.74.210)

Disposition: Ordinance No. 168304. (Y-5)

Commissioner Earl Blumenauer

- 1821** Set hearing date, 9:30 a.m., Wednesday, December 21, 1994, to vacate a portion of SE 94th Avenue north of SE Harold Street (Report; Petition; C-9866)

Disposition: Adopted. (Y-5)

- 1822** Accept completion of NE 15th/16th Avenue decoupling project, approve Change Orders, release retainage and authorize final payment to Copenhagen Construction Co. (Report; Contract No. 29040)

Disposition: Accepted. (Y-5)

Commissioner Gretchen Kafoury

- *1823** Adjust leased space at Pacwest Center, 1211 SW 5th, to be occupied by multiple bureau divisions (Ordinance)

Disposition: Ordinance No. 168305. (Y-5)

Commissioner Mike Lindberg

- 1824** Accept contract with Colt Construction Company, Inc. for water main in NE Marine Drive and NE 185th Avenue as complete and authorize final payment (Report; Contract No. 29501)

Disposition: Accepted. (Y-5)

- *1825** Contract with Stoner Associates, Inc. for network analysis software and support and provide for payment (Ordinance)

Disposition: Ordinance No. 168306. (Y-5)

- *1826** Authorize grants for performances and/or public services that promote the arts and provide for payment (Ordinance)

Disposition: Ordinance No. 168307. (Y-5)

- *1827** Contract with Ilan Averbuch to create and install three outdoor sculptures at the Oregon Arena project (Ordinance)

Disposition: Ordinance No. 168308. (Y-5)

City Auditor Barbara Clark

- 1828** Accept First Quarter, Fiscal Year 94/95, report on Minority/Women Business Enterprise participation in City contracts (Report)

Disposition: Accepted.

REGULAR AGENDA

- 1815** Confirm appointment of Joanne Robinson Hill, Doug Macy, Julie Mancini, Mark Gardiner and Louis Mateo to the Metropolitan Arts Commission (Report)

Discussion: Commissioner Lindberg recognized the newly-appointed members of the Metropolitan Arts Commission.

Disposition: Confirmed. (Y-5)

- *1818** Establish one Program Manager II/Business Opportunity position in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Discussion: Commissioner Lindberg asked that this be referred back to his office for further work.

Disposition: Referred to Commissioner of Public Utilities.

- *1819** Amend City Code to require locking of exterior doors on parked vehicles (Ordinance; amend Code Section 16.20.120)

Discussion: Mayor Katz requested that this be referred back to her office so that she may discuss it with the Police Bureau.

Disposition: Referred to Commissioner of Finance & Administration.

- 1810** **TIME CERTAIN: 9:30 AM** - Accept performance audit on managing worker injuries (Report introduced by Auditor Clark)

Discussion: Barbara Clark, Auditor, introduced Dick Tracy, Director of Audits, and Ken Gavette, the lead auditor on this project.

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Dick Tracy, Audit Manager, said they looked at both the Workers' Compensation program administered by Risk Management and the program run by the Fire and Police Disability and Retirement Fund. They were assisted by the Wyatt Company, a management consulting firm, and by the Oregon OSHA consulting services. He summarized the results of the review, noting that the City had made significant progress in the last five years in reducing both the number and cost of claims. Claims have been reduced about nine percent over the last five years and total payments have declined about 33 percent. Payments per \$100 of payroll are down 46 percent for the Workers Compensation program. In the Fire and Police Disability and Retirement Fund, such payments are down 36 percent.

Mr. Tracy said these good results reflect changes in both State and City laws as well as changes in City policies regarding disability coverage and loss prevention. In addition, new staff and better procedures in Risk Management have led to significant improvements.

He listed five areas where changes are recommended. One, the loss prevention program needs to be fully and evenly implemented throughout all the bureaus. Second, more rigorous investigations of Fire and Police injury claims are needed to ensure that the claims are job related, prevent excessive medical treatment and reduce long disability periods. The Wyatt & Co. consultant estimates that such changes could reduce current claim costs by about 50 percent in this area. Third, the City needs to make more use of return-to-work opportunities and get people back to work earlier. Fourth, injury reporting should be consolidated to get a full picture of the effect of loss prevention programs. Fifth, emphasize a caring attitude toward injured workers.

