



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF APRIL, 1998 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Kafoury and Sten, 5.

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

Agenda Nos. 436 and 438 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

425 Cash investment balances March 5 through April 1, 1998 (Report; Treasurer)

Disposition: Placed on File.

426 Accept bid of Andersen Pacific Contractors, Inc. for Plaza Block-Chapman and Lownsdale Square improvements for \$301,700 (Purchasing Report - Bid 98137)

Disposition: Accepted; prepare contract.

427 Accept bid of Platinum Construction Services, Inc. for restroom renovation at Portland Heights and Wallace Parks for \$60,789 (Purchasing Report - Bid 98143)

Disposition: Accepted; prepare contract.

428 Accept bid of Parker Northwest Paving Co. for SE Mitchell Street to SE Raymond Street LID for \$86,380 (Purchasing Report - Bid C-9906)

Disposition: Accepted; prepare contract.

429 Vacate a certain portion of NE 52nd Avenue between NE Wisteria Drive and NE Sandy Blvd., under certain conditions (Ordinance by Order of Council; C-9944)

Disposition: Passed to Second Reading April 22, 1998 at 9:30 a.m.

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Mayor Vera Katz

- *430 Extend Legal Services Agreement with Lehner, Mitchell, Rodrigues & Sears, LLP (Ordinance; amend Agreement No. 30567)

Disposition: Ordinance No. 172144. (Y-5)

Commissioner Jim Francesconi

- 431 Accept contract with Gerding Investment Company as developer for the construction of the new East Portland Community Policing Center as complete and authorize the final payment and release of retainage (Report; Contract No. 30354)

Disposition: Accepted.

- *432 Amend contract with LGA Architecture to include additional services for the Community Music Center in the amount of \$34,500 (Ordinance; amend Contract No. 30116)

Disposition: Ordinance No. 172145. (Y-5)

- *433 Authorize a contract with Mitchell Nelson Group, Inc. for the preparation of a master plan update for Portland International Raceway (Ordinance)

Disposition: Ordinance No. 172146. (Y-5)

Commissioner Charlie Hales

- 434 Accept the SW Terwilliger Blvd. slide repair Project 1 and 2 as complete, approve Change Order Nos. 1 through 4, and release retainage (Report; Contract No. 31484)

Disposition: Accepted.

- *435 Authorize the Commissioner of Public Safety to appoint a Transition Manager to manage the implementation of the Blueprint 2000 project (Ordinance)

Disposition: Ordinance No. 172147. (Y-5)

- *437 Approve a Memorandum of Agreement with the City of Portland Professional Employees Association (COPPEA) appointing Richard V. Newlands to the three-year wage rate of Planner and authorize a one-time credit of 40 hours vacation (Ordinance)

Disposition: Ordinance No. 172148. (Y-5)

- *439 Designate an area for signal facilities purposes at the northeast corner of Duniway Park for a pedestrian crossing improvement project at SW Sheridan Street and SW Barbur Boulevard (Ordinance)

Disposition: Ordinance No. 172149. (Y-5)

- *440 Authorize the Purchasing Agent to call for bids on behalf of Portland Parks and Recreation for the renovation of restroom buildings in approximately 20 parks (Ordinance)

Disposition: Ordinance No. 172150. (Y-5)

Commissioner Gretchen Miller Kafoury

- 441 Nominate Judy Rice to service as a member of the Metropolitan Exposition-Recreation Commission (Resolution)

Disposition: Resolution No. 35686. (Y-5)

Commissioner Erik Sten

- 442 Accept completion of the Parkrose Middle School water quality facility, Project No. 5784 (Report; Contract No. 31307)

Disposition: Accepted.

