



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF APRIL, 1997 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Hales, Presiding; Commissioners Francesconi, Kafoury and Sten, 4.

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

Agenda Nos. 463, 464, 466, 467 and 472 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 465** Accept bid of JBM Services, Inc. for furnishing janitorial services at the East Community Policing Center for \$32,160 annually for three years (Purchasing Report - Bid 109-A)

Disposition: Accepted; prepare contract.

- 468** Accept bid of Triad Mechanical, Inc. for NE 59th Place wastewater pump station for \$811,374 (Purchasing Report - Bid 121)

Disposition: Accepted; prepare contract.

- 469** Accept bid of Moore Excavation, Inc. for N. Missouri and Alberta sewer reconstruction for \$547,179 (Purchasing Report - Bid 141)

Disposition: Accepted; prepare contract.

- 470** Accept bid of Brundidge Construction, Inc. for Taggart basin CSO sump project units 2 and 3 Phase II for \$496,513 (Purchasing Report - Bid 144)

Disposition: Accepted; prepare contract.

- 471** Accept bid of City Services, Inc. for furnishing janitorial services at the Kerby Building for \$24,264 annually for three years (Purchasing Report - Bid 159-A)

Disposition: Accepted; prepare contract.

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Mayor Vera Katz

473 Confirm appointment of Stephen Heck to the Police Internal Investigations Auditing Committee (Report)

Disposition: Confirmed.

474 Confirm reappointment of Loren Wyss to the Investment Advisory Committee (Report)

Disposition: Confirmed.

***475** Authorize Revenue Bonds for various public projects (Ordinance)

Disposition: Ordinance No. 171055. (Y-4)

Commissioner Jim Francesconi

***476** Authorize contract with Braun Intertec for special inspection/materials testing services for the SW 4th and Yamhill parking garage two-floor addition project for \$52,385 and provide payment (Ordinance)

Disposition: Ordinance No. 171056. (Y-4)

***477** Authorize sale of property located at 4835 NE 106th Avenue (Ordinance)

Disposition: Ordinance No. 171057. (Y-4)

Commissioner Charlie Hales

***478** Terminate contract with M. Stearns Construction Co. (Ordinance)

Disposition: Ordinance No. 171058. (Y-4)

***479** Authorize contract with Pacific Coast Construction Co. for construction of the Wilson pool slide and facilities building (Ordinance)

Disposition: Ordinance No. 171059. (Y-4)

***480** Authorize a contract and provide for payment for the SW Arnold Street west of SW Boones Ferry Road slide repair project (Ordinance)

Disposition: Ordinance No. 171060. (Y-4)

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Commissioner Gretchen Miller Kafoury

481 Accept contract with Basic Fire Protection as complete for design and installation of a sprinkler system at Station 5 and make final payment (Report; Contract No. 30593)

Disposition: Accepted.

482 Accept contract with Basic Fire Protection as complete for design and installation of a sprinkler system at Station 6 and make final payment (Report; Contract No. 30608)

Disposition: Accepted.

483 Accept contract with Basic Fire Protection as complete for design and installation of a sprinkler system at Station 8 and make final payment (Report; Contract No. 30607)

Disposition: Accepted.

*484 Agreement with Multnomah County and the cities of Gresham, Troutdale, Fairview, Wood Village and Maywood Park for co-location and consolidation of emergency management (Ordinance)

Disposition: Ordinance No. 171061. (Y-4)

*485 Amend contract with Portland Community Design by increasing the amount of compensation by \$12,372 and provide payment (Ordinance; amend Contract No. 30738)

Disposition: Ordinance No. 171062. (Y-4)

Commissioner Erik Sten

486 Accept completion of the PIR sanitary sewer improvements, Project 5378, and authorize final payment to Moore Excavation, Inc. (Report; Contract No. 30897)

Disposition: Accepted.

