



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28TH DAY OF MARCH, 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; Kathryn Imperati, Senior Deputy City Attorney; and Officer Howard Jordan, Sergeant at Arms.

Mayor Clark proclaimed March 28 as Minoru Yasui Recognition Day.

Commissioner Bogle introduced coach Dick Gray and members of the Benson High School basketball team, winners of this year's state basketball championship.

470 TIME CERTAIN: 9:30 AM - Presentation by Youth Today (Report)

Discussion: Council members introduced their youth counterparts: Christy Smith, Jeff Neal, Megan Odell, Catherine Lloyd, Cydney Rochan and Matthew Carmichael.

Youth representatives reported findings and recommendations of the Youth Leadership Conference on violence prevention and described some of Youth Today's projects including Project Transcend and City School.

501 Adopt the 1990/91 Overall Economic Development Strategy (Ordinance)

Discussion: Sam Brooks, Chair, said this report focused on business development and job opportunities in North and Northeast Portland. He said the committee touched on tough issues and was not bashful in making recommendations.

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Don Clark, committee member, said the committee came up with a good product that can guide the City in its economic future.

Commissioner Bogle said this is a direct response to an area of our City which needs to be targeted for special attention.

Commissioner Blumenauer said many of the suggestions are already being incorporated within our bureaus.

Commissioner Koch said he is delighted that the Council is so committed to the dream of revitalization in this area.

The Commissioners voted Y-5 to adopt the report which goes to a second reading.

Disposition: Passed to second reading.

Agenda Nos. 474, 491 and 498 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 472 Cash and Investment balances for February 15, 1990 through March 14, 1990 (Report; Treasurer)

Disposition: Adopted. Placed on file.

- 473 Accept bid of Interspiro USA, Inc. for furnishing self-contained breathing apparatus for \$34,860 (Purchasing Report - Bid 67)

Disposition: Adopted; prepare contract.

- 475 Accept bid of Case Power & Equipment Co. for furnishing two tractor backhoe loaders for \$96,306.05 (Purchasing Report - Bid 75)

Disposition: Adopted; prepare contract.

- 476 Accept bid of United Fire Service, Inc. for furnishing two rescue rechassis for \$80,473.50 (Purchasing Report - Bid 79)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- 477 Confirm appointment of Dorothy Hall to fill the unexpired term of Neil Kelly through July 10, 1991 and reappointment of C. Douglas McGregor to a term to expire July, 1992 on the Portland Development Commission (Report)

Disposition: Confirmed.

- 478 Confirm reappointments of Linda Barnes and Norman Locke to the Oregon Public Buildings Corporation for terms to expire April, 1993 (Report)

Disposition: Confirmed.

- 479 Inform Council of appointment of John J. Cox to the Board of Directors of Portland Cable Access (Report)

Disposition: Adopted.

- * 480 Authorize issuance of requests for proposals for interim financing of the City's master lease program (Ordinance)

Disposition: Ordinance No. 162857. (Y-5)

- * 481 Extend Legal Service Agreement for services in Paresi vs. City (Ordinance)

Disposition: Ordinance No. 162858. (Y-5)

- * 482 Settle claims of Judy C. Lampert (Ordinance)

Disposition: Ordinance No. 162859. (Y-5)

- * 483 Modify the Labor Agreement between the City of Portland and the City of Portland Planning and Engineering Employees Association (COPPEEA) (Ordinance)

Disposition: Ordinance No. 162860. (Y-5)

- * 484 Authorize an agreement with Central City Concern for the operation of the Danmoore Hotel in an amount not to exceed \$16,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 162861. (Y-5)

Commissioner Earl Blumenauer

- * 485 Accept completion of the N Dekum Street Improvement and approve Change Order No. 1, and recommend final payment be made. (Report; C-9645)

Disposition: Adopted.

