

PORTLAND, OREGON

OFFICIAL MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF JUNE, 1997 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Kafoury, 4.

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

David Agazzi, Bureau of Financial Planning, explained the overall effect of Measure 50's passage on the budget to date. He noted that all the items originally funded by "bridge" money will now be paid for with the added revenues. This includes \$2.3 million for Police, with \$600,000 for the Gang Enforcement Team. Another \$1 million will go to the Fire Bureau with partial funding to pay for a rescue team for Station 45. A transfer of \$1.1 million has been made to Parks and \$188,000 to the Bureau of Planning. He noted that the \$13.5 million from the Fire and Police Disability and Retirement Fund that has been held in contingency now needs to be dispersed in August, 1997. Changes in General Fund allocations total \$5.9 million.

890 TIME CERTAIN: 9:30 AM - Accept recommendation for expenditure of State Revenue Sharing Revenues in FY 1997-98 (Report introduced by Mayor Katz)

Discussion: Mark Murray, Bureau of Financial Planning, described the State Revenue Sharing report.

Disposition: Accepted. (Y-4)

Certify that certain services are provided by the City of Portland for eligibility of State Shared Revenues (Resolution introduced by Mayor Katz)

Discussion: Mr. Murray explained the provision for certifying the services provided, which include fire and police protection.

Disposition: Resolution No. 35621. (Y-4)

*892 Elect to accept funds from the State of Oregon under the State Revenue Sharing Program for FY 1997-98 (Ordinance introduced by Mayor Katz)

Disposition: Ordinance No. 171261. (Y-4)

*893 Close one City fund and transfer the remaining balances effective June 30, 1997 (Ordinance introduced by Mayor Katz)

Discussion: Mr. Murray said only one fund, the St. Johns Riverfront Bond Redemption Fund, is being closed this year. The balance is being transferred into the General Fund.

Disposition: Ordinance No. 171262. (Y-4)

*895 Levy taxes for the City of Portland for the fiscal year beginning July 1, 1997 and direct the Director of Financial Planning to submit said tax levy and other certifications to the County Assessors of Multnomah, Clackamas and Washington Counties (Ordinance introduced by Mayor Katz)

Discussion: Mr. Murray explained the breakdown in taxes levied for general government expenses, bonded debt and the Fire and Police Disability and Retirement Fund. He said the City will decide in the fall on the maximum eligibility.

Mr. Agazzi said Council may need to discuss with other jurisdictions how the levy will be shared.

Disposition: Ordinance No. 171263. (Y-4)

S-*938 Adjust the FY 1996-97 Adopted Budget for Period Two Adjustments (Ordinance)

Discussion: Commissioner Hales moved the Substitute; Commissioner Kafoury seconded and, hearing no objections, the Mayor so ordered.

Mindy Feely, Bureau of Financial Planning, said this "bump" ordinance makes adjustments to the current year budget. The biggest portion consists of carryovers and the allocation of cost of living adjustments (COLAs) in various bureaus.

Mayor Katz noted that some bureaus had absorbed the COLA because of the budget "chill."

Mr. Agazzi said the carryover amounts are being budgeted into the 1997-98 adopted budget. The ending balances will also be included there.

Disposition: Substitute Ordinance No. 171264. (Y-4)

S-*894 Adopt the annual budget of the City of Portland and establish appropriations for the fiscal year beginning July 1, 1997 (Ordinance introduced by Mayor Katz)

Discussion: Commissioner Kafoury moved the Substitute; Commissioner Hales seconded and, hearing no objections, the Mayor so ordered. Mr. Agazzi said the additional \$5.9 million represents the conversion of one-time bridge funds to ongoing programs.

Chet Orloff, Oregon History Center, asked that the City retain the \$22,000 appropriation to the Center for research services to the bureaus.

Mayor Katz noted that his allocation had not been cut entirely, but only by the 14.5 percent reduction imposed on all expenditures.

