



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF APRIL, 1990 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Koch and Lindberg, 5.

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

Mayor Clark proclaimed Wednesday April 18 as Bike to Work Day and acknowledged Anndy Wiselogle, Chairman of the Clean Motion Committee. The Mayor also proclaimed the week of April 16-22 as Earth Week and presented the proclamation to John Jennings of Earth Day, Oregon.

Commissioner Koch presented Commissioner Blumenauer a replica of a check to the City for \$7,243.75, representing proceeds from the sale of the first three vehicles seized and forfeited under the City's new drunk-driver ordinance.

CONSENT AGENDA - NO DISCUSSION

Agenda Nos. 616, 617 and 621 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

- 609 Accept bid of Wentworth Chevrolet Co. for furnishing four compact dump trucks for \$49,544 (Purchasing Report - Bid 88)

Disposition: Adopted.

- 610 Accept bid of Parker NW Paving for improvement of SE Long, Liebe/58th HCD and LID extension of the sanitary sewer on SE Liebe Street for \$63,072 (Purchasing Report - Bid C-9688)

Disposition: Adopted.

APRIL 18, 1990

- 611 Return Purchase Report to Council and recommend it be mended (Previous Agenda 392)

Disposition: Adopted.

Mayor J. E. Bud Clark

- * 612 Authorize agreement with Gayle Rowe for legal services (Ordinance)

Disposition: Ordinance No. 162928. (Y-5)

- * 613 Amend contract with Paramid Inc. for data processing systems planning services at \$40,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 162929. (Y-5)

- * 614 Authorize application to the Administration on Aging for a \$190,069 grant for funding to test, modify, and expand a local training model to serve aging advisory councils across the state and the nation (Ordinance)

Disposition: Ordinance No. 162930. (Y-5)

- * 615 Amend contract with D.G. Carlson and Associates for data processing services at \$32,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 162931. (Y-5)

Commissioner Earl Blumenauer

- * 618 Authorize the Commissioner of Public Works and the Auditor to execute an intergovernmental agreement with the State of Oregon for the orderly improvement of the NE 33rd Drive and NE Sunderland Road sanitary sewer system (Ordinance)

Disposition: Ordinance No. 162932. (Y-5)

- * 619 Call for bids for the Fanno Creek Pressure Sewer Replacement Project, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162933. (Y-5)

- * 620 Amend the Comprehensive Plan Map and change the zone of property at 2235 NW Savier from GI-1, General Industrial to M3, Light Manufacturing (Ordinance; 7966-PA)

Disposition: Ordinance No. 162934. (Y-5)

APRIL 18, 1990

Commissioner Dick Bogle

- * 622 Authorize an agreement for services between Campbell Resources, Inc., and the City of Portland, for \$35,526 (Ordinance; waives Code Section 5.68)

Disposition: Ordinance No. 162935. (Y-5)

Commissioner Bob Koch

- 623 Inform Council of the appointment of Marilyn Williams to PIIAC as a citizen advisor (Report)

Disposition: Adopted.

- * 624 Call for bids to lease used sedans for a one year term for Police usage, and authorize a contract to provide for payment (Ordinance)

Disposition: Ordinance No. 162936. (Y-5)

Commissioner Mike Lindberg

- 625 Accept Change Order No. 2 for Powell Butte Nature Park at \$1,045.25 (Report; Contract 25385)

Disposition: Adopted.

- * 627 Call for bids for restroom and parking lot construction at Willamette Park, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162937. (Y-5)

- * 627 Contract with Lee Kelly for the creation and installation of a public art project to be located in North Waterfront Park and provide for payment (Ordinance)

Disposition: Ordinance No. 162938. (Y-5)

- * 628 Amend contract with Isaac Shamsud-Din to work as a professional artist and produce framed artwork, under the terms of a Fred Meyer Charitable Trust grant and provide for payment (Ordinance; Contract 25752)

Disposition: Ordinance No. 162939. (Y-5)

- * 629 Increase the contract amount to \$19,000 for additional professional services involving soils sampling and analysis along NE Airport Way near NE 158th Avenue (Ordinance)

Disposition: Ordinance No. 162940. (Y-5)

APRIL 18, 1990

- * 630 Call for bids for an irrigation system at Buckman Field for the Bureau of Parks and Recreation, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162941. (Y-5)

- * 616 Call for bids for material recycling equipment, authorize contracts, transfer funds, and provide for payment (Ordinance)

Discussion: Jeanne Nyquist, Maintenance, said the Bureau is faced with the disposal of 79,000 tons of waste annually. This year they found a way to recycle 42,000 tons of street sweepings and excavation materials but an additional 37,000 tons of asphalt concrete and leaves remains to be disposed of in a landfill. Purchase of this recycling equipment will allow them to recycle these materials, with significant savings projected in disposal fees. This and the following ordinance will appropriate funds in this fiscal year for the purchase of \$341,000 of equipment and enable the bureau to get its recycling program off the ground.