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- 486 Provide for time and manner of improving as a district; streets within SE Reedway/57th District HCD Improvement Project and construction of sumps. (Second Reading Agenda 456)

Disposition: Ordinance No. 162862. (Y-5)

- * 487 Call for bids to restore and convert an existing street lighting system on S.W. Fourth Avenue (Ordinance)

Disposition: Ordinance No. 162863. (Y-5)

- * 488 Release a utility easement reserved in the vacation of NE 8th Avenue south of NE Oregon Street (Ordinance)

Disposition: Ordinance No. 162864. (Y-5)

- * 489 Call for bids to install street lighting systems on SW Oak Street, SW Taylor Street and SW Second Avenue (Ordinance)

Disposition: Ordinance No. 162865. (Y-)

- * 490 Accept three street deeds for the SE Harold Street from SE 92nd Avenue to SE 102nd Avenue Street Improvement Project, granted by Wilfred G. Herman, Rosemary D. Peterson, Ida Olson, Kevin Olson-Peterson, David George Bradley, and Martin Edward Fleck, at no cost to the City (Ordinance)

Disposition: Ordinance No. 162866. (Y-5)

Commissioner Bob Koch

- * 492 Call for bids for The Portland Building Ceramic Tile Joint Restoration and Sealing Project, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 162867. (Y-5)

Commissioner Mike Lindberg

- 493 Report on Contract No. 25387 with Oregon Electric Construction, Inc. to install telemetry equipment and instrumentation for the Water Control Center Project, approving Change Order No. 001 and authorizing an increase to the basic contract amount of \$188,761.71 (Report)

Disposition: Adopted.

- 494 Contract with the U.S. Geological Survey for streamflow and water quality monitoring at a cost of \$141,060 (Second Reading Agenda 453)

Disposition: Ordinance No. 162868. (Y-5)

- * 495 Authorize an application to the Oregon Community Foundation for a grant in the amount of \$25,000 (Ordinance)

Disposition: Ordinance No. 162869. (Y-5)

- * 496 Make payment of \$11,471 to Quadrant Development to increase the size of a privately installed water main from 8 inch diameter to 12 inch diameter (Ordinance)

Disposition: Ordinance No. 162870. (Y-5)

- * 497 Call for bids for ballfield lighting at Farragut Park for the Bureau of Parks and Recreation, authorize a contract, and provide for payment (Ordinance)

Disposition: Ordinance No. 162871. (Y-5)

- * 499 Authorize a contract with the U.S. Environmental Protection Agency for an Intergovernmental Personnel Agreement and transfer \$21,950 within the Water Fund (Ordinance)

Disposition: Ordinance No. 162872. (Y-5)

- 471 **TIME CERTAIN: 10:15 AM** - Accept Clean River Program report from the Bureau of Environmental Services (Report introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said this program is a critical part of both our environmental and our infrastructure agendas.

Bill Gaffi, Environmental Services, showed slides to illustrate some of the program aspects. A sewer system strained to capacity, elevated levels of toxic contaminants, stagnant water and excessive algae growth are some of the challenges we face in protecting our heritage of clean rivers. To meet these challenges will require a significant investment of city resources in an increasingly complex system as well as an aggressive public outreach program to obtain support for clean river measures. Successful resource management will require leadership, partnership with other governmental entities and community support.

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Gail Achterman, Chair, Strategic Water Management Group of Oregon, said this program is testimony to the City's leadership in the region. She said we now realize we must look not only at what is coming into the river from the pipes and then setting effluent standards but also at the quality of the river itself, small contributing streams and polluting sources that come off surface of the land. She urged the City to design programs that involve citizens and industries every step of the way so that they as well as governments can take action.

Margaret Kirkpatrick, Oregon Environmental Council and Portland Planning Commission, said Portland needs to fund and implement this program now both to meet its legal responsibilities and because it is the right thing to do. Some actions need to be taken right now in order to avoid sanctions and possibly even court-imposed controls.