Commissioner Hales suggested that the return-to-work effort might be improved if there were more interagency agreements among bureaus to create a larger pool of light duty positions throughout all the bureaus. He asked if there are any barriers, aside from collective bargaining agreements, to doing that.

Mr. Tracy said right now bureaus are reluctant to pay for light, modified duties for an employee from another bureau but in the long term it would be helpful if these opportunities were open to all employees throughout the bureaus.

Commissioner Blumenauer said securing uniform language in labor agreements about light duty opportunities ought to be an objective of collective bargaining as well.

Mr. Tracy said their report does not give any specific road map about

how to do that but they should be able to work out the technical barriers.

Auditor Clark said employees also recover sooner if they have a job to go to. She said the figures seem to indicate that employees are safer at work than any other place, a big change since the turn of the century when people often were injured or killed before they reached retirement age.

Commissioner Hales said an on-the-job fatality is a crisis issue, whether there is one or three, as the City had last year.

Mayor Katz said if Council agrees, she would like to work with Auditor Clark to put together a resolution to begin to move some of these programs Citywide rather than leaving them up to individual bureaus.

Ms. Clark said the auditors are trying to include more candid replies from the auditees in the response section. Some objections were raised by both Risk Management and the Fire and Police Board: These will be discussed in the regular six month review process and perhaps consensus will occur then.

Commissioner Lindberg suggested that since each bureau is supposed to have an evaluation as part of the budget process, perhaps they should also present information regarding injuries and workers comp claims.

Mayor Katz said some recommendations have much broader management implications, including whether there should be a central reporting data system. She said the audit should not sit on the shelf and collect dust and she will work with the Auditor's Office on specific recommendations to improve the numbers.

Disposition: Accepted. (Y-5)

Mayor Vera Katz

1830

File double majority annexation intent maps and written description with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

Discussion: John Bonn, Urban Services Manager, said this resolution expresses the intent of the City to annex by the double majority method certain areas in west Multnomah County within the urban service boundary.

Disposition: Resolution No. 35337. (Y-4)

- 1831** Add new Code Chapter 14.140, Graffiti Abatement (Second Reading Agenda 1783; Title 14)

Disposition: Ordinance No. 168309. (Y-4)

- 1811** **TIME CERTAIN: 10:00 AM** - Adopt the City of Portland Sustainable City Principles that promote a sustainable future that meets today's needs without compromising the ability of future generations to meet their needs (Resolution introduced by Mayor Katz, Commissioners Blumenauer, Hales, Kafoury and Lindberg)

Discussion: Commissioner Lindberg said he is very excited that so many City Council members and agencies are involved in this vision. He said there are a number of activities the City has been doing extremely well for decades that fit under the umbrella of sustainability; such as recycling, cutting energy bills, etc.

Sue Anderson, Director Energy Office, said while people in the community who reviewed these principles asked "what is there not to like," these should not be viewed as just "feel good" principles but as a call to action. She said Council members should keep challenging their bureaus to be accountable to these principles and to build linkages. In the future, she hopes the City will ask for sustainability statements along with budget impact statements when an ordinance is filed so that Council can see how each program affects the environment and the economy.

Pamela Brown, Chair of the Energy and Environment Commission, said this resolution started out as an environmental policy and grew into a much broader statement to include the environment, the economy and social issues such as equity in housing. The Commission believes that people must keep rebuilding their environmental capital base, which includes all the resources of the world. They must also realize that everything is connected to something else and impacts on transportation, for instance, also affect local neighborhoods and employment. The principles proposed today offer a springboard for action as the community will be sustainable in the long run only if pollution is cleaned up and resources are reused and recycled.