- *443 Authorize a contract and provide for payment for construction of the Inverness stormwater sediment dewatering facility, Project No. 5446 (Ordinance)

Disposition: Ordinance No. 172151. (Y-5)

- *444 Authorize negotiations for the purchase of property required for future expansion of the Columbia Boulevard Wastewater Treatment Plant, authorize the City Attorney to commence condemnation proceedings, if necessary, and authorize the City Attorney to obtain early possession (Ordinance)

Disposition: Ordinance No. 172152. (Y-5)

- *445 Authorize a sole source agreement with Murphy, Symonds & Stowell Search for executive recruitment services to the Bureau of Water Works (Ordinance)

Disposition: Ordinance No. 172153. (Y-5)

- *446 Authorize a Confidentiality Agreement with Portland General Electric to investigate the possibility of acquiring some or all of Portland General Electric's Bull Run hydroelectric plant (Ordinance)

Disposition: Ordinance No. 172154. (Y-5)

- 447 Authorize an agreement with Economic and Engineering Services, Inc. for an amount not to exceed \$50,000 to perform engineering services in the area of water quality, treatment and regulatory compliance and provide for payment (Second Reading Agenda 399)

Disposition: Ordinance No. 172155. (Y-5)

- 448 Authorize a contract and provide for payment for the construction of water mains and regulator vaults in the NW Miller Road mains package (Second Reading Agenda 400)

Disposition: Ordinance No. 172156. (Y-5)

- 449 Authorize a contract and provide for payment for the construction of water mains in the SW Marquam Hill Road mains package (Second Reading Agenda 401)

Disposition: Ordinance No. 172157. (Y-5)

- 450 Amend contract with Wichai Engineering Services, Inc. (Wescorp) for an amount not to exceed \$16,400 to provide additional engineering services for a dam break and flood inundation analysis of the Washington Park and Mt. Tabor reservoirs and provide for payment (Second Reading Agenda 403; amend Contract No. 31385)

Disposition: Ordinance No. 172158. (Y-5)

City Auditor Barbara Clark

- 451 Transmit Certificate of Completion for sidewalk, traffic signal and street lighting improvements in the NE Broadway/Weidler/Halsey/9th Avenue Local Improvement District (Report; C-9921)

Disposition: Accepted.

- *452 Assess system development charge contracts and Private Plumbing Loan Program contracts (Ordinance; Z0681, Z0682, T0003, T0004, L0052, P0032)

Disposition: Ordinance No. 172159. (Y-5)

REGULAR AGENDA

- *436 Amend an Intergovernmental Agreement between the Portland Development Commission; the City of Portland Office of Transportation; and METRO to extend the contract and increase budget amount to \$110,000 for the purpose of completing an economic and development impact analysis of selected segments of the South/North light rail alignment (Ordinance; Contract No. 30416)

Discussion: Commissioner Hales asked that this be referred back to his office.

Disposition: Referred to the Commissioner of Public Safety: See June 10, 1998 at 9:30 a.m.

S-*438 Authorize the Purchasing Agent to sign a Purchase Order as a contract with Oregon Pacific Railroad Company in the estimated amount of \$192,400 without advertising for bids and provide for payment (Ordinance)

Discussion: Commissioner Hales moved the substitute. Commissioner Francesconi seconded and the motion carried. (Y-5)

Disposition: Substitute Ordinance No. 172160. (Y-5)

421 **TIME CERTAIN: 9:30 AM** - Presentation by Portland Public School children of an item for inclusion in the Time Capsule to be sealed as part of City Hall Rededication Celebration (Ceremony introduced by Commissioner Francesconi)

Discussion: Commissioner Francesconi said the time capsule will be opened in 100 years and noted that students from Irvington School were asked to suggest items for inclusion.

Mayor Katz introduced all the children from Irvington and Commissioner Francesconi noted the presence also of students from Catlin and the Reynolds School District.

Karen Kramer and Steve Sivage, Bureau of General Services (BGS), read a letter addressed to the citizens of 2098 and revealed the contents of the time capsule, which will be placed in an abandoned steam pipe in City Hall, marked by a manhole cover.

Disposition: Placed on File.