Walt Mintkeski, Friends of Johnson Creek Canyon, and sanitary engineer, said his group wants to work closely in partnership with Environmental Services and other groups to study the water quality and identify the combined sewer overflows and storm sewers.

Mike Houck, representing the Audubon Society and FAUNA, suggested that the report reflect the passion behind this program and not just the legal reasons why we need to do it. He also suggested that the report specifically state its intent to integrate and coordinate with other regional organizations.

Steve Shane, Zidell Resources, said it is imperative that a partnership exist between the private sector and resource and regulatory agencies. He said resourceful use of the land contributes positively to the quality of the environment and eliminates the potential for judicial intervention.

Corey Samia, OMSI Science Developer, cited OMSI's planned move and said they hope to incorporate the river setting in exhibits and programs which show the public that global issues are also local issues for which they can take responsibility.

Carl Cook, President of Tualatin River Keepers and Association of State Flood Plain Managers, said there is an outpouring of public support for these initiatives, postponement will be costly and that people have come to look upon clean water as a right and not just a frill.

Ron Weaver, Bureau of Environmental Services Citizens Advisory Committee, spoke of the need to complete the study and take remedial action to reverse the severe degradation of water quality in the Columbia Slough.

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Molly O'Reilly, Friends of Balch Creek, described the threat of sedimentation from erosion to the water quality in Balch Creek. She also spoke of her concern with what goes in the pipes as well as what comes out and encouraged Council to mandate the installation of lowflow showers and toilets in new construction.

Bill Bach, Land Development Director, Port of Portland, said environmental management is a key concern of firms seeking to locate in the Portland area and extends to the ability of sewer systems to treat and discharge wastes and storm water management. The Port looks forward to creating a close working partnership with the City to ensure water quality and management programs.

Ron Kreizenbeck, Water Division Head, EPA Region 10, said this kind of strategic planning and public involvement is the hallmark of successful water quality programs nationally. He said EPA will continue to emphasize the development of toxic control programs.

John Lampe, Seattle Metro, said Metro has found that solutions to water quality problems are becoming more site specific and that each increment in enhanced water quality is now much more expensive than earlier and results in much less visible and dramatic returns. Also, since neither federal or state governments are supplying the kind of resources they formerly did, it will fall more and more on local citizens to bear the financial costs of implementing these programs.

Mr. Lampe stressed the need to be proactive and lead regulatory agencies to cost-effective solutions and, even more important, to educate and inform citizens about the issues in order to foster local rate payer support for the investments that will be needed. He recommended implementation of a major monitoring program as a key way of sharing information with the public.

Commissioner Blumenauer said today's testimony reflected just a sampling of the hundreds of people involved in developing this program and that he is looking for opportunities to collaborate with other groups and bureaus.

Discussion: Adopted. (Y-5).

REGULAR AGENDA

- 474 Accept bid of Copenhagen Utilities & Construction, Inc. for NE Martin Luther King Jr. Blvd. overlay project for \$608,497.15 (Purchasing Report - Bid 68)

Disposition: Continued to April 4, 1990.

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- * 491 Pay partial payment of claim totalling \$4,755.54 to Doug Buchanan (Ordinance)

Discussion: Commissioner Bogle moved to accept the amendment. On second by Commissioner Lindberg, the motion carried (Y-5). Commissioner Blumenauer said he was concerned about setting a precedent here for this kind of claim.

Commissioner Bogle said no policy existed in the Fire Bureau to deal with this claim at the time it occurred but that a policy has since been adopted and we should not see another claim like this again.

Disposition: Continued to 2:00 pm, March 28 as amended.

- * 498 Accept a \$10,000 donation from Kaiser Permanente to augment the project budget established by the Parks Systems Improvements Levy for the renovation of the Overlook House Community Center and grounds (Ordinance)

Discussion: Commissioner Lindberg thanked Kaiser Permanente for its contribution to this project.

