



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **27TH DAY OF FEBRUARY, 2002** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, and Saltzman, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Officer Peter Hurley, Sergeant at Arms.

**DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS
NO EMERGENCY ORDINANCES WERE CONSIDERED THIS WEEK**

ALSO, ITEMS WERE NOT HEARD UNDER A CONSENT AGENDA

- 191 TIME CERTAIN: 9:30 AM** - Authorize implementation of Human Resources Administrative Rules, repeal the Personnel Rules, repeal existing Human Resources Policy Resolutions and Ordinances, and amend the City Code to reflect changes (Previous Agenda 1434; Ordinance introduced by Mayor Katz; amend Code Section 3.15.050, repeal Chapters 3.57, 3.58, Title 4 and Section 5.08.100, add Chapter 5.09; repeal Resolution Nos. 35757 and 34849 and Ordinance Nos. 171144, 172881, 172880, 173221 and 173145; and amend Ordinance No. 166997)

Motion repeal the Teleworking Ordinance and add into the rules the resolution incorporating directives to Bureau Directors on Teleworking, corrections to the leave for the Auditor and sick leave accruals, change in the rule of the Bureau of Human Resources Administration vision statement to include the statement that the City of Portland is an employer of choice, where people are proud to work and where employees are treated fairly, clarify the leave rules accrual rates, change in the management leave provision to acknowledge a different accrual rate for the 53-hour exempt employees and the Fire Bureau and change in the actual rule on the redeployment, not the program that a bureau's required to interview any qualified impacted employee: Moved by Commissioner Francesconi and seconded by Commissioner Saltzman.
(Y-3)

Disposition:

**PASSED TO
SECOND READING
AS AMENDED
MARCH 6, 2002
AT 9:30 AM**

REGULAR AGENDA

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| <p>192 Statement of cash and investments January 17 through February 13, 2002 (Report; Treasurer) (Y-3)</p> | <p>PLACED ON FILE</p> |
| <p>Mayor Vera Katz</p> | |
| <p>193 Approve the appointment to the Portland Utilities Review Board of Robin Plance, for a term to expire February 27, 2005 (Resolution) (Y-3)</p> | <p>36056</p> |
| <p>Commissioner Jim Francesconi</p> | |
| <p>194 Amend City Code requiring Limited Passenger Transportation drivers to obtain driver permits (Second Reading Agenda 187; amend Code Section 16.40.900-950, add 16.49.960) (Y-3)</p> | <p>176282</p> |
| <p>Commissioner Charlie Hales</p> | |
| <p>195 Consider vacating a portion of SE 98th Avenue north of SE Bush Street, at the request of Tri-County Metropolitan Transportation District (Hearing; Report; VAC 10000)</p> | <p>CONTINUED TO APRIL 24, 2002 AT 9:30 AM</p> |
| <p>Commissioner Dan Saltzman</p> | |
| <p>196 Consent to the transfer of American Sanitary Service, Inc. residential solid waste and recycling collection franchise to American Sanitary Service, Inc. as a wholly owned subsidiary of Waste Connections of Oregon, Inc. (Second Reading Agenda 180) (Y-3)</p> | <p>176283</p> |

At 10:04 a.m., Council adjourned.

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WEDNESDAY, 2:00 PM, FEBRUARY 27, 2002

DUE TO LACK OF AN AGENDA

THERE WAS NO MEETING

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

For discussion of agenda items, please consult the following Closed Caption Transcript.

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Closed Caption Transcript of Portland City Council Meeting

This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

FEBRUARY 27, 2002 9:30 AM

Katz: All right, everybody. The council will come to order. Karla, please call the roll.

Francesconi: Here. **Saltzman:** Here.

Katz: Present. Commissioner Sten and commissioner Hales are on vacation. All right, let's take -- then because of that we don't have a consent agenda item. Let's go to time certain, 191.

Item 191.

Katz: Okay. After yvonne explains the amendments i'm going to ask somebody to move them. There are two of them that need to be moved. So go ahead.