*487 Authorize a contract with the lowest responsible bidder for the Columbia Boulevard Wastewater Treatment Plan biosolids dewatering modifications and provide for payment (Ordinance)

Disposition: Ordinance No. 171063. (Y-4)

- *488 Authorize the execution of a Real Property Purchase and Sale Agreement for property on the southwest corner at the intersection of North Argyle Way and North Columbia Boulevard and provide for payment (Ordinance)

Disposition: Ordinance No. 171064. (Y-4)

- *489 Authorize agreements with the payment of fees to the Union Pacific Railroad (Ordinance)

Disposition: Ordinance No. 171065. (Y-4)

City Auditor Barbara Clark

- 490 Approve Council Minutes for July 3, 1996 through December 18, 1996 (Report)

Disposition: Approved.

REGULAR AGENDA

- 462 **TIME CERTAIN:** - Review of pending contracts regarding utility relocation for the Columbia Boulevard combined sewer overflow tunnel (Report introduced by Commission Sten)

Discussion: Dean Marriott, Director, Bureau of Environmental Services (BES), said they wanted Council to review the work on pending construction contracts on the Combined Sewer Overflow (CSO) project.

John Lang, BES, reviewed the City's 20-year plan to correct the CSO problem and meet compliance deadlines. He said the strategy involves work on two drainage basins, the Columbia and the Willamette. The goal is to remove as much stormwater as possible through the Cornerstone and other programs and then collect and treat what remains prior to discharge into the rivers. He said the Cornerstone projects have essentially been completed in the Columbia Slough area and work is now underway on such projects in the Willamette. The City has also now moved on to collection and treatment activities for the Columbia that entail a series of major construction projects that will be coming before Council soon.

Commissioner Francesconi asked what the effect on both the cost and rates would be if the time line were extended to 25, instead of 20 years.

Mr. Lang said it would not effect the cost, except for inflation, but it would flatten out the curve so that rates would not rise as fast, although they would ultimately be the same.

Commissioner Francesconi said he would like to look at this some more.

Mr. Lang said that will be done as part of the Willamette predesign work.

Commissioner Sten said the extent of the work needed on the Columbia has been settled but for the City still needs to confirm the right level of protection for the Willamette. Items for consideration include whether there is a less expensive way to do the cleanup and whether the City is getting the most environmental protection for the amount spent. Once that is decided, the City can return to the State for assurance that the same amount of cleanup is going on upstream so the City does not end up spending \$1 billion and having a dirtier river than when it started.

Commissioner Hales said the State legislature needs to know what the City is doing so people outside the City do not think the City is the one dirtying up the Willamette.

Commissioner Sten said per capita Portland is spending more than just about anyone else in the country on cleanup of the rivers.

Commissioner Kafoury said the 20-year timeline is well worth reviewing again.

Commissioner Sten said another question is whether sewer rates should be the only source of funding. He noted that Commissioners Kafoury and Lindberg negotiated the 20-year timeline with the Department of Environmental Quality (DEQ) and the City does not want to send a signal now that it wants a lower standard and a polluted river. But the City may be overemphasizing sewers and not doing enough regarding other pollutants.

Ted Kyle, Columbia Slough Project Manager, discussed the four projects regarding the pipes and tunnelling planned for the Columbia.

Commissioner Hales asked him to coordinate construction work with Transportation to make sure streets are not torn up again and again.

Paul Gribbon, BES Construction Engineering Manager, reviewed the status of the construction management portion of the CSO work on the Columbia. He described four issues which involve Council: 1) an owner-controlled insurance program; 2) MBE/FBE/SBE contract opportunities; 3) value engineering; and 4) prequalification of contractors because of the high-risk work.

Commissioner Francesconi asked what savings are expected from those.

Mr. Gribbon said the insurance program could save the City up to \$1 million. The savings from application of value engineering remain to be seen but it does offer an incentive to take a closer look at cost-effective methods. The MBE/FBE/SBE cost is minimal given the size of the overall contracts.

Commissioner Francesconi said he appreciates the efforts made to increase diversity on these contracts.

Commissioner Sten said BES is doing a good job of including small and minority businesses without losing a lot of time.

Mr. Marriott said it is hard to look 15 years ahead to the end of this project and they will return periodically to update Council.

Commissioner Hales urged coordination with other City bureaus when issues arise. He said perhaps this can be used as a test case for the new development review process.

Disposition: Placed on File.