Citizens speaking in support of continued funding for the domestic violence programs and particularly the Women in Transition program for women in prostitution included:

Julie Ganz, Tualatin Valley Mental Heath Supervision Olga Rozano, Tualatin Valley New Options Program Christa McBridge, Multnomah County Community Justice Mary Monet, Tualatin Valley Mental Health Chair

Commissioner Kafoury and Mayor Katz explained that the City had agreed with Multnomah County that the City would focus on services for homeless men while the County would fund domestic violence programs.

Commissioner Francesconi said the roles of the County and City need to be clarified. He asked if government is effectively prosecuting men and if a connection has been made between crime and nude dancing. He noted that Oregon is one of the only states in the nation that cannot regulate nude dancing.

Ms. Rozano said the Vice Division is trying a new program for prosecuting males based on one in San Francisco. She said 13- and 14-year-old girls are often involved in dancing and she believes there is a big tie into prostitution.

Mayor Katz said the City can regulate nude dancing only if it shows a nexus between such activity and criminal acts.

Walter Valenta, 55 NE Bridgeton Road, requested that Council consider allocating funds for transportation improvements and the purchase of private property for a public park along North Harbor in the Bridgeton area.

Brad Ness, 4723 N. Borthwick, called for restoration of cell phones in Police cars and for an educational program to inform citizens about how to use 9-1-1.

Commissioner Francesconi thanked Council for equating Parks with Police and Fire on livability issues. He said is he pleased to see funds go to Southeast Portland for the first time and stressed the need for a revitalized Portland Development Commission with a better workforce program, one that connects to the workers themselves.

Commissioner Hales said the City's motto should be "find what works and do more of it." He said Council needs to find new resources to build infrastructure in such areas as Bridgeton and other places.

Commissioner Kafoury said she is happy to be able to respond to public concerns for restoration of the Gang Enforcement team and Station 45, even though she does not believe citizens in the Station 45 area would have been at added risk. Other concerns for later consideration include OMSI and the financial hit on the City for the homeless services it is now committed to providing.

Mayor Katz said there are large changes in the way the Police Bureau will operate in the coming budget year and she will keep an eye on those to make sure the right decisions have been made. With Measure 50, the number of officers will be increased to 960 which is still down from the previous level of 1,003. She noted that the Downtown Plan, which has just marked its 25th year, needs to continue for the next 25 years despite the fact that the whole environment has changed dramatically and the population has increased twofold.

Disposition: Substitute Ordinance No. 171265. (Y-4)

On a Y-4 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

896 Cash investment balances May 1 through May 28, 1997 (Report; Treasurer)

Disposition: Placed on File.

Accept bid of James W. Fowler Co. for Columbia Slough consolidation conduit, construction segment 5: utility relocation work for the Bureau of Environmental Services for \$1,148,964 (Purchasing Report - Bid 155)

Disposition: Accepted; prepare contract.

Reject all bids for one high cube van mounted TV inspection system (Purchasing Report - Bid 184)

Disposition: Accepted.

Accept bid of J.P. Contractors, Inc. for Willamette Park boat launch and parking lot improvements for \$661,900 (Purchasing Report - Bid 199)

Disposition: Accepted; prepare contract.

900 Reject all bids for Harney Park improvements (Purchasing Report - Bid 203)

Disposition: Accepted.

Accept bid of Environmental Systems Products, Inc. for computerized exhaust gas analyzers and dynamometer emissions testing equipment for \$190,000 (Purchasing Report - Bid 209)

Disposition: Accepted; prepare contract.

Accept proposal of Pacific Coast Construction, Inc. for CM/GC services for Peninsula and Montavilla Community Centers and pool systems renovation for up to seven percent of the guaranteed maximum price (Purchasing Report - RFP 216)

Disposition: Accepted; prepare contract.