Yvonne Deckard, Director, Bureau of Human Resources: Okay. Good morning, mayor and commissioners. For the record, my name is yvonne l. Deckard and i'm the bureau of human resources director. Actually anna will explain the amendments when we get to her part. But just as a little background on february 14th of 2001, council adopted an ordinance brought forth by tim grew, chief administrative officer and myself to reconstruct the city's human resources system. At that time you heard testimony for a need to streamline the city's hr processes and rules. We've continued to work since that time to develop out the city human resources administrative rules. On december 19th of 20, I presented to council for the first reading an ordinance covering the new hr administrative rules for the city. At that time we talked about the need for a uniform and accessible rules in order to implement the comprehensive model for delivery of human resources services citywide. During the december 19th council session, you directed vhr to schedule a work session to present a citywide redeployment program for nonrepresented employees. At the work -- the work session was held on january 31st of 20. At that time vhr presented to the city council the citywide redeployment program, as well as requested changes for the hr administrative rules. The bureau of human resources today is here to present to you, for the first reading, the amended ordinance for the hr administrative rules. Anna will cover the process, the major changes, the december 18th amendment, as well as the january 24th amendments. To the rules.

Anna Kanwit: Thank you. Anna kanwit operations manager for the bureau of human resources. Just briefly, background information on the process for this project, we began actually march of 2000 with a policy audit, where we went out to the various bureaus to determine where they saw where they needed changes in policies, where we didn't have rules and policies and incorporated that feedback. In january of 2001 we met with bureau directors for similar information and then in february 2001 we met with labor leaders to advise them of the project and to invite their participation.

Katz: Actually, anna, let me correct you. We started in 1993, I think, or '94.

Kanwit: Well, that's true, yes, way back. In march 2001 is when we convened a committee that actually started the work of taking the city code, the various personnel rules, ordinances and resolutions, going through those, rewriting things, streamlining rules, with the whole endpoint being a more efficient system and a single repository for the rules. And two of the labor representatives did sit on that committee and assist us in that project. In the end of july 2001, first draft went out to the elected officials to the labor leaders, to bureau directors, and hr professionals for their input and feedback. And in october a second draft went out. This was disseminated to employees for their

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input. During november and the first part of december we incorporated that feedback and also held informational meetings at first locations where we explained the changes in the rules. , and again invited questions. We also had a notice and comment period as required by the existing personnel rules and the city charter. The mid-december prior to the rules coming to council on december 19th. On december 19th we did bring the ordinance to you. At that time based on questions and other issues, specifically concerning bumping and the redeployment program, you requested a work session, which we had on january 31st. And at that work session we then presented the fully developed redeployment program. Some of the major changes that the administrative rules encompass, first and foremost, we now have a single repository for all the administrative human resources rules instead of the rules being housed in excluding collective bargaining agreements probably no less than four places where a supervisor employee would have to go to determine what rules would govern their behavior to get answers to certain questions. In addition we have codified in the hr rules employee expectations that were passed by council via reds, but were actually never replaced in any repository. Teleworking guidelines were difficult to find. The policy on use of city intertechnologies is another one. We've also created a uniform format for city citywide rules. This is a format that will be used by the auditor's office as well for all binding city policies. We developed a procedure for rule development. One of the consistent criticisms that we received when we went out to bureaus is that there appeared to be an ad hoc approach. That when there was a problem developed, we ran out, created a rule, out really a systemic and uniform approach to that development. The rule that we have created envisions a much more thoughtful practice, where we look at best practices, go out to stakeholders and then the rule is actually put into place. We've put in place more efficient control, so we can monitor how people are brought into the city, particularly to keep a handle on temporary appointments and appointments outside of the charter we've updated the language that has been inconsistent with existing law, military leave being one example, the code language requiring retirement age 70 being another that's obviously contrary to existing law. We developed a comprehensive rule prohibiting workplace harassment. What currently exists, bureaus have their own sets of rules, and we have a rule in the personnel rules on this issue and a section in the code, but all of these are focused on a much more narrow emphasis, where the behavior actually violates the law. So we're looking at illegal discrimination. We've broadened that out so that we now have a method for looking at behavior and a way to correct that prior to when we get to the point where it's actually considered illegal discrimination. So we think this is a very positive move for the workplace. A lot of work on streamlining recruitment and selection. That was again a major criticism and one of the issues in the process that we needed to do that. We also have a uniform system for compensating our fair labor standards exempt employees. We had a practice that was all over the books with that, so that's become uniform. And the change in bumping to eliminate citywide bumping for nonrepresented employees and limit bumping to within their bureaus only. And the corresponding change is the rule on redeployment, where we hire from within. The two amendments before you, the one that is dated december 18th, was the first amendment. That was a direct outgrowth of the feedback we received during the notice of comment period. These include primarily what our scriveners -- one is repealing the telework ordinance, because that becomes part of the rules, but also adding into the rules the resolution incorporating directives to bureau directors on teleworking, because that had been left out before. Corrections to the leave for the auditor. Corrections to sick leave accruals. So in essence these are really scrivener type of things. The second amendments dated january 24th, incorporated some of the changes as an outgrowth of the first council session, primarily the change in the rule on bureau human resources administration, which changed our vision statement to include the statement that the city of Portland is an employer of choice, where people are proud to work and where employees are treated fairly. And that was added at the direction of the council. We also added further clarification of the leave

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rules in terms of accrual rates, change in the management leave provision to acknowledge a different accrual rate for the 53-hour exempt employees and the fire bureau. And finally, a change in the actual rule on the redeployment, not the program, but the rule, to make it clear that a bureau's actually required to interview any qualified impacted employee. So that's actually a rule requirement now.