422 Request the City Archivist to preserve in usable form certain items referred to in the 100-year Time Capsule and report to the City Council at ten-year intervals (Resolution introduced by Commissioner Francesconi and Auditor Clark)

Discussion: Liisa Fagerland, City Recorder, said the audio/video recordings included in the capsule would be unusable after 100 years so the City's Archives Department will take whatever steps are necessary to preserve them.

Diana Banning, City Archivist, committed to preservation of the material in usable form.

Disposition: Resolution No. 35687. (Y-5)

423 **TIME CERTAIN: 10:15 AM** - Request for an annual revocable permit for the intersection of SE 9th Avenue and Sherrett Street for the neighborhood public square project; provide conditions for future similar requests and authorize the City Traffic Engineer to review and issue permits (Ordinance introduced by Commissioner Hales)

Discussion: Commissioner Hales said this is an unusual and controversial project.

Brant Williams, Portland Office of Transportation (PDOT), said this project has made traffic safer and has had no appreciable negative affect on traffic volumes, speeding or crime. He said a list of

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criteria has been developed to evaluate the permit annually and the City Engineer supports this project. He said exceptional efforts to seek support have been made by the project's originator, Mark Lakeman, and by the immediate neighbors. In addition to PDOT support, the project has received approval from Southeast Uplift, despite concerns about maintenance.

Mark Lakeman, project originator, said the project is meant to be thought-provoking and as a means to encourage a creative process of cooperation. Although the project appears to be crude and childlike, it represents the need to have gathering places in order to build a feeling of community. He showed slides to illustrate successful gathering places in other cities.

Lee Leighton, President, Sellwood Moreland Improvement League (SMILE), said the idea behind this project was a noble one, even though it got ahead of the permitting process. Since Council gave it temporary approval, a lot of work has been done to address its concerns and decide how to make it work better. SMILE unanimously approves of the project and the evolving process that it represents.

Supporters included:

Mark Wilson, 1123 SE Harney St., 97202
Annmarie Wright, 8503 SE 9th Ave., 97202
Linda Danenger, 1553 SE Clatsop St., 97202
Zachery Taylor, 1021 SE Sherrett St., 97202
Jerri England, 1005 SE Marion St., 97202
Belinda Koski, 1122 SE Sherrett St., 97202
Paul Montgomery, 933 SE Sherrett St., 97202
Charla Chamberlain, 6104 NE 14th Ave.
Michael D'Angelo, 1016 SE Umatilla St., 97202
Ann Callanan Madden, 8525 SE 11th Ave., 97202
Helen Burke, 945 SE Sherrett St., 97202
 and her children, Siobhan and Tim
Vanessa Renwick, 3727 NE 11th Ave., 97212
Emily Dahmen, 4009 N. Mississippi, 97227
Don Bailey, 5149 SW Idaho St., 97221
Tim Batog, 8512 SE 9th Ave., 97202
Manoj Mathew, 4228 SW 48th Pl., 97221
Leya Nicolait, 2790 SW Montgomery, 97205
Joseph Christman, 704 NE Failing St., 97212
Sonia Montalbano, 4124 SE 28th Ave.
Paul Calman, no address given
David Christensen, 639 SE Linn St.

Supporters said this has decreased cut-through traffic and speeding problems. It is a meeting place that fosters a much-needed feeling of community and where children feel safe and welcome. They noted majority support for the project, which has won many awards for its creativity, and those involved are willing to work out any problems to gain more community support.

Opponents included:

Jim Losk, 625 SE Linn, 97202
Suzy Lamore, 513 SE Marion, 97202
James Schoel, 600 SE Marion, 97202
Herb Crane, 790 SE Webber St., No. 209
Janet Conklin, 790 SE Webber St. No. 202
David Buczkowski, 8714 SE 9th, 97202
Dr. Ethel Simon-McWilliams, 600 SE Marion
Donna Duncan, 935 SE Linn, 97202
Catherine Miller Dexton, 615-A SE Linn, 97202
Joel Jolibois, 8625 SE 9th Ave., 97202
Dan Searls, 600 SE Marion, 97202
Lee Searls, 600 SE Marion, 97202
Natasha McLean, 8736 SE 9th Ave., 97202