Commissioner Blumenauer introduced Bureau employees involved and said this equipment will save the City millions of dollars over the next decade as well as being more sensitive to the environment.

Disposition: Ordinance No. 162942. (Y-5)

- * 617 Authorize the Purchasing Agent to issue a purchase order to Municipal Asphalt Products, Inc., for the purchase of one Eagle 200 Asphalt Recycler, transfer funds, and provide for payment (Ordinance)

Disposition: Ordinance No. 162943. (Y-5)

- * 621 Approve an intergovernmental agreement with Multnomah County for administration of the County's Secondhand Dealer Program by the Bureau of Licenses (Ordinance)

Cay Kershner, Clerk, said a substitute agreement had been filed on this item. Commissioner Blumenauer moved the substitute. On a second by Commissioner Koch, the motion carried. (Y-5)

Disposition: Ordinance No. 162944 as substituted. (Y-5)

- * 608 **TIME CERTAIN:** 9:30 AM - Amend Ordinance No. 148251, which adopted an Energy Conservation Policy for Portland, by replacing it with a new Energy Policy (Ordinance; introduced by Commissioner Lindberg)

Commissioner Lindberg said the City last adopted an energy policy in 1979, one which became a model for 150 other cities. It is now important to update it to help us be more energy efficient, improve the environment and help our economy by reducing the amount citizens spend on energy consumption.

Linda Krugel, Energy Office, said this policy is the result of two year's efforts and involved many agencies, hundreds of people and five Task Forces which made findings in the areas of data, energy supply, industry, buildings, transportation and telecommunications which were then consolidated into one report. Both the Planning Commission and the Energy Commission held public hearings.

Individuals speaking in favor of the Plan included the following:

Jim Claypool, Planning bureau
Rick Glick, Energy Commission Chair
Jack Roberston, Deputy Administrator, BPA
George Richardson, Northwest Natural Gas, Director of State and Local Government Relations
Angus Duncan, Northwest Power Planning Council
Michael Granne, Deputy Director, Oregon Department of Energy
Dorothy Rothrock, Portland General Electric and Energy Commission member
Dan Saltzman, Energy Commission member
Robin White, Portland Association of Buildings and Managers and member of the Energy Commission
John Frewing, Portland General Electric and Chair of Transportation and Telecommunications Task Force
Chris Unger, President, League of Women Voters
George Tsongas, Professor at Portland State University
Emily Cederleaf, Director, Multi-Family Housing Council
Max Bolte, Energy Commission member and architect
Pam Arden, Kenton Neighborhood Neighborhood Association
John Martin, Pacific Energy Systems, Chair of Industry Task Force
David Kish, Chair, Buildings Task Force
Marian Dawan, Block-by-Block Neighborhood Plan for King Neighborhood
Ken Keating, Chair, Data Task Force and BPA Employee
Scott Lawrie, Solar Energy Association of Oregon
Bob Chaples, Director, Community Energy Project
Rita Childs, Brentwood-Darlington Neighborhood
Bill Thomas, Multnomah County Division of Human Services
T. J. Lowe, League of Utilities and Social Service Agencies

APRIL 18, 1990

Supporters said this policy embodies the best part of earth day thinking in that we are asked to think globally and act locally. Increased energy efficiency and conservation were stressed. Also stated was the City's need to get its own house in order so as to stand as a model energy consumer. Strong support was given the provision to establish a set-aside fund of 6/100ths of one percent from the City's budget devoted to financing energy. Increased weatherization of low income housing, avoidance of polluting fuels and less reliance on gasoline were among the many aspects of the plan supported by those testifying.

Commissioner Blumenauer said he found the idea of set-asides as described by Dorthy Rothrock intriguing. He liked the idea of letting bureaus retain a small portion of savings and thought a formula might be developed to allow the Energy Office a small identifiable portion of net new savings in energy costs as a reward for demonstrated success.

Shelley Faigle, Portland Power and Light Vice President of Marketing and Pricing, suggested three additions for incorporation into the policy: 1) maximize energy efficiency in rental properties by encouraging property owners to implement all cost effective measures; 2) extend applicability of Northwest Power Planning Council's Model Conservation Standards to all home heating fuels; 3) acknowledge the value of the multiplier effect and the benefit of energy efficiency activities to the local economy.

Ken McFarling, 7417 SE 20th Avenue, said he had recommended that the policy be amended to advocate the use of light railroad technology to fulfill a wide range of transportation needs.