Katz: Okay. Questions by the council? Don't you want to say anything?

Katz: All right. Do we have anybody signed up? No. Anybody want to testify? All right, I'll take a motion to accept both of those sets of amendments.

Francesconi: So moved.

Saltzman: Second.

Katz: All right. Roll call.

Francesconi: On the amendments or the whole thing?

Katz: The amendments.

Francesconi: Thanks for adding both of them, the fairness which you were going to do anyway, but especially the clarity on the redeployment language is just what we wanted. Especially it's an issue for smaller bureaus, and so that language is very clear and very specific. Aye.

Saltzman: Aye.

Katz: Mayor votes aye. And this passes on to second. Okay? Thank you.

*****: Thank you.

Francesconi: Thank you for your work.

Katz: See you next week. All right. 192

Item 192.

Katz: I don't think anybody wants to testify on this. Roll call.

Francesconi: Aye. **Saltzman:** Aye.

Katz: Mayor votes aye. [gavel pounding] 193.

Item 193.

Katz: Anybody want to testify on this that? Roll call.

Francesconi: Mayor, this was a very good selection, not only for north Portland, but for the whole city. Aye.

Saltzman: Aye.

Katz: Mayor votes aye. [gavel pounding] 194.

Item 194.

Katz: This is the second reading roll call.

Francesconi: Aye. **Saltzman:** Aye.

Katz: Mayor votes aye. So all of you here are for 195? Okay. 195.

Item 195.

Katz: Okay.

Brad Gabriel Good morning. I'm Brad Gabriel with the office of transportation. I was not going to testify this morning, but it appears that renewed interest has come into this vacation, so I'll give a real quick statement as to -- real short history. In June Tri-Met submitted a petition to vacate a portion of southeast 98th Avenue north of Bush Street. Tri-Met owns all the abutting traffic surrounding the area proposed to be vacated. All the city bureaus were notified along with other interested parties. Including the Lents Neighborhood Association. As of this morning I have had no official objections to the vacation from anybody. November 27th, 2001 the Planning Commission discussed the proposed vacation, had no objection. The City Engineers Office has prepared an Engineers Report. Has sent it on to Tri-Met. Tri-Met has signed it and sent it back and we set a hearing date, and that brings us to where we are today.

Saltzman: What does Tri-Met want?

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Gabriel: I believe they're interested in expanding their existing facility there. They have a bus barn facility that basically -- basically northwest to the vacation area.

Saltzman: Oh, right. Okay.

Katz: Okay. Well, let's hear some testimony.

Moore: We have edmund jordan and debbie allen.

Katz: Okay. Come on up.

*******:** Good morning, mayor.

Katz: Good morning.

Edmund Jordan, Lents Neighborhood Association Land Use Chair: My name is ed jordan. I live at 3911 southeast 97th avenue. I'm the lents neighborhood association land use chair. And we did hold a meeting last night, first meeting, and a chance to meet with tri-met representative on the impact that would be coming about with the vacation of this street with their tentative plans. They did present those plans to the neighborhood representatives and the association members last night.

Katz: Was that the first time?

Jordan: Yes, ma'am.

Katz: Okay.

Jordan: Anyway, I stayed up very late last night in order to prepare this written statement, which i'll submit to council as a matter of record. And it is for the city council and the mayor. Lents neighborhood association held its general public meeting on tuesday night, 26th february, 2002, and had met with tri-met representatives to address neighborhood concerns with proposed expansion plans of the tri-met parking and maintenance facility that would result from the granting of 78 indicating this portion of the street. Issues were raised with respect to environmental concerns, relative to air quality, increased noise, industrial lighting and local area traffic impacts. Plans were shown to those of concern what is tentatively slated to be done. The vacating of southeast 98th avenue with these tentative plans involves the removal of 36 trees of significant height. We're talking about between 30-80 feet. These trees are very big. And this will be replaced with pavement to accommodate 100 more buses. The current facility accommodates already 187-199 buses. Tri-met had approached the neighborhood residents, including myself, last year and asked them how they would feel about having southeast 98th avenue vacated, with no mention to anyone about potential expansion. The neighborhood residents in general had supported the closing off of this portion of the street for the purpose of circumventing preventing stolen cars there, as well as in a fair you say activities late at night.