Opponents said this project clutters a public right-of-way on a public street and has driven a wedge between neighbors. They said it was put in without City approval and imposed on the neighborhood before there was a chance for reasonable input from opponents, who have been treated with hostility. It is a cluttered and haphazard eyesore more representative of 1970s "flower power" than of the neighborhood as a whole and is poorly maintained and decreases property values. They questioned the legitimacy of the support from SMILE and SE Uplift and whether Mr. Lakeman was being held to the same standards that would be imposed on others.

Commissioner Francesconi said more mediation may be needed between the two factions.

Mr. Williams outlined the terms of the permit. He said because safety is Transportation's number one issue, they believe issuing an annual revocable permit will permit them to monitor the project. The permit is revocable any time the City Engineer believes it creates a safety problem.

Mr. Leighton described the involvement of SMILE, which came about only after it received complaints. A general meeting and two follow-up workshops were held to see how this could be made to work. He said it is regrettable that some opponents elected not to participate until today. He said it would be best if Council endorsed the project now and then took another look at it next year.

Commissioner Kafoury said conflicting good intentions are apparent in today's testimony and she believes mediation is needed. She does not believe structures are necessarily needed to build community and did not hear that this has brought the community together. She asked if more stuff is to be added to it this summer.

Mr. Williams said modifications are allowed but have to be approved by the City Engineer.

Mr. Leighton said they may want to exchange some structures for more appealing ones.

Commissioner Hales said Council needs to decide whether this is allowed or not.

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Commissioner Kafoury said this is a land-use issue which she believes needs more process to allow a fair and open discussion with all parties.

Commissioner Sten said he is prepared to vote today.

Commissioner Francesconi asked Mr. Leighton if a mediator was needed and how much time should be allowed.

Mr. Leighton said the scope of what is being mediated needs to be very closely defined and not just revolve around whether the project should go away or not.

Mayor Katz asked how long it would take the mediation office to put a process together. She added that the parties might not get to closure.

Mr. Lakeman said they can move quickly but a framework has already been created for involvement and as much participation as possible has been encouraged. He said he does not believe mediation will bring about a different result and that the framework to move forward is now in place.

Commissioner Francesconi said a year is too long to wait before this is reviewed. He suggested six months. He said he favors the project because there is no safety issue and he believes the community does need gathering places, although he would prefer a park, not an intersection. He said the project does need a maintenance plan as it not adequately kept up and an outreach plan should be considered as well to engage the public on the aesthetics issues involved in a project on public property.

Commissioner Hales said a condition should be added to make the mediation staff available as the City Engineer should not be the sole mediator.

Mayor Katz said another condition could be to request a report on the guidelines that have been agreed to.

Commissioner Francesconi moved to approve the ordinance with the following conditions: 1) the permit is limited to six months; 2) a neutral mediator will be engaged to work with both supporters and opponents; and 3) a report will be filed within three months outlining the maintenance plan, the process for evaluating aesthetics and the outreach plan. Commissioner Hales seconded.

Commissioner Hales said each side needs to acknowledge the validity of the other side. He said this is a pioneering project and a difficult piece of work.

Commissioner Kafoury said Council's approval is hypocritical compared to the design standards it applies in land-use cases.

Commissioner Sten said trying to determine among the competing uses of a public space is very difficult and the more controversial this project becomes the harder it becomes for Council to support it. He said there is value in what both sides have testified to.

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Mayor Katz said while there is value in connectivity and the grid system there is also value in increasing connectivity to people. She said she is excited by the unconventional ideas and while it is fair to discuss the aesthetics, she is not sure all will agree. She suggested that Mr. Lakeman consider using other materials and increase maintenance efforts. A big question for the mediator is how large a community should have a say about this.

Disposition: Passed to Second Reading as amended April 22, 1998 at 9:30 a.m.