463 Accept bid of Courtesy Ford for furnishing compact 4x4 sport utility trucks for \$92,571 (Purchasing Report - Bid 53)

Commissioner Hales noted that Council had attempted to freeze all capital improvements this year after the passage of Measure 47. These vehicle purchases, Items 463 through 472, deserve close scrutiny.

Commissioner Francesconi said his major issue about these vehicle purchases is the low mileage of some of those being replaced.

David Kish, Director, Bureau of General Services, noted that in response to these concerns his office issued a report to Council two months ago. At that time Council directed the bureaus to be judicious but did not place a freeze on all vehicle purchases. He said the City could save money by extending its current seven-year replacement cycle to nine years but should consider fleet availability and warranties as well. Mileage is not the only component and resale value is another consideration. He noted that they do not surplus serviceable vehicles if there is a possible use for them. For instance, the Parks Bureau uses some Police vehicles for its summer programs and then surpluses them in the fall. He said Fleet Management's intent is to expend the \$6 million spent annually on replacement vehicles on a rational basis and they sit down with the bureaus first before making any decisions. He noted that he sent information on these purchases to the Council members.

Commissioner Francesconi said his issue is a Parks problem, not BGS or Purchasing.

Commissioner Hales said it is hard to tell from the information he received what would happen if the vehicles were not purchased.

Mr. Kish said in the budget process BGS suggested going to a new nine-year

cycle and would like Council to approve that so they would have more latitude in dealing with the bureaus.

Commissioner Hales asked if the City is at the appropriate level regarding the number of vehicles in the pool versus the number owned by bureaus.

Mr. Kish said the pool has grown from 21 to 30 vehicles and they plan to add another 10 to decrease the number owned by bureaus. He said it is hard to tell how much more could be added and noted that currently there is 75 percent utility of the pool every day.

Commissioner Francesconi said the nine-year cycle makes sense to him but he does not think the vehicle miles are weighted enough. He indicated he would vote against Item 464 for that reason.

Mr. Kish noted there will be an efficiency drop if the City goes to a nine-year cycle.

Carleton Chayer, Purchasing Agent, said in the future Purchasing will do more detailed reports.

Commissioner Sten noted that the Water Bureau adhered to the current seven-year policy and Council should clearly indicate if it wants nine years now.

Commissioner Hales said he supports the extension to nine years as well as the need to review every purchase.

Commissioner Francesconi said he will vote against Item 466, too.

Commissioner Sten asked if Item 466 could be amended to remove the Parks vehicle as that item also includes three trucks for the Water Bureau with 80,000 to 100,000 miles on them that need to be replaced.

Council agreed to refer Item 464 back to the Bureau, to amend Item 466, and to accept the bids on Items 467 and 472.

Disposition: Accepted; prepare contract. (Y-4)

464 Accept bids of Courtesy Ford, Inc. and Gresham Ford for furnishing passenger mini vans for \$64,323 (Purchasing Report - Bid 56)

Disposition: Referred to Purchasing Agent.

466 Accept bid of Cascade Chevrolet Geo for five standard cab 3/4 ton pickups for \$88,014 (Purchasing Report - Bid 117)

Discussion: Commissioner Francesconi moved to amend this to remove the vehicle intended for the Parks Bureau. Commissioner Kafoury seconded.

Disposition: Accepted as amended; prepare contract. (Y-4)

467 Accept bid of S & J Chevrolet for furnishing seven 4-door compact sedans for \$83,489 (Purchasing Report - Bid 118)

Disposition: Accepted; prepare contract. (Y-4)

472 Purchase four cargo vans per State Price Agreement #6356 for \$74,861 (Purchasing Report - Bid 1120-F)

Disposition: Accepted; prepare contract. (Y-4)

Mayor Vera Katz

***491** Accept a modified grant award of an additional \$970,113 funded by the U.S. Department of Justice, COPS MORE 96 grant program (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, said the Police Bureau had asked for a one week continuance.

Disposition: Continued to April 16, 1997 at 9:30 a.m.

Commissioner Jim Francesconi

***492** Amend contract with the Portland Metropolitan Softball Association to renew the current agreement one additional term of five years, to March 31, 2003 (Ordinance; amend Contract No. 50624)

Discussion: David Ream, SW 12th Avenue, objected to omitting the pledge of allegiance at the start of Council meetings, the lack of availability of Council agendas and the misuse of "emergency" ordinances, which limits the time available for public input.