903 Accept bid of Custom Sprinkling Specialists, Inc. for Hamilton Park improvements for \$151,400 (Purchasing Report - Bid 217)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

*904 Call for bids for 1997/98 Fiscal Year annual contracts for City's bureaus and departments, authorize contracts and provide for payment (Ordinance)

Disposition: Ordinance No. 171266. (Y-4)

*905 Pay claim of American Property Management (Ordinance)

Disposition: Ordinance No. 171267. (Y-4)

*906 Pay claim of Roger Pollock (Ordinance)

Disposition: Ordinance No. 171268. (Y-4)

*907 Pay claim of Tammy Taylor (Ordinance)

Disposition: Ordinance No. 171269. (Y-4)

*908 Amend contract with Managed Healthcare Northwest for the FY 1997-98 plan year (Ordinance; amend Contract No. 50101)

Disposition: Ordinance No. 171270. (Y-4)

*909 Amend contract with American Chiropractic Network for the FY 1997-98 plan year (Ordinance; amend Contract No. 50111)

Disposition: Ordinance No. 171271. (Y-4)

*910 Approve cost of living adjustments to pay schedules for nonrepresented classifications and elected officials; specify the effect upon employees in the classifications involved effective July 1, 1997; and provide for payment (Ordinance)

Disposition: Ordinance No. 171272. (Y-4)

Commissioner Jim Francesconi

*911 Authorize an agreement with the Association for Portland Progress and Portland Downtown Services, Inc. to provide special downtown services (Ordinance)

Disposition: Ordinance No. 171273. (Y-4)

*912 Funding agreement for repairs to dike with Peninsula Drainage District #1 (Ordinance)

Disposition: Ordinance No. 171274. (Y-4)

*913 Contract with J.P. Contractors, Inc. for \$661,900 to make improvements to the Willamette Park boat launch and parking lot (Ordinance)

Disposition: Ordinance No. 171275. (Y-4)

*914 Transfer one real estate parcel back to Multnomah County (Ordinance)

Disposition: Ordinance No. 171276. (Y-4)

*915 Amend rerouting agreement with PacifiCorp for relocation of a 115kV electrical transmission line at Portland International Raceway (Ordinance; amend Contract No. 30837)

Disposition: Ordinance No. 171277. (Y-4)

*916 Grant a license with conditions to Rigby Investments, an Oregon general partnership, for a non-exclusive driveway crossing and existing building encroachments of the Springwater Corridor just east of SE Johnson Creek Blvd. in Clackamas County (Ordinance)

Disposition: Ordinance No. 171278. (Y-4)

Commissioner Charlie Hales

Accept recommendations for the revisions to the public involvement process for complex local service street and neighborhood collector traffic calming projects (Report)

Disposition: Accepted.

918 Request the Clackamas County Commission to transfer jurisdiction of county roads in the Garthwick Subdivision to the City of Portland (Resolution)

Disposition: Resolution No. 35622. (Y-4)

*919 Amend agreement with Otak, Inc. to provide professional services for the Pedestrian Access to Transit project (Ordinance; amend Contract No. 30422)

Disposition: Ordinance No. 171279. (Y-4)

*920 Revocable permit to Portland Brewing Company to close NW 31st Avenue between Industrial and Luzon on September 19 through 21, 1997 (Ordinance)

Disposition: Ordinance No. 171280. (Y-4)

*921 Agreement with Kittelson & Associates, Inc. in the amount of \$30,000 for a report on the safety, effectiveness and public acceptance of speed bumps (Ordinance)

Disposition: Ordinance No. 171281. (Y-4)

*922 Amend agreement with BOORA Architects to include an expanded scope of services and additional compensation in an amount not to exceed \$59,633 for design of the Southwest Portland Community Center (Ordinance; amend Contract No. 30064)

Disposition: Ordinance No. 171282. (Y-4)

*923 Contract with Custom Sprinkler, Inc. for material and labor to construct Hamilton Park improvements for \$151,400 and provide for payment (Ordinance)

Disposition: Ordinance No. 171283. (Y-4)

*924 Authorize appointment of Hertsang Chen to the position of IS Manager-GIS Specialty in the Bureau of Planning at a rate above the mid-range (Ordinance)

Disposition: Ordinance No. 171284. (Y-4)

Commissioner Gretchen Miller Kafoury

*925 Amend FY 1996-97 contracts with the neighborhood district coalitions to extend the period by three months, rescind crime prevention provisions and increase total compensation (Ordinance; amend Contract Nos. 30661, 30662, 30663, 30664 and 30665)