***424 TIME CERTAIN: 11:00 AM** - Amend Fair Wage Policy for certain formal service contracts to increase minimum wage and require health insurance coverage (Ordinance introduced by Mayor Katz and Commissioners Francesconi, Hales, Kafoury and Sten; amend Ordinance No. 170222)

Discussion: Commissioner Francesconi described the wage increases incorporated in this ordinance. It will also require that bidders on City contracts provide health benefits. This, he believes, will help the City attract better contractors with a record of less worker turnover.

Commissioner Sten said the underside to the present booming economy is that it becomes harder and harder for people to afford to live in the City.

Madelyn Wessel, Chief Deputy City Attorney, said a worry for the City Attorney's office was how to do this without inviting legal challenges. She noted strict State laws regarding public contracting and the award of contracts to the lowest bidder. Regarding health benefits, she said the City needs to figure out how to establish a reasonable level of competition as different companies offer different levels of benefits. Regarding the use of temporary clerical workers, she noted that State law mandates the use of rehabilitation agency services to fill those positions and most are filled through purchasing requisitions. Some decisions need to be delayed due to a lack of factual evidence.

Commissioner Sten said some communities set a minimum wage at a lower level if health benefits are offered.

Mayor Katz asked about the impact on women and minority businesses.

Ms. Wessel said there is a potential for a real impact on those groups because they are more likely to be economically fragile and struggling to survive.

Commissioner Francesconi said a very diverse group of leaders was involved in this and he supports it.

Mayor Katz asked how long it would take before the impact on minority and women contractors was known.

Ms. Wessel said they will assess that on a contract-by-contract basis to see if there is a negative impact.

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Commissioner Sten noted that the current prevailing wage is a lot higher than \$7.50, the minimum set by this ordinance.

Ms. Wessel said the wage rate is the easiest element for contractors to deal with as they can simply pass the cost on to the City. The health benefits are more complicated because they would have to be applied to all employees, even if only a few work on City contracts.

James Posey, National Association of Minority Contractors of Oregon, said the level of security given employees by this action will result in a much better workforce. He said this issue would be moot if minority contractors had received their share of contracts to begin with or had begun to reap the benefits of the fair contracting measures.

Leslie Kockran, Coalition for a livable Future, called for the addition of union friendly language, cost-of-living adjustments and paid days off.

Others speaking in support of the ordinance included:

Yvonne Martinez, Jobs with Justice
James Partridge, co-chair, Jobs with Justice
Jean Eilers, AFL/CIO
Emile Jorgenson, Local 49, representing 5,000 janitors and service
workers

Supporters stressed the need for workers to have living wages. Ms. Jorgenson noted that Multnomah County had many problems with enforcement of a similar ordinance.

Commissioner Francesconi asked how this would be monitored and if there was a role for Jobs with Justice.

Ms. Wessel said she has asked Purchasing and the Office of Finance and Administration to work on the health benefits and then do more meticulous monitoring before reporting back to Council. She said there is no reason why the City cannot share some monitoring tasks with Jobs with Justice. Workers get notice of their wage rights along with their paychecks and similar notice could be given about this.

Commissioner Francesconi asked if there could be unintended consequences with COLAs and paid days off.

Ms. Wessel said there are many practical issues to work through.

Commissioner Francesconi said union friendly language is one of the best wage raising strategies there is but one has to make sure it is legal and enforceable.

Commissioner Hales said the City needs to do the right thing and to understand the nuances of what it is doing and not just be satisfied with symbolic victories.

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Mayor Katz said Council does not want the City to be divided between two groups, the very rich and the very poor.

Disposition: Ordinance No. 172161. (Y-5)

Items 453, 454, 455, 456 and 457 were continued to the afternoon session, April 15 at 2:00 p.m.