Disposition: Ordinance No. 162873. (Y-5)

- 500 Consider vacating SW 39th Avenue approximately 406 feet south of SW Iowa (Hearing; C-9728)

Disposition: Adopted; prepare Ordinance (Y-5)

Mayor J. E. Bud Clark

- 502 Direct the Police Bureau to proceed with securing financing for the construction of a police vehicle storage facility on St. Helen's Road (Resolution)

Discussion: Commissioner Koch said he would like to discuss the interest of private industry in providing staffing for the facility sometime before the final allocation occurs.

Disposition: Resolution No. 34696. (Y-5)

- 503 Recommend proposal for annexation of territory in the South Wilkes area be forwarded in the Portland Metropolitan Area Local Government Boundary Commission (Report)

Disposition: Adopted.

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- 504 Authorize and direct the filing of annexation case A-25-89 in the South Wilkes area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)
Disposition: Resolution No. 34697. (Y-5)
- 505 Recommend proposal for annexation of territory in the Lincoln Park area with the Portland Metropolitan Area Local Government Boundary Commission (Report)
Disposition: Adopted. (Y-5)
- 506 Authorize and direct the filing of annexation case A-7-90 in the Lincoln Park area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)
Disposition: Resolution No. 34698. (Y-5)
- 507 Recommend proposal for annexation of territory in the West Glendoveer area be forwarded to the Portland Metropolitan Area Local Government Boundary Commission (Report)
Disposition: Adopted. (Y-5)
- 508 Authorize and direct the filing of annexation case A-9-90 in the West Glendoveer area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)
Disposition: Resolution No. 34699. (Y-5)
- 509 Recommend proposal for annexation of territory in the West Powellhurst area be forwarded to the Portland Metropolitan Area Local Government Boundary Commission (Report)
Disposition: Adopted. (Y-5)
- 510 Authorize and direct the filing of annexation case A-12-90 in the West Powellhurst area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)
Disposition: Resolution No. 34700. (Y-5)
- * 511 Authorize extension to Legal Services Agreement with Tonkon, Torp, Galen, Marmaduke and Booth (Ordinance)
Disposition: Ordinance No. 162874. (Y-5)

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Commissioner Earl Blumenauer

- 512 Improve as a district: streets within the SE Mitchell/68th District HCD Improvement Project, and construction of sumps (Resolution; C-9658)

Disposition: Resolution No. 34701. (Y-5)

- 513 Construct Richardson, Englewood, and Floyd Light sanitary sewers (Resolution; C-9700; C-9701; C-9702)

Disposition: Resolution No. 34702. (Y-5)

Commissioner Bob Koch

- 514 Adopt the Bureau of General Services recommendations for a new 800 mhz public safety radio system and direct the Bureau to prepare a plan and bid specifications for its purchase and installation (Previous Agenda 460)

Discussion: Commissioner Blumenauer moved to accpet the substitution. On second by Commissioner Koch, the motion carried (Y-5). Commissioner Blumenauer thanked Commissioners Bogle and Koch and said this revised resolution successfully addressed his prior concerns.

Disposition: Resolution No. 34703. (Y-5)

Commissioner Mike Lindberg

- * 515 Withdraw territory from Valley View Water District, Palatine Hill Water District, Hazelwood Water District and Rockwood Water District effective July 1, 1990 and assume a portion of Rockwood Water District's bonded indebtedness in the amount of \$1,223.45 and Palatine Hill Water District's bonded indebtedness in the amount of \$42.08 (Ordinance)

Discussion: Jean Hood, Rockwood Water District Board Commissioner, said she opposes withdrawal of the Rockwood Water District and believes this action is illegal and should not be taken until after the district votes on the Rockwood Water PUD in May.

Jean Orcutt, Rockwood Water District customer, said it was inappropriate and unethical of Council to pass an ordinance to take action on the withdrawal before the May 15 election on the PUD. She urged them to vote against the ordinance and allow the PUD measure to go forward to the vote without interference.