Disposition: Ordinance No. 171285. (Y-4)

*926 Amend contract with Portland Development Commission for housing programs by increasing the amount by \$853,351 and provide for payment (Ordinance; amend Contract No. 31042)

Disposition: Ordinance No. 171286. (Y-4)

*927 Agreement with the State of Oregon acting by and through the Board of Higher Education on behalf of Portland State University for \$27,405 for coordination of the Marshall Caring Community (Ordinance)

Disposition: Ordinance No. 171287. (Y-4)

Commissioner Erik Sten

928 Accept completion of the Tryon Creek Wastewater Treatment Plant back-up power, Project No. 5317, and authorize final payment to McCoy Electric Co., Inc. (Report; Contract No. 30172)

Disposition: Accepted.

929 Consent to transfer of L.L. Schnell, Inc. solid waste and recycling franchise to Cloudburst Recycling, Inc. (Ordinance)

Disposition: Passed to Second Reading June 25, 1997 at 9:30 a.m.

*930 Authorize agreements for the conveyance of property to the Bureau of Environmental Services, subject to certain conditions being fulfilled, and authorize acceptance of deeds and payment of expenses (Ordinance)

Disposition: Ordinance No. 171288. (Y-4)

*931 Authorize the Director of Environmental Services to approve an Intergovernmental Agreement with Portland State University to provide services related to the implementation of a citizens' watershed stewardship program (Ordinance)

Disposition: Ordinance No. 171289. (Y-4)

*932 Authorize Intergovernmental Agreement with Multnomah County for vector control services and provide for payment (Ordinance)

Disposition: Ordinance No. 171290. (Y-4)

*933 Authorize emergency purchase of drag bucket equipment from Enviro-Clean Equipment and provide for payment (Ordinance)

Disposition: Ordinance No. 171291. (Y-4)

Authorize an agreement with KCM, Inc. for \$158,000 to analyze, design and provide construction services during construction of the interties and other miscellaneous improvements to the Water Bureau's three water supply conduits and provide for payment (Ordinance)

Disposition: Passed to Second Reading June 25, 1997 at 9:30 a.m.

Authorize contract with EES Consulting, Inc. for consultant services to develop and provide water treatment operation training to treatment operators (Second Reading Agenda 862)

Disposition: Ordinance No. 171292. (Y-4)

Amend Westside Light Rail tunnel segment construction agreement with Tri-Met and provide for final payments (Second Reading Agenda 863; amend Contract No. 50056)

Disposition: Ordinance No. 171293. (Y-4)

937 Authorize contract with CH2M Hill for laboratory services for microbiological and chemical analysis and related assistance for Information Collection Rule Compliance (Second Reading Agenda 868)

Disposition: Ordinance No. 171294. (Y-4)

REGULAR AGENDA

Commissioner Charlie Hales

*939 Intergovernmental agreement with Multnomah County to provide roadway maintenance services to certain county roads west of the Willamette River during Fiscal Year 1997-98 (Ordinance)

Discussion: Commissioner Hales said this is a new way of doing business and as a result of negotiations, the City will receive between \$350,000 and \$360,000 from the County for the cost of maintaining these streets.

Disposition: Ordinance No. 171295. (Y-4)

*940 Intergovernmental agreement with the Oregon Department of Transportation to provide for the preliminary engineering of the Lovejoy ramp removal and reconstruction project (Ordinance)

Discussion: Commissioner Hales stressed that this is only the preliminary engineering portion of the work and does not cover actual deconstruction or construction of new surface streets.