Robert Parsons, General Manager, Benson Hotel, discussed the Greenkey recycling program which organized and expanded waste management programs for hotels. It has allowed the Benson to organize and expand its waste management efforts, dramatically decreasing costs. It has also made a real difference to the environment and educates employees on principles they can use in their own homes. Finally, he said, it is also good business, adding that he knows of two conventions that decided to come to Portland because of the recycling

efforts being made here.

Doug McCord, Office of Transportation, underscored support for Sustainable City principles. The most challenging part is recognition of the need for a healthy marriage between environmental and economic development policies. These principles articulate a flexible framework that will keep everyone focused on the issue.

David Knowles, Planning Bureau Director, said the Planning Bureau is implementing these principles primarily through policies based on the Livable Cities Plan and the regional 2040 concept plan. Specifically, they are using the goal of 50,000 additional housing units in the next 20 years as the linchpin for promoting sustainable development. If successful, housing will be built in existing neighborhoods using existing infrastructure. Vehicle miles per capita will also be reduced as will traffic congestion. Finally, housing for a broad range of needs will be built. Those are the linkages between protecting the environment and having sustainable development that they are working on now.

Mark Clemmons, Portland Development Commission, said one aspect of sustainability that must be strongly emphasized is the human element. Employment and equitable distribution of jobs and income must be a guiding principle of sustainable development. Through Prosperous Portland, the Council has ensured that sustainable principles will be applied to economic development. The policy makes a commitment to jobs, training and maintenance of the quality of life. He noted that one company recently looking at Portland as a location for a service center was interested primarily in determining what the future of Portland is and whether the area will be sustainable in terms of long term costs, quality of labor and quality of life over the next 20 years.

Commissioner Lindberg asked if it pays for the City to market itself as a sustainable city.

Mr. Clemmons said in the last few years firms have more often asked what the quality of life is now and what the future of that quality of life will be. The relationship between quality of life and labor is very close.

Mayor Katz said another piece of this is that people want to come to some place that is safe.

Mr. Clemmons said because one of the State's key industries is environmental services, the City can use its image as a marketing tool to get into foreign markets.

Jeff Rogers, City Attorney, strongly supported adoption of these principles but also urged that the underlying cause of the problems,

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growth in population and consumption, be confronted as well. He said true sustainability will not be reached by attacking symptoms alone: population must be stabilized and consumption reduced. While the U.S. population grows rapidly, success is measured by how fast the economy grows with too little regard for which type of growth enhances and which type detracts from the quality of life.

Linda Bauer, 3534 SE Main, urged support for the principles.

Steve Rogers, President, Sustainable Urban Neighborhoods, PO Box 12735, 97212, said without ongoing determination of the City's carrying capacity there is nothing to base these principles on.

Rich Reicher, a member of the Oregon Office of the Northwest Power Planning Council, said application of these principles by the City will help guarantee the highest quality of life and create employment opportunities that restore and maintain that quality. He said protection from encroachment by an influx of new immigrants, the protection of open space and fish and wildlife, as well as the opportunity to earn a good living, are all viable products of a sustainable city. He said more public understanding on the interrelatedness of issues is also needed. For instance, mass transit can be described as improving public health and air quality and lowering the overall cost-of-living. Finally, the baseline of trust between residents and elected officials that still exists here gives the City an opportunity to actually implement these principles.

Mr. Auerbach said these principles will have practical implications on City decision-making. In his case, where he is working with the Oregon Department of Transportation and neighbors regarding highway disputes on Sunset, these principles directly relate to concerns about trees and air pollution versus the need to build additional infrastructure on the highway. He said if Council has any specific directions, he would appreciate them.

Zephyr Moore, no address stated, said the State Department of Transportation is continuing to plant English ivy, an invasive plant which dooms green spaces if it continues to be planted. He said one/twentieth of the Tryon Creek park is under attack by English ivy and the same thing will happen in every green space if the planting is not stopped. He suggested using students to transplant plants onto highway berms which can become propagation sites for native vegetation.

Steve Babson, no address stated, concurred with what Mr. Moore said about ivy. He said he wrote to Mayor Ivancie 20 years ago about the ivy in Washington Park where there is now an almost total infestation.