At 1:30 p.m. Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF APRIL, 1998 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Kafoury and Sten, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney, and Linda Meng, Chief Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Mayor Vera Katz

- *453** Apply for a \$10,000 grant from Oregon's Victims of Crime Act program for the Crisis Response Team of the Portland Police Bureau (Ordinance)

Disposition: Ordinance No. 172162. (Y-5)

Commissioner Erik Sten

- *454** Authorize a contract and provide for payment for the Bull Run Lake access road, spillway and dike reconstruction (Ordinance)

Disposition: Ordinance No. 172163. (Y-5)

City Auditor Barbara Clark

- *456** Create a local improvement district to construct street and sewer improvements in NE 55th Avenue/Ainsworth HCD Local Improvement District (Hearing; Ordinance; C-9929)

Discussion: Bruce Young, 5922 NE 55th, 97218, said this improvement needs to be done now.

Disposition: Ordinance No. 172164. (Y-5)

- 457** Assess benefitted property for the cost of constructing street and storm sewer improvements in the N. Bruce District Street Local Improvement District (Hearing; Ordinance; C-9937)

Disposition: Passed to Second Reading April 22, 1998 at 9:30 a.m.

- *458** **TIME CERTAIN: 2:00 PM** - Authorize negotiations to acquire a parcel of land needed for the Forest Park (Low) reservoir site and authorize City Attorney to commence condemnation proceedings and obtain early possession, if necessary (Ordinance introduced by Commissioner Sten)

Discussion: Commissioner Sten said trying to find a site for a water tower in this area has been a

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very difficult and contentious process. He said staff has taken a lot of time to talk about this with the neighborhood and to define its site criteria.

Mike Rosenberger, Director, Bureau of Water Works, described the process and noted that this is the first time the Bureau has ever recommended condemnation in order to obtain a suitable site. He said the site is needed to meet Northwest area water demands and this proposal meets the needs of the system, the neighborhood and the property owner. He said the Forest Park Neighborhood Association (FPNA) asked that the Bureau meet three criteria in selecting a site to ensure: 1) minimal impact on the environment; 2) minimal visual impacts on existing homes; and 3) minimal visual impact on Skyline Boulevard. These criteria can best be met through purchase of the Courter property, especially if the tank is buried, as proposed. Mr. Rosenberger said the City will pay fair market value for the property.

Dick Courter, the property owner, said no one told him until today that the tank would be buried and he is not sure the site is stable enough to handle a tank that is 75 feet in diameter and 40 feet tall. He said this tank should be sited in the development where it is needed, Forest Heights, and not on the only site under consideration that is owner-occupied. He said the FPNA joined him in its opposition, by a 41 to 0 vote. He disputed the City's methodology and its inability to find another site. He requested that the City hold off until his wife recovers her health.

Others speaking in support of Mr. Courter included:

Ann Chapman, 3740 SW Greenleaf Dr.
Nancy Rosenlund, 5830 NW Cornell Rd., 97210
Ward Heathman, 2315 NW Ramsey Drive, 97229
Robert Hostetter, 14295 SW Wilson Dr., Beaverton, 97008
Bernard Fedde, 1919 NW Ramsey Crest, 97229
C. R. Larson, 6820 SE 39th, 97202
Liz Callison, 6039 SW Knightsbridge, 97219
Brian Lightcap, 13342 NW Newberry Rd., 97231
Keith Anders, no address given

Many of those testifying contended that the tower rightfully belongs on the developer's property, Forest Heights, not Mr. Courter's. They criticized the City for its lack of planning and for renegeing on assurances made to neighbors that when Forest Heights was built property would be provided there for the services this development would demand, including fire, water and sewer. Opponents questioned why the Courters had to bear the burden of new growth. Other issues raised included the wrongful taking of private property, the instability of the soil and the availability of other suitable sites.

Mr. Rosenberger said the Bureau provided all the renderings of the underground tanks at a public meeting on January 21, 1997. He reviewed the neighborhood criteria and noted that they had added a fourth regarding the tanks, requesting that they be shielded to the point of invisibility.