Commissioner Koch said the critical issue of legislation came before Council about a month ago and he had advised Rockwood Water District members to come down then but not one single person did.

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Commissioner Blumenauer asked if Council has reviewed the question of the timeliness and legality of proceeding with withdrawal at this point.

Kathryn Imperati said City Attorney Ruth Spetter has been working with the Water Bureau on this issue and it is appropriate to adopt this ordinance.

David Johns, Water Bureau, said withdrawals can only be done once a year so if they aren't done now we would have to wait until July 1991. His understanding is that if the Rockwood PUD passes, the area would not be withdrawn. However, if the PUD fails within Portland area, they could proceed.

Disposition: Ordinance No. 162875. (Y-5)

At 12:00 Noon, Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28TH DAY OF MARCH, 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; Pete Kasting, Senior Deputy City Attorney; and Officer Howard Jordan, Sergeant at Arms.

Commissioner Koch honored retiring employee Frank Cipparone for his 42 years of service to the City.

- * 491 Pay partial payment of claim totalling \$4,755.54 to Doug Buchanan (Ordinance)

Disposition: Commissioner Koch said this involves a common practice where a Fire Bureau employee uses his own vehicle to buy food for the station. The Charter says employees incurring a loss while performing on-the-job duties can put a claim through Claims Committee

Commissioner Blumenauer said what the Charter does not cover is what employees do with their own vehicles. He said this sets an awful precedent in terms of claims against the City and could cover hundreds of cases where people use their cars to get supplies, etc.

Commissioner Bogle said Senior City Attorney Tom Williams has issued an opinion analyzing the City's legal responsibilities and he will see that all Council members get a copy of the opinion.

Commissioner Koch said we established precedents long ago for reimbursing employees for private property loss incurred during on-the-job duties. The issue here is the uniqueness of having a car stolen while the employee was at the store.

Disposition: Continued to April 4, 1990.

- 516 **TIME CERTAIN:** 2:00 PM - Accept the Portland Planning Commission Recommendation on adoption of the Natural Resource Management Plan for the Columbia South Shore (Report introduced by Commissioner Blumenauer)

Disposition: Continued to April 19, 1990 at 2:00 pm.

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REGULAR AGENDA

- 517 Deny appeal of Linnton Neighborhood Association against approval of the application of Glen Gordon for a conditional use and variance, with conditions, for an 11-unit PUD Preliminary Plan at 10425 NW St. Helens Road (the Linnton School site) (Findings; CU 109-89)

Disposition: Findings adopted.

At 2:15 pm, Council adjourned.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29TH DAY OF MARCH, 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; Kathryn Imperati and Ruth Spetter, Senior Deputy City Attorneys; and Officer Duane Wentlandt, Sergeant at Arms.

Commissioner Dick Bogle

- 520 Liquor license application for KCBS, Inc., Kathryn Bullard, dba Dublin Pub at St. Johns, 8203 North Ivanhoe, Retail Malt Beverage license, Change of Owner, unfavorable recommendation (Report; Previous Agenda 468)

Gary McGrew, License Bureau, said the applicant had requested that the appeal be withdrawn.

Richard Forrester, attorney for the applicant, said Ms. Bullard wants to try and work things out with the neighborhood.

Disposition: Placed on file; no further consideration.

REGULAR AGENDA

Mayor J. E. Bud Clark

- 519 Change fee schedule and add insurance requirements to conditions for issuance of special events permits (Ordinance; amend Code Chapter 16.40)

Commissioner Koch questioned whether the fees for small parades were excessive.

Jan Hazzard, Mayor's Office, said the manpower costs have been documented and that the new rate structure attempts to cover processing costs for the traffic engineer and Mayor's office. It does not address the barricades issue. She said exceptions can be requested on a one-to-one basis.

Passed to second reading.