Linda Krugel said his point was included in the statement promoting efficient transportation options for commuting between Northwest urban centers.

Commissioner Lindberg said the Energy Commission has suggested an amendment.

Ms. Krugel said the amendment incorporates changes consistent with Ms. Faigle's recommendations. They cover the inclusion of home heating fuels, avoidance of low conservation opportunities by encouraging property owners to install all cost effective weatherization measures when weatherizing their rental properties and a statement which addresses the multiplier effect by stating that the business of energy efficiency results in increased business and employment opportunities. She said the additions did not need Planning Commission approval as they did not involve Comprehensive Plan changes but that the Energy Commission had approved them.

APRIL 18, 1990

Commissioner Blumenauer moved to incorporate Ms. Faigle's three recommendations as part of the final ordinance. On second by Commissioner Bogle, the motion carried. (Y-4, Koch absent)

Mayor Clark said he had some concerns about where the policy fit with the budget process and about the incentive programs.

Commissioner Lindberg said it would not be in the coming fiscal year budget.

Commissioner Blumenauer moved to approve Commissioner Koch's amendment to include the recycling of office wastepaper and other recyclable materials in Objective 1 of Policy #9. On second by Commissioner Bogle, the motion carried. (Y-4, Koch absent)

Disposition: Passed to Second Reading as amended.

REGULAR AGENDA

Mayor J.E. Bud Clark

- * 631 Authorize application for and acceptance of a grant under Section 17 of the US Housing Act of 1937, and S.301 of the Housing and Urban/Rural Recovery Act of 1983, Pub. Law No. 98-181, Stat. 1153, in the amount of \$479,000 for fiscal year 1990-91 (Ordinance)

Disposition: Ordinance No. 162945. (Y-4, Koch absent)

- * 632 Authorize contract with United Way to act as fiscal agent for City funds utilized to maintain services at Baloney Joe's, West Women's and Children's Shelter, and Ma's Community Inn, during their transition to other agencies (Ordinance)

Greg Wentworth, Central Eastside Industrial Council, said he hoped Council would support this if it means the transition of our homeless support networks from the existing mass dormitory shelter system to a more humane system. He said his organization opposed it if it meant prolonging the life of a poorly-run agency and a shelter that is a black eye to the City.

Dan Steffey, Bureau of Community Development, said this is money coming from the City's entitlement under the Stewart B. McKinney act for emergency shelter services and is being granted to help maintain services while the Burnside Community Council is transitioning their programs to other agencies.

Disposition: Ordinance No. 162946. (Y-4, Koch absent)

APRIL 18, 1990

Commissioner Earl Blumenauer

- * 633 Call for bids for the Sumps 1990 Storm Sewer System, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162947. (Y-4, Koch absent)

Commissioner Dick Bogle

- * 634 Require addresses on buildings (Ordinance; Amending Title 31)

Disposition: Ordinance No. 162948. (Y-4, Koch absent)

At 11:30 am, Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF APRIL, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding (late); Commissioners Blumenauer, Bogle, Koch and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Adrienne Brockman, Deputy City Attorney; and Officer John Wrigley, Sergeant at Arms.

Commissioner Blumenauer acted as Presiding Officer in Mayor Clark's absence for the first ten minutes of the session.

- 637 Deny appeal of Homestead Neighborhood Association and grant application of Oregon Health Sciences University for a conditional use and for the construction of three facilities, with variances at 3181 Sam Jackson Park Road (Findings; Cu 118-89)

Disposition: Findings adopted (Y-4, Clark absent)

- 636 Deny appeal of Charles Schietinger and approve application of Walter Remmers for a zone change and variance, with conditions, at 708 and 821 SW Maplecrest Court (Findings; 7952 and 7953)

Commissioner Bogle said he would be unable to participate in the findings on this appeal as he was not present last week and had not listened to the tape.

Adrienne Brockman, City Attorney, said there are two sets of findings -- Planning staff findings for approval of the zone change and the variance and an alternative set of findings prepared by City Attorney Kathryn Imperati which would deny the variance because the variance criteria probably cannot be met in terms of approval.

In response to a question from the Mayor, Brockman said the City Attorney's office did not think the decision made last week would be upheld in this case. The hardship which was the basis for granting the variance cannot be created by the Code but must be created by the size, shape or typography of the property. In addition, reliance on the fact that other variances in the area already granted have created a property right is also incorrect.

APRIL 18, 1990

Ms. Brockman said staff findings were to approve the zone change and the variance but the City Attorney wrote findings only for denial of the variance. She said if Council were to tentatively approve the zone change and deny the variance, the City Attorney's office could prepare findings and bring them back to Council in two weeks.