Mort Anoushiravani, Chief Engineer, Water Systems Management Group, described to Council why other sites could not meet the Bureau's criteria. He noted, for instance, that tanks are usually

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placed on ridges in order to put the necessary gravity to work. Regarding soil condition, he said the Courters have not allowed soil analysts to go on site but the Bureau believes there are geotechnic ways to deal with this site, which is zoned for housing now. He estimated the odds of its suitability at much better than 50/50.

Commissioner Francesconi asked if the tank would be needed without the new developments in that area.

Mr. Anoushiravani said it would still be needed, but probably not as large. He said the current system does not allow for a lot of water storage and the Bureau wants to increase its fire fighting capability.

Thomasina Gabriele, Gabriele Development Services, reviewed the other possible sites and said they were selected in direct response to the Forest Park Neighborhood Association's criteria.

Commissioner Sten said the Bureau could make any of five possible sites work. The neighborhood would prefer that the tank be put on the developer's land but putting it above ground at a lower elevation will increase its visibility from Skyline. It would be considered an eyesore there and its pipes would also run through environmental zones.

Commissioner Sten said no matter where this is sited, it will have some impact and no site satisfies everyone. If undergrounding does not work on this site, the Bureau can return to Council with another proposal. He said there are four considerations here: 1) the neighbors; 2) environmental zones; 3) citizens who use Skyline; and 4) the private property owner. He said the cost to underground the tower is an additional \$600,000 which will cost all ratepayers an extra \$3.00 on their water bills. The tradeoff for complete mitigation is thus the extra cost. He said in balancing private property rights against the impact on the view, he came down in favor of protecting this important view corridor.

Mr. Rosenberger said it is \$500,000 cheaper to put a tank above ground on the Courter property than to put an above ground tank on any of the other three properties. Putting it underground, however, eats up those savings.

Mayor Katz said she would prefer placing the tank on the developer's site but if that is not doable putting it underground is probably the better option.

Mr. Anoushiravani noted that 1.3 acres of the 13 acres owned by Mr. Courter would be purchased for this use. It will not preclude use of any of his remaining property.

Mr. Courter said he still believes the process is unfair, whether or not the tank is placed above or below ground.

Mayor Katz asked what will happen if the soil is found unsuitable after the property is purchased. She also asked what the Bureau will do if Council says no to this site.

Mr. Rosenberger said the bureau will find another site but believes mitigation of the impacts will

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not be possible to the same extent as on the Courter site. None of the other sites are suitable for burying tanks.

Mr. Anoushiravani said it may not be possible to provide the same level of service or offer the same degree of fire suppression at another site.

Commissioner Francesconi asked Mr. Courter why he would not give the City permission to test the soil conditions.

Mr. Courter said he will talk to his attorney about that possibility. He said the property the City wants will divide his property in half and cut down the number of trees he can grow.

Commissioner Sten said the Bureau will return to Council to report on the situation.

Mayor Katz asked if there is a limit on the amount of compensation.

Mr. Rosenberger said the amount of compensation will be determined by an independent evaluation and appraisal, taking into account the economic impact. The City will pay the fair market price.

Linda Meng, Chief Deputy City Attorney, noted that any damages to the remaining property resulting from this purchase will be considered in determining the price. The value is based on highest and best use of the property as zoned.

Commissioner Francesconi said this is a terrible situation but he does not see any alternative at this point. He agreed it would have been much better if this could have been done on the developer's property.

Commissioner Hales said condemnation is done very rarely by the City and never done lightly. The need for water and fire protection is urgent and the City has found it very hard to site any public facilities without controversy. In this case, the Bureau is going the extra mile by undergrounding the tank.

Commissioner Kafoury agreed that the Bureau has gone the extra mile to guarantee that the tank will have the least impact possible.

Commissioner Sten said he is absolutely convinced undergrounding the tank is the best choice. If this will not work the tank will be erected on the developer's site.

Mayor Katz said the visual issue is very important to her but she hopes Mr. Courter gets fair value for the loss of his property. If the ground is found to be unstable, the Bureau will return to Council.