Commissioner Hales said Council realizes "emergency" is not quite the right word to use and said Mr. Ream's point is well taken.

Disposition: Ordinance No. 171066. (Y-4)

Commissioner Charlie Hales

- 493** Declare the purpose and intention of the City of Portland to construct street and storm sewer improvements in the SW Evans Street/19th Avenue Local Improvement District (Resolution; C-9911)

Disposition: Resolution No. 35599. (Y-4)

Commissioner Gretchen Miller Kafoury

- 494** Contract with C. Wark Trucking for \$649,995 for soil remediation (Second Reading Agenda 443)

Discussion: Council asked that this be continued to the afternoon session in order to hear from staff about whether this could be deferred.

Disposition: Continued to April 9, 1997 at 2:00 p.m.

Commissioner Erik Sten

- 495** Declare support for the Fair Workplace Project being launched by Basic Rights Oregon (Resolution)

Discussion: Commissioner Sten said all the Council members support this project, which basically asks businesses and other governments to adopt what already is the City's law prohibiting discrimination against gays and lesbians.

Jean Harris, Executive Director, Fair Workplace Project, said this is a tactic to use with businesses, educational and religious institutions. The Chamber of Commerce has endorsed the project as well.

Commissioner Francesconi said he appreciates this kind of bottom-up organizing but noted that legislation proposed at the State level to accomplish this has been bottled up.

Disposition: Resolution No. 35600. (Y-4)

- S-496** Amend City Code to reset the City's recycling goals at 54 percent in 2000 and 60 percent in 2005 (Second Reading Agenda 427; amend Code Section 17.102.010)

Disposition: Substitute Ordinance No. 171067. (Y-4)

City Auditor Barbara Clark

497 Assess benefitted property for the cost of constructing street and storm sewer improvements in the SW 47th Avenue/Palatine district Local Improvement District (Hearing; Ordinance; C-9823)

Discussion: Lola Gayley, Office of Transportation, said this project was done in response to a neighborhood request for a 20-foot street with parking on one side and no sidewalks. Later on the City adopted a DEQ mandate which added a water quality swale. She noted that the process was lengthy, lasting four years, but the cost had gone down from the June, 1995 estimate of \$215,000 to \$211,000. The only substantial increase in cost was due to a request for additional work by one property owner. She apologized to the neighborhood for the length of the project, due to the additional water quality piece and bad weather, which caused flooding. She noted a petition from neighbors objecting to both the length of the project and its cost.

Ruth Hayden, 4804 SW Palatine Street, said the cost was quite a bit more than residents were told at the original meetings. She said the delay made the street almost impassable for a long time and the quality of the work was poor.

Jim Marr, 4730 SW Palatine Street, objected to the excessive cost and time line. He said the City should take a hard look at its apportionment methods as something has gone awry here, resulting in an inequitable situation.

Commissioner Hales asked how the misunderstanding about costs occurred.

Ms. Gayley said property owners did not realize that the cost estimate given them, \$4,000 to \$6,000 for a 5,000 square foot lot, would go up if they had larger lots, which many of them did.

Dan Vizzini, Auditor's Office, noted that Mr. Marr has two lots, totaling 10,000 square feet. He explained how the estimates are arrived at but admitted there was a perception problem because people assumed the \$4,000 to \$6,000 was per household and did not figure in the lot size. He noted that the majority of participants petitioned the City for these improvements and there were no remonstrances at the time of formation. He said the construction disruptions were very unfortunate but cost overruns were limited to just a few properties. For most the assessment was two to three percent less than the estimate. He said the new Tualatin River water requirements added a year to the design and two floods exacerbated the length of time it took to complete the project.

Commissioner Sten suggested that in the future the City give homeowners an individual assessment rather than a generic one.

Ms. Gayley said new public communications policies have been put in place

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since this project was initiated in 1992.

Commissioner Francesconi said, although this project did not involve waivers, he worries about using them to further other City goals, for example to accommodate growth.