Commissioner Lindberg asked if applicants could go ahead with the development if the zone change was approved but the variance denied.

Ms. Brockman said she did not believe so. The problem is that applicants do meet zone change criteria. Voting to approve the zone change allows an added degree of safety so that in case of an appeal to LUBA a return to Council will not be necessary. She said the applicant may want the zone change because the Code rewrite, when approved, may allow them to do something that they can not do now.

Commissioner Koch moved to tentatively approve the zone change and deny the variance. Commissioner Blumenauer seconded the motion.

Disposition: Tentatively Approve zone change and deny variance. Prepare findings May 2, 1990. (Y-4; Bogle abstaining)

- 635 Adopt the report and recommendations of the Planning Commission on the East Columbia Neighborhood Natural Resources Management Plan (Report introduced by Commissioner Blumenauer)

Discussion: Rich Cassidy, Planning, reviewed the process involved in developing the plan. He said prior to the study there was no consensus in the neighborhood about where or how many wetlands were in the area and that the need for this information coincided with agreement by federal agencies on a new way of deliniating wetlands, known as the unified federal method. At the same time, President Bush began to promote no net loss of wetlands and stress the need to offset the loss of filled wetlands by creating new ones.

Mr. Cassidy said one of the things the Plan tried to do was provide incentives to property owners to preserve wetlands. He said the process involved a tremendous amount of public information so that property owners can make plans for the future use of their land and that they worked hard to build consensus on an identity for the area among neighborhood groups.

APRIL 18, 1990

Martha Johnstone, East Columbia Neighborhood Association board member, said this is a sensible solution for a very controversial issue. She said the designations for residential and industrial developments and provisions to protect the wild life and open space give everyone tools to work with.

James D. McDonald, Chairman of East Columbia Neighborhood Association, said he hopes the study will be a model for the rest of the Columbia corridor not only for the technical aspects but also for the process of involving people with different viewpoints.

Chuck Olson, 4023 NE Laddington Court, representing the 40 Mile Loop Land Trust, applauded the plan and said it recognizes the need for access to the recreation trail and said they hoped the cultural history of the area would be a part of the trail's signage, exposing all to the urban environment.

Commissioner Bogle moved adoption of the report.
Commissioner Blumenauer seconded.

Disposition: Adopted. (Y-5)

At 2:37 pm , Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF APRIL, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle, Koch and Lindberg, 5.

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

CONSENT AGENDA - NO DISCUSSION

Commissioner Earl Blumenauer

- * 638 Grant a revocable permit to Portland Rhododendron Society to hang a banner across SE 28th Avenue at Crystal Springs Park, April 23, 1990 through May 14, 1990 (Ordinance)

Disposition: Ordinance No. 162949. (Y-5)

Commissioner Mike Lindberg

- * 639 Repeal obsolete, unenforceable code provisions relating to parks (Ordinance; repeal Code Sections 20.12.100, 20.12.160 and 20.12.330)

Disposition: Ordinance No. 162950. (Y-5)

REGULAR AGENDA

- 640 Grant a revocable permit to Michael and Alfred Obrist, deedholders, to allow storage and maintenance of recreational vehicles, boats, trailers, and motor homes at 6729 SE 162nd Avenue, on Tax Lot 2, Section 24, 1 South, 1 East, for a period of five years, under certain conditions (Second Reading Agenda 605)

Disposition: Ordinance No. 162951. (Y-5)

Commissioner Earl Blumenauer

- 641 Accept the Portland Planning Commission Recommendation on Adoption of the Natural Resource Management Plan for the Columbia South Shore (Previous Agenda 516)

Discussion: Cay Kershner, Clerk, said PDC had requested a postponement but had not specified a date. Commissioner Blumenauer requested that it be referred to his office and the Mayor so ordered.

Disposition: Referred to Commissioner Blumenauer's office.

APRIL 19, 1990

Commissioner Mike Lindberg

- 642 Prescribe the rates and charges for water and water-related services by the City of Portland during the fiscal year July 1, 1990 to June 30, 1991 and fixing an effective date (Ordinance)

Discussion: Commissioner Lindberg said this is a 7.38% increase on average while the typical residential home will experience a 4.01% increase which still leaves our rates about 25% lower than neighboring communities.

Commissioner Lindberg said there are a whole series of issues facing the Water Bureau that may dramatically change what we will happen to future rates. Some of these issues concern future water supply, our role as a regional water provider, and meeting new federal regulations regarding treatment, groundwater issues and watershed management.

He said we have spotted owl in the watershed which may affect not only logging but other activities as well. He said he hoped to have an informal session to brief Council on all these issues.

Disposition: Passed to Second Reading.

At 2:10 pm, Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council