- 518 **TIME CERTAIN:** 2:00 PM - Request review of Exposition-Recreation Commission Resolution No. 644 to condemn First Congregational Church Property under The Performing Arts Center and recommend Resolution No. 644 be repealed (Hearing introduced by Commissioner Lindberg)

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Commissioner Lindberg explained the background of the E-R Commission action and said today's hearing had two purposes: 1) to review the original commitment between the City and the First Congregational Church and, 2) to give the E-R Commission a chance to tell their side. He said he hoped the result would be an agreement by both sides to drop legal action.

Ted Runstein, E-R Commission Vice Chair, said that when the Commission accepted responsibility for the Performing Arts Center they were unaware of commitments to the church regarding the lease of land under the Center. He noted that both Steven Janik and Christopher Thomas, attorneys involved in the 1980 lease negotiations, agreed that nothing had been said to preclude any future Council from considering condemnation. He said the key issue is the enormous cost over the years to the taxpayers. It is in the public's best interest to own this land and not put taxpayers in the position of subsidizing the church.

Rev. John Rogers, First Congregational Church, introduced Dawn Dressler who reviewed the history of negotiations between the church and the City in 1980 and 1981. She said Ron Ragen, Performing Arts Center chair, had promised then that the property would not be condemned and that the church would never have agreed to the lease if they thought the promise would not be honored.

John Rogers spoke of the church's tradition of service to the community and support for the arts. He said the church had sacrificed their dream of using the space for their own expansion for the public good and that without the church there probably would be no Performing Arts Center. He said they would be glad to help implement a plan to deal with the Center's deficit but that it was unfair to expect them to bail the City out of a financial bind.

Commissioner Blumenauer asked if language had been inserted in the lease agreement at the request of the church stating that the City would waive condemnation.

Joe Willis, attorney for the church, said you would not find that language in the lease.

Individuals speaking in support of the recommendation to drop the condemnation church included:

Donald Sevetson, United Church of Christ
 George Casterline, First Congregational Church member
 Joe Smith, St. James Lutheran Church
 Wayne Bryant, First Christian Church
 Rodney Page, Ecumenical Ministries of Oregon
 Lee Lacey, President, Downtown Community Association
 Bill Creevey, Downtown Church Association
 Bob Hampton, First Congregational Church member
 D'Anne Turner Gilmore, Moderator, First Congregational Church
 Dennis Gilman, First Congregational Church member

Supporters of the church disagreed with Mr. Runstein's projection of future costs and said that the church had never considered the lease the best use of its property. The church's long tradition of community service was stressed as was the City's need to keep its word.

Stephen Janik, an attorney involved in drafting the original lease, said that there is no evidence of any agreement never to use condemnation and that the legal right of future Councils to use condemnation cannot be contracted away.

Commissioner Lindberg said he was in favor of asking for an informal vote today and returning to Council next week with an ordinance.

Commissioners questioned whether they should seek assurance from the church that they would drop their claim if the condemnation proceedings were set aside.

Commissioner Blumenauer said he sympathized with the E-R Commission since they were not initially involved in establishing the Center but that the issue here is the credibility of public bodies and nothing is to be gained by proceeding with condemnation now.

Commissioner Koch said it was clear to him that while there was no intention to condemn in the initial negotiations this commitment was not a lifelong one. However, he recognizes the church's healing role in the community and supports moving forward to see what can be done so everyone can get the best possible future.

Commissioner Bogle said we need to honor our commitment and there is no compelling reason why we can not back away from the recommendation to drop condemnation.

Mayor Clark said there was a lot of confusion and misunderstanding and that these issues need to be clarified in negotiations.

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Commissioner Lindberg moved to take an informal vote to adopt the recommendation to repeal Resolution #644 and return next week with an ordinance. On second by Commissioner Blumenauer, the motion carried (Y-5)

Commissioner Lindberg said this is the right thing to do and will enhance the credibility of city government.

Disposition: Adopted recommendation to drop condemnation proceedings. Commissioner of Public Affairs to prepare ordinance.

At 3:35 pm, Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council