Disposition: Ordinance No. 171296. (Y-4)

Commissioner Erik Sten

*941 Extend contract with Cytec Industries, Inc. for supplying polymer (E 3098) through March 31, 1999 (Ordinance; amend Bid 186-A)

Disposition: Ordinance No. 171297. (Y-4)

City Auditor Barbara Clark

Assess property for sewer connection contracts processed through the Private Plumbing Loan Program for the period ending June 4, 1997 (Second Reading Agenda 880; P0027)

Disposition: Ordinance No. 171298. (Y-4)

Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through May 8, 1997 (Second Reading Agenda 881; Y1018)

Disposition: Ordinance No. 171299. (Y-4)

Assess property for sewer system development contracts for the period ending May 8, 1997 for the mid-county sewer project and non mid-county area (Second Reading Agenda 882; Z0659, Z0661, Z0662)

Disposition: Ordinance No. 171300. (Y-4)

Communications

Request of Wendy Loren to address Council on police-related concerns (Communication)

Discussion: Wendy Loren, 625 SW 10th Ave., #509A, said she is being harassed by a Mafia family and by a San Francisco Police officer who has been spraying chemicals on her mattress, causing her body to loosen up, particularly her upper arms. She told Mayor Katz and Commissioner Kafoury, however, that their flabby arms could not be attributed to chemicals but could be corrected with proper diet and exercise. She added that marijuana should be taxed to raise money for children.

Disposition: Placed on File.

At 11:00 a.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF JUNE, 1997 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales and Kafoury, 4.

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

Commissioner Charlie Hales

S-947 Establish a Transportation System Development Charge on new development applicable at the time of application for a building permit and adopt a new Chapter 17.15 of the City Code (Second Reading Agenda S-884)

Disposition: Substitute Ordinance No. 171301 as amended. (Y-4)

TIME CERTAIN: 2:00 PM - Establish a Blueprint 2000 Interbureau Task Force and Blueprint 2000 Stakeholders group to examine integration of City development review and development permitting functions (Resolution introduced by Commissioner Hales)

Discussion: Commissioner Hales said today developers may need as many as seven different approvals before they can move ahead on a project. He said he believes a single bureau is more likely to meet the goals of providing better service but is willing to consider other options as well.

Commissioner Hales moved the amendment proposed by the Office of Finance and Administration to make \$18,000 available to to pay for consulting services in support of Blueprint 2000. Commissioner Kafoury seconded. Hearing no objections, the Mayor so ordered.

Paulette Rossi, 35110 NE 147th Ave., 97230, asked that a representative be added from each of the five geographic neighborhood areas. She said appointing only one neighborhood representative discriminates against Northeast and Outer Southeast Portland.

Mark Selser, Ashcreek Neighborhood Association, 11625 SW 64th, 99219, urged better inter-bureau communications. He also recommended connecting a long-range planning effort to this, adding strong rules for enforcement of violations, establishing an internal appeals process when the City itself makes mistakes and adding the Office of Finance and Administration as a technical advisor. In response to a question from Commissioner Hales, he said the neighborhoods have observed instances where bureaus that are not under the same Commissioner-in-Charge do not communicate well.

Robin White, Executive Vice President, Building Owners and Managers Association, said they support this process as they are seeing increased delays, changes in regulations after permits are granted and permits that are lost in process. She said the business development community should have equal representation with neighborhood groups, noting that no one from any plumbing or electricians organizations are included. She also requested that the City go ahead and implement any good ideas agreed upon prior to adoption of the whole new system in December, 1998.

Jeff Sackett, Triangle Development, said the recent comment in the Oregonian that "welfare should be as hard to get as a building permit" is not just perception but reality. He said time and certainty are as important as fees and the process is getting longer and more complicated every year. He said actual users of the process should be represented on the Stakeholders Task Force.

Bob Durgan, Associated General Contractors, supported the process as a way of preventing current hang-ups in the permitting process. He stressed that permits are different from land use and neighborhood community plans.

Don Drake, Melvin Mark Companies, said it sends a bad signal to developers when permitting takes four to six months.

Tom Sjostrom, representing the Association of Portland Progress, said the current process is too time consuming. The rules are applied inconsistently and there is also inconsistent customer service.

Jeff Fish, Multnomah County Chapter Homebuilders Association, 1834 SW 58th Ave., #206, 97221, said under the current system there is no accountability between departments and an excessive amount of time is needed to obtain permits for single-family residences. He said balance is needed on the Stakeholder Task Force and suggested that Margaret Mahoney of the Bureau of Buildings be placed in charge of the overall effort.