South of Riverview Drive is a forest in total decay because of English ivy.

Commissioner Hales said the City has finally gotten the message about English ivy, noting the "no ivy league" project which used students to pull it out of Forest Park. However, there are years of work to do to get rid of it.

Commissioner Blumenauer said, as a member of President Clinton's Council of Sustainable Development, he has seen these principles take hold nationally and is proud of the model Portland has set. He agreed with Jeff Rogers about the need to look beyond Portland but is convinced that in a world that is careening toward disaster as the third and fourth worlds try to emulate the U.S. model, the adoption of these principles will make a difference in the world. He said he will take this resolution back to the Council at its next meeting.

Commissioner Hales said these principles may look easy but will be very hard to put into practice, adding that it is still easier to build strip malls and cul-de-sac developments than to build those that reinforce the neighborhood. He said the Central City Transportation plan, which will be coming soon to Council, will demonstrate how hard it is to change people's parking habits. He said it will take years of effort to make these principles real.

Commissioner Kafoury said she is glad people are beginning to address population growth again. The big challenge will be how to integrate the human side into this discussion, not just count fish and trees.

Commissioner Lindberg said the more time spent discussing the implications, the more people come together in an "umbrella" vision. He said this is a huge step because of the commitment of Council and the thousands of citizens who support the sustainability concept.

Mayor Katz said in the 1970's sustainability was called carrying capacity but this has a broader perspective. The human element cannot be ignored because citizens are a critical part of any sustainable community.

Disposition: Resolution No. 35338. (Y-5)

Commissioner Gretchen Kafoury

***1834**

Authorize contract with Portland Security, Inc. for dispatching of towing services (Ordinance)

Discussion: Commissioner Kafoury said the contractor for the City's towing dispatch services needs to be changed.

Marian Gaylord, Towing Coordinator, said in August a contract with Allen's Communications was approved but because of certain inadequacies the Towing Board of Review voted to suspend that contract and to reward the contract to the prior contractor. The contract will be rebid in July, 1995.

Disposition: Ordinance No. 168310. (Y-5)

1829

Request by Bob Riddle to address Council regarding logging on the north slope of Powell Butte (Communication)

Discussion: Bob Riddle, 15306 SE Gladstone Street, 97236, said clearcutting of the north slope of Powell Butte is an outrage, arguing that neighbors worked successfully with Multnomah County to prevent landslides and conserve the natural wildlife habitat but, since annexation by the City, attempts to protect this area have fallen on deaf ears. City officials repeat four points: 1) there was no environmental overlay from the County; 2) permits are not required; 3) their hands are tied; and 4) there is nothing they can do. He said these two clearcuts may set a precedent that will claim more land. The cutting is being done on a 45 degree slope on the over 100-year old forest in the Powell Butte nature park. He also noted two landslides which occurred after prior clearcutting and which City officials ignore, stating that the hill is not a slide area.

Mr. Riddle said citizens are angry because the City has failed to protect this environmental area and has blatantly chosen to ignore the safety of citizens living below these rapidly denuded slopes. Under the County, a hillside and erosion control ordinance applied automatically to slopes over 25 percent. The City seems to recognize the problem but has declined to act and erred by not requiring either a permit or a soils analysis. Also, the Centennial Community Plan requires adoption of the County provisions on localized land-use policies and guidelines, such as the hillside and erosion control ordinance. He said annexed citizens were promised by that language comparable protection which has clearly not been provided. The City should order that the logging be stopped or the neighborhood will seek damages. He suggested the City take action in the following ways: 1) invoke Code Section 24.70.030 and recognize the landslide hazard; 2) place an immediate moratorium on all Powell Butte logging pending an evaluation for environmental zoning; 3) issue a stop work order on building; 4) take immediate action to incorporate this slope within the Johnson Creek Basin Plan District,

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including employment of erosion control measures; and 5) contact Metro Regional Parks and Greenspaces about the possible acquisition of the land in question.