Disposition: Ordinance No. 172165. (Y-5)

455 Assess benefitted property for the cost of constructing street and storm sewer improvements in the NE 47th Place/Sumner District Street HCD Local Improvement District (Hearing; Ordinance; C-9923)

Discussion: Susan Lantz, 5020 NE 47th, 97212, opposed this Local Improvement District. She believes the City is pushing the project despite questions raised about increased traffic and crime and believes her assessment will condemn her land and way of life. She said her assessment is \$4,475 but she is too young, under age 62, and makes too much money (\$28,000) to qualify for low-income relief programs which have a cut-off of \$17,500. She said she cannot pay her bills now.

Frank Dufay, Assessments and Liens Manager, Auditor's Office, said a low-income financing program is available which extends over 20 years.

Commissioner Hales moved the overrule the remonstrance. Commissioner Kafoury seconded.

Disposition: Remonstrance overruled; Passed to Second Reading April 22, 1998 at 9:30 a.m. (Y-5)

At 4:20 p.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON
WAS HELD THIS 16TH DAY OF APRIL, 1998 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Kafoury
and Sten, 5.

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

459 **TIME CERTAIN: 2:00 PM** - Accept report and recommendation for the Sabin School Safety
Project (Report introduced by Commissioner Hales)

Discussion: Kris Ochia, Office of Transportation said goals for this safety project included
minimizing traffic congestion around Sabin School in order to increase visibility for school
children, decreasing speeding on 17th and 18th Avenues and improving visibility at 17th and
Shaver. He described a 90-day test plan which used four speed bumps and four semi-diverters to
encourage drivers to go around the school in a circular direction. He said a petition circulated to
see if there was support for the test received 70 percent approval. The test results showed that
speeding was not as much a problem as had been expected so the speed bumps were eliminated
and a new plan was devised with four semi-diverters.

Frederick Smith, 3728 NE 18th Avenue, 97212, objected to the project. He said the plan was not
devised through a democratic process and the safety of children could be better addressed by
providing crossing guards than by adding a pedestrian crossing at Fremont. He also called for
increased safety training at Sabin School and said if teachers parked a block to the south on 17th
Avenue, parents would be able to drop their children off safely.

Commissioner Hales asked him what aspects of the design he opposed.

Mr. Smith said the project addresses a problem that exists for half an hour each morning and
afternoon but keeps people who live on the street from using it 24 hours a day. He said it is
unwise to rely on poorly-designed safety islands to keep kids safe and added that Tri-Met buses
also have a problem going around them. He said the islands divert bus traffic from their usual
route because they cannot make the turn without backing up, which is illegal. He said the Sabin
Community Association believes that since this project affects the whole neighborhood, the whole
neighborhood should be allowed to vote on the project.

Residents speaking in support of the project included:

Jennifer Ryan, 3526 NE 18th Ave., 97212
Namita Nag, Vice Principal, Sabin School
Donna Hughley, 2067 NE Alameda Dr., 97212
Lynne Gaudinier, NE 21st Avenue, 97212
Tony Mendoza, 3806 NE 18th Avenue, 97212

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Virginia Hodgdon, 4115 NE 17th, 97212
Richard Bunch, 4046 NE 18th Avenue, 97212

Supporters said the diverters and islands do increase safety and there has already been a positive change to what had been a very dangerous situation for children, especially when they are dropped off at school. There was much public involvement and strong support was voiced for the project, except for the speed bumps, following the 90-day test.

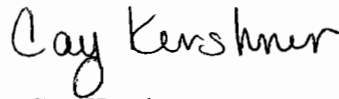
Commissioner Hales moved to accept the report. Commissioner Francesconi seconded.

Commissioner Hales noted that the City has struggled with the issue of how many people it should poll in doing projects of this nature. There is no ideal answer but in this case the project has been a success.

Disposition: Accepted. (Y-5)

At 2:55 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland



By Cay Kershner
Clerk of the Council