Kevin Kraus, Reach Community Development, 1135 SE Salmon, 97214, cautioned the City not to end up creating an eighth bureau that does not talk to the other seven bureaus. He said there is a need to catch errors during plan

review rather than later, out in the field. He said the Task Force seemed skewed to the neighborhood and needs more balance.

Amanda Fritz, Portland Planning Commission, 4106 SW Vacuna Street, 97219, said the difference between land use and permitting should be clearly established. She said the City has already spent \$100,000 studying the subdivision process which has reached a different conclusion than this. She said citizens and the bureau advisory groups both need to be in the same room and should not be separated. Finally, she believes the groups' recommendations should go before the Planning Commission first and then to Council. She supported Ms. Rossi's recommendation for more neighborhood representatives, noting that citizens pay 50 percent of development costs. Finally, she said enforcement has not been stressed enough.

Charlotte Uris, Irvington Community Association, 2526 NE 10th, 97212, said they believe the current system serves the public fairly well, respecting the tension between various policies and the regulatory code. They want a balanced system where environmental and land use policies are respected and not one primarily focused on a speedy permit process. They do not want policy separated from implementation and would like a "no build" option to be included as well. She proposed a number of amendments (see written testimony) including adding four more representatives to the Stakeholder Team. She also asked that the charge to the Stakeholder include consideration of a "no build" option.

Peter Fry, Alliance of Portland Neighborhood Business Associations, said the system is not broke but needs to respond to changing times. He said a separate process is needed for cleaning up inconsistencies in the Zoning Code. He also noted fault on both sides, not just the City's, citing six cases in recent years that could be at least partially attributed to errors made by architects, engineers and developers.

Thomasina Gabriel, Institutional Facilities Coalition, 3334 NW Vaughn, 97210, questioned whether staff will be able to objectively address suggestions that have adverse impacts.

Don Hanson, OTAK, said he is primarily involved in land-use approvals and has found the preapplication process works well because it includes a representative from each bureau. He suggested expanding that process. In no way does he support relaxation of the Codes but simply a simplification of the process. He suggested researching what other cities do to streamline their processes and said it is very important to have a single point of authority. He urged that no changes be made to this document.

Commissioner Hales said very good suggestions have been made today but he believes the representation on the composition of the Task Force is fair. He said if pitched battles ensue between the neighborhoods and developers, this effort will have failed and added that this is an effort to improve the process, not institute regulatory changes.

Commissioner Francesconi said the Task Force should look at the issue of customer service and the working environment. Research about what other cities do is a good idea.

Commissioner Hales said he agrees that OFA should be included on the interbureau committee and that if better ways to do things are found they should be put into effect along the way.

Commissioner Francesconi noted that only one for-profit small developer is included and wondered if more representation is needed from the business sector.

Commissioner Hales said he would prefer to keep the current makeup but if it turns out that key elements are not represented he will be willing to amend the membership.

Commissioner Francesconi said the situation has reached the point where even small developers have to pay consultants to get through the process. He said the current system is dysfunctional and needs reform although it is a mistake to think this will solve all the problems. Policy should be looked at separately from implementation and a review of zoning code changes is crucial. Coordinated technology to track permits is needed as are performance appraisals on employees. Finally, a mechanism for enforcement of Code violations is also needed.

Commissioner Hales said while environmental protection and livability are still the final objectives, uncertainty about the process is not the place for creative tension. New staff positions will be funded through the permit fees themselves.

Commissioner Kafoury disagreed that the system was dysfunctional, pointing out that 90 to 95 percent of the permits are very simple and easily processed. But more accountability in the system and having a single manager responsible is a positive step forward. How to increase density and maintain livability is the big question.

Mayor Katz said permittees need timely responses and consistent information. Having standard operating procedures and accountability, with one person in charge of the process, are critical. She said she would like to see something in place before 1998.

Disposition: Resolution No. 35623 as amended. (Y-4)

At 3:25 p.m., Council adjourned.

BARBARA CLARK Auditor of the City of Portland

By Cay Kershner
Clerk of the Council