Commissioner Kafoury said her office has taken this matter very seriously and is trying to find a way to solve the problem.

David Knowles, Planning Bureau Director, said Mr. Riddle is right in calling this loss of resources outrageous. It is also shortsighted of the property owner who is stripping it of all value. He said the Bureau feels very frustrated about its lack of options, noting that prior to annexation to the City on July 1, the property was subject to a hillside protection section of the County code. That Code provided that property owners who wished to log on a hillside go through a review procedure and permit process. It was not a provision that prevented cutting, however. In this case the landowner chose to begin logging after the property became part of the City. He said there is no real distinction between the County and City laws.

Mr. Knowles said they have reviewed the options available including establishment of environmental zoning through the Outer Southeast District Plan, a process which will not be completed until December, 1995, and no protection will exist until then. Another option is acceleration of environmental zoning on that property outside the District Plan process. That work could be done in about four months, but would require reallocation of Bureau resources. Third, this area could be added to the existing environmental streamlining project but that would be slower than doing a separate environmental zoning project since the streamlining recommendations are controversial and will take time to enact. Fourth, a review of administrative options indicates he does not have the authority under State law to change the boundaries of an environmental zone or place any other kind of planning protection on the property. Fifth, Title 24 of the Buildings Code could be changed to require a permitting process in connection with erosion control measures. Finally, he has talked to the City Attorney about imposing a moratorium on tree cutting through some sort of Council emergency action but there are considerable legal concerns with respect to the City's liability and the issue of taking.

Commissioner Blumenauer said emergency action has been taken in the past when this has occurred.

Mr. Auerbach said imposing a moratorium would raise the question about the City's authority for doing that. He said he believes the previous moratorium imposed on the Westside was overturned in the Court of Appeals.

Commissioner Blumenauer said in terms of damages we are talking about the value of timber. He said he believes the clearcutting is taking away the value of the property. He asked what the downside was.

Mr. Auerbach said if the City does not have the authority the property owner might be able to get an injunction. Second, there may be an exposure to damages and third, there is the potential for a taking. He said he does not know how serious those downsides are and Council may believe the risk is worth taking in order to maintain the status quo while a solution is being attempted.

Commissioner Kafoury said staff have been working with the City Attorney for two weeks and was told that it was ridiculous to consider passing something that would get tossed out of court.

Mayor Katz said Council members were told that a moratorium was not possible.

Mr. Auerbach said he would confer with Peter Kasting, the attorney who has been working on this.

Commissioner Hales asked about another possible option, using Title 24 with respect to the slide hazard. He said the City may be able to move more quickly on that than on the moratorium.

Ray Kerridge, Bureau of Buildings, said given the fact that this property is less than five acres and is not in an environmental zone or the Johnson Creek Plan development, they have no authority to stop the logging. Their inspector raised concern about the slope but their geotechnical engineer determined that as long as the stumps remain in the ground the slope does not constitute a slide hazard. They have asked the owner to provide an analysis from his soils engineer to determine the stability of the slope once development takes place. The inspector also noted the possibility of erosion runoff and notified the owner of the need to install erosion control measures as required by the Code. The owner has partially complied at this point and the matter is now before the Hearings Officer because the Bureau does not think he is working fast enough or meeting all specifications. At this point, Bureau staff believes there is no instability of the slope but this could change as development occurs.

Mr. Auerbach asked if cutting was going on while this was pending before the Hearings Officer.

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Fred Deis, Bureau of Buildings, said only on the second piece of property which is a block or two away.

Mr. Auerbach said Code Section 24.70.030 states that the Director may determine that any clearing may become a hazard. He said it seems to him unlikely that the property owner would cut the trees with the intention of leaving the stumps in the ground and that it would be logical to assume the Director could find this cutting could become a hazard and require plans and specifications.

Mr. Kerridge said that is what they are doing.

Commissioner Lindberg said that Code passage seems to leave a lot of room for interpretation.

Commissioner Blumenauer said this could be the hook to stop the logging until the planning process is finished.