Commissioner Hales asked staff to reconfirm the individual assessments over the next week and verify the apportionments. He apologized to the residents for the delay.

Commissioner Kafoury moved to overrule the remonstrances and pass this to a second reading. Commissioner Francesconi seconded.

Disposition: Remonstrances overruled; passed to Second Reading April 16, 1997 at 9:30 a.m.

Communications

498 Request of Margaret Deirdre O'Hartigan to address Council regarding the need to amend existing City ordinance to prohibit discrimination on the basis of transsexualism (Communication)

Discussion: Margaret Deirdre O'Hartigan, 6902 N. Missouri, 97217, criticized Council for failing to include a prohibition on discrimination on the basis of transsexualism in its existing anti-discrimination ordinance. She also contended that Helen Cheek of the Metropolitan Human Rights Commission had issued a fraudulent report on the level of discrimination against transsexuals in the City.

Commissioner Francesconi said he objected to Ms. O'Hartigan's allegations about Ms. Cheek.

Disposition: Placed on File.

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

APRIL 9, 1997

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF APRIL, 1997 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Hales, Presiding; Commissioners Francesconi, Kafoury and Sten, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer Doug Collard, Sergeant at Arms.

Commissioner Gretchen Miller Kafoury

494 Contract with C. Wark Trucking for \$649,995 for soil remediation (Second Reading Agenda 443)

Discussion: Tom Feely, Fire Bureau, said this soil remediation work must be done at the Linnton Oil Fire Training Grounds to remove soil and ground water contamination. The cost is between \$300,000 and \$400,000 below the consultant's estimate to remediate the site and is also under the current approved budget for the project. Delay is inadvisable because the work needs to be done in the summer and because the Department of Environmental Quality and Environmental Protection Agency expect that this site will be returned to its original pre-contaminated state.

Disposition: Ordinance No. 171068. (Y-4)

499 **TIME CERTAIN: 2:00 PM** - Amend the Zoning Code to allow ownerships to be separated in Multi-Dwelling Zones and allow density limits to be exceeded in some situations (Ordinance introduced by Commissioner Hales)

Discussion: Cary Pinnard, Planning Bureau, said these amendments will make infill development easier on previously subdivided land, which will help further the Metro's 2040 goals. They grant grandfather rights in certain situations by allowing ownerships to be divided along original lot lines, even if the resulting lots are smaller than the minimum required in the base zone. To promote the retention of existing housing stock, they would allow some existing multi-dwelling structures to move out of compliance with the density standards. The impetus for this was a specific proposal in Northwest Portland. The Northwest District Association supports the changes but asked for Design Review for these situations. The Planning Commission, however, felt it was best to wait and deal with the design issues citywide.

Alan Kinsel, 01603 SW Greenwood, 97229, said he is co-owner and co-developer of the project that has given rise to this change in the Code. Due to past ownership patterns and the fact that there are some substandard lots that have

been in common ownership, they found themselves caught by a provision in the Code affecting anyone who buys two lots of substandard nature and joins them in ownership. He said they are trying to build 12 residential units on property next to a 36-unit apartment building of which they own a portion. Because a portion of the site has been joined in common ownership in the past, some of the building requirements on the larger building have spilled over onto the site they would like to build on. The Code change will allow the project to go forward and be reviewed on its own merit, rather than shutting it down by a pre-existing ownership situation. He said they have support from the neighborhood and their neighborhood association.

Commissioner Hales said he looks forward to seeing the project in the permit center for review.

Commissioner Francesconi said he favors this amendment because it preserves existing housing stock and yet allows some increases in density the City really needs without upzoning a whole area.

Disposition: Passed to Second Reading April 16, 1997 at 2:00 p.m.

500 Amend the Comprehensive Plan Map and change the zone of property between N. Columbia Boulevard and Bank Street, Barr Street and Oswego Avenue from OS (Open Space) and R5 (Residential) to R2 (Residential) (Second Reading Agenda 460; LUR 96-00234 CP ZC SU)

Discussion: Cay Kershner, Clerk of the Council, said this needs to be continued one week until Mayor Katz is present.

Disposition: Continued to April 16, 1997 at 2:00 p.m.

At 2:10 p.m. Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council