Mr. Deis said tree clearing on the second site does not appear to be a hazard and at this time the Bureau, which has been denied access to the site, does not have authority within the Code to stop work there.

Mr. Knowles said he would like to get more input from the City Attorney about the options.

Mayor Katz said Council's message is very clear -- some action needs to be taken immediately.

Mr. Auerbach suggested the Planning Director take another look at the second site and consider whether denial of access and other factors indicate it may become a hazard and activity should be stopped until the plans and specifications can be reviewed.

Commissioner Lindberg said the Code language reads "may become a hazard or cause erosion." He asked about the possibility of acquiring the property.

Mayor Katz said everyone on Council agrees that something needs to be done and staff needs to determine whether the risks are worth taking.

Charles Rich, 2181 SE Meadow Court, Gresham, said he bought this property at a very low price from the Boy Scouts which first offered it to the City for park use. However, the City refused as did Friends of Powell Butte and others. He said there are four building lots on the property with 1.6 acres of trees on them. Originally he intended only to cut trees where the four homes were to be built but, after delaying his plans because of the new sewer system coming in, he found that erosion

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measures had been taken on the top of the mountain which cut off water to the trees, causing them to die. After obtaining a forestry cutting permit and being told by the City that he needed no clearing permit, he began cutting the trees. He then found that 22 on his four lots had already fallen dead, so he removed those that would be a liability. He said he complied with all County and City regulations and is also complying with every erosion control measure.

Commissioner Hales asked if he planned to subdivide further.

Mr. Rich said no, there are already four building lots and he plans to build four homes there. He said he has not yet applied for the building permits.

Commissioner Hales said normally buildable lots with trees on them are worth more than those without trees.

Mr. Rich said he decided to cut all the trees, not just those in the building footprint, because they were dead and posed a liability. Both his geotechnical people and the State Forestry people made a site visit and told him the trees were dead. He said he has a permit from the State for cutting the trees.

Commissioner Lindberg asked if he was selling the trees.

Mr. Rich said yes, a vendor bought them based on their value, anywhere from \$350 a truckload to \$1,125 for top export logs, of which he had only three sections. The City has had copies of the geotechnical surveys since the day the property was transferred from the County to the City.

Commissioner Kafoury said the Buildings Bureau reviewed that information and determined it was not a erosion hazard. The bottom line is if this area will be an environmental zone after the Southeast plan is done, the City should try to find a way to keep as many trees as possible there now.

Mr. Rich said there will only be two more maples cut on his property, the first site. He said he does not own the second site but has a management contract with the owners to sell the logs.

Mayor Katz asked if it was correct that there will be no cutting on his property except for two dead maples.

Mr. Rich said yes.

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Mayor Katz asked if the other property owners plan to continue removing the trees.

Mr. Rich said property owners number two and three have already cut all the dead trees because of the liability.

Commissioner Hales asked if the cutting went all the way back to the rear property line.

Mr. Rich said it did on his.

Commissioner Lindberg noted that Parks staff wanted to purchase that property but had no funds to do so.

Mr. Auerbach noted that State law provides that the Oregon Forest Practices Act applies to land inside any urban growth boundary unless a local government has adopted regulations for forest practices, which is a land-use decision.

Mr. Riddle entered into the record a soils analysis done in 1982 by Irvin Cooper on behalf of property owners at 15110 SE Gladstone where there was a landslide. This analysis was accepted by the Water Bureau as the basis for paying damages. He said the allegedly diseased trees appeared to be quite healthy and asked the City to follow up with the forester who deemed these trees as diseased.

Jay Riddle, a SE Powell Butte area resident for 20 years, recalled the mud slide in that area a number of years ago and said he foresees more now that the trees have been removed.

Mary Rose Navarro, Project Coordinator, Friends of Trees, said she would like to see more discussion about the moratorium.

David Manhart, Development Director, Friends of Trees and a member of the Environmental and Energy Commission, said this ties in with sustainable development principles as the clearcutting appears not to be in keeping with them. He urged that action be taken today to stop the tree cutting, adding that when the Commission was briefed about the outer Southeast Plan, staff did not indicate this kind of action was in the offing. He said there is a gaping hole in the process if something like this is allowed to happen.

Louise Cody, Centennial Community Association, said she is concerned about misinformation. She said the County had a hillside erosion and development ordinance which allowed people to get a permit if they could prove their actions would not cause erosion or a landslide. It was not automatic. In the City if erosion occurs the Buildings Bureau comes

in afterwards while in the County it must be shown that it will not occur beforehand. That is why there was no development prior to annexation as one of the lots, No. 8, was found to be nondevelopable under County regulations.

Mayor Katz asked if there is a substantive difference between what the County and the City has in the way of erosion control.

Commissioner Kafoury said she wants the facts to be right and does not believe the City has been less responsive than the County.

Mayor Katz asked Mr. Auerbach to get that information so the Council and public know what the facts are. Also there is the question as to whether the trees are diseased.

Mr. Auerbach said he is not sure how much of that detailed information can be resolved by this afternoon. At some point the Council will need to make a factual determination before it acts precipitously.

Commissioner Hales said he and Commissioner Kafoury will meet this afternoon with staff, neighbors and, if possible, the property owners.

Disposition: Placed on File.

Commissioner Earl Blumenauer

1832

Authorize an amendment to the 1994-95 budget for the Office of Transportation to fund the study of alternatives for southbound access to Interstate 5 from the Central Eastside (Second Reading Agenda 1772)

Discussion: Commissioner Blumenauer said he personally does not feel another study is warranted and there are higher and better uses for the \$50,000, which has resulted in cutting a previously fully-funded project. He said every month of delay costs \$50,000 to \$100,000 extra in inflationary costs on that project. He said Council should support the ramp and get on with the business of trying to find the money to provide the long-promised access to the Central Eastside.

Commissioner Hales said he believes there is a higher and better use for \$19 million in public funds that were originally going to be spent on the Water Avenue ramp. He said it is good that Council tries to find a more cost-effective solution to the transportation needs of the Central Eastside than that.

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Commissioner Kafoury said her concern is that additional money to pay for this should not have been taken from Transportation because they had done their studies. She said she disapproved of this when the budget was prepared and continues to disapprove of it.

Disposition: Ordinance No. 168311 as amended. (Y-3; N-2, Commissioners Blumenauer and Kafoury)

Commissioner Charlie Hales

***1833** Designate fourteen Heritage Trees in the City of Portland (Ordinance)

Discussion: Jane Glazer, 2378 SW Madison, requested that 14 trees on 12 sites be designated as Heritage Trees, noting that the Acting City Forester approved the protection of all but five of those originally proposed. Slides of the trees were shown as Ms. Glazer described them.

Disposition: Ordinance No. 168312. (Y-5)

Commissioner Mike Lindberg

1835 Amend City Code Title 3 updating the language to reflect the purpose, mission and organization of the Bureau of Environmental Services (Ordinance; amend Chapter 3.13)

Discussion: Commissioner Lindberg said there is a lot of significance to this Code change.

Dean Marriott, Director, Bureau of Environmental Services, said when he became Director last year he found that the City Code and the way the Bureau was organized did not correlate. He also found there was no consensus in the Bureau about its mission and began working on development of a clear mission statement. The ordinance presented today changes Code to eliminate obsolete language and adds the mission statement. He said just as important as the mission statement is the statement of values, noting that the Bureau is committing to some very significant concepts, including sustainability, a respect for diversity, the encouragement of team work and risk taking. The Bureau also wants to be responsive to the public and provide reliable service.

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

Auditor Barbara Clark


1836 Assess property for sewer system development charges through October, 1994 (Hearing; Ordinance; Z0589 through Z0592)

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

At 12:07 a.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By **Cay Kershner**
Council Clerk

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WEDNESDAY, 2:00 PM, NOVEMBER 23, 1994

DUE TO THE LACK OF AN AGENDA

COUNCIL DID NOT MEET