Katz: Please close your cell phones. That was ours? Sorry.

Saltzman: Ed, did you say the neighborhood did support closing it in a previous meeting with tri-met?

*******:** Based on -- I had a consultant from tri-met come and talk to me personally. I spent a great deal talking with him. Out in front of my house, because I only live 180 feet from the south side of the fence myself. So I know, you know, what i'm living with. And what my neighbors are living with. And what my neighbors' concerns are. And the north portion of the neighborhood will be directly affected within the expansion -- with any expansion. I did let this consultant know, yes, the neighborhood would like the street closed off in order to prevent the rash of abandoned and stolen cars. We wanted to curtail that activities. We do watch and police our neighborhood as best we can, but sometimes we can't always by eyes all over the street. We try.

Saltzman: Okay.

Jordan: And I did let the consultant know by asking him if there were any intentions for tri-met to expand. And he said to me, that, no, there wasn't. And I said, well, that's fine. I says, tri-met is basically a good neighbor. They do maintain their perimeter, their maintenance schedule is very

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regular, they don't miss anything, and so we perceived them as good neighbors. We're on a marginal end, because we have so many buses that are there. There are operations from cleaning buses, maintenance buses, running buses, and the hours that these are done at times when buses are in the most -- or latter part of the day, into the evening, into the wee hours before the buses leave that area. We have a really bad lighting situation with industrial lighting. I'd like to continue with what I have written here.

Saltzman: Yeah, sure.

Jordan: I'll address it real quick. So presently tri-met maintains a significant buffer being industrially zoned against the residential area. The neighborhood residents feels that any expansion beyond the point will currently -- of what is current will be stepping past the line of tolerance which will have long-lasting effects. Last night at the end of the meeting, once we had seen what the proposed plans entailed and the issues were raised, a motion was made not to endorse or support the vacating of this street because it would allow for this potential expansion to take place. We've got a lot of environmental issues with respect to the air quality, noise, and other practices that could forever change the tri-met expansion -- could be changed from the tri-met expansion. One of the things that kind of bothered me last night was that tri-met rep said they could make no promises to the neighborhood. I'm in the process of doing research to look at the original installation of the facility from the time i-205 was put in, which split the lents neighborhood and changed out that particular area of lents. We also have another potential problem in the future, in which talking with the metro representative last night, rod monroe, about the engineering of i-205 and powell, the way it is designed right now, and the impacts of the flow of traffic in the orientation of facilities with respect to the access of powell boulevard from southeast 99th. Okay? We have the 9-1-1 facility across the street from that. And which for the last year now we've had major construction going on. And a total blockage of -- at times it's made very hard to navigate to get the access to powell from 99. Now the major concern, of course, is from those streets, 97th avenue, which is the last street going west toward the freeway, divides the neighborhood, to those streets east to 99th and 98th, because the only way to access out of there, on the north end, is powell without having to go to the other end and doing what you call a jog through -- to holgate. Through the neighborhoods. We also feel that if tri-met does do an expansion there, that -- that the purpose of the expansion is to accommodate these hundred and -- there are many, many buses for the handicap type, the rv-sized buses, that their access on to 99th avenue will also complicate what's already complicated to deal with. It -- the vote that we took last night was not to favor this because of the environmental concerns and the long-range impact and the immediate impacts that expansion would do. Also the tree removal is a very big concern.

Katz: Okay.

Jordan: Yeah, okay. I think that's about it. We request that you consider not granting this on behalf of the neighborhood for those people who live there, and at least allow, at the very least, more time for this to be researched.

Katz: Okay, thank you.

*******:** Okay.

Katz: Go ahead.

Debbie Allen, Lents Neighborhood Association: I'm debbie allen. I'm a member of the neighborhood association also. My concerns are basically the same. For the quality of the neighborhood there, because we already are so impacted by the buses, their noise and exhaust. And adding more to that would only increase, you know, the air quality that we have there, plus taking out the significant amount of trees that are already there. It's like a park area right now. It's got grass and trees. And although I haven't found anything in writing, back when I moved into the neighborhood, they were just building the area up, and there was an agreement with the

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neighborhood about that greenspace to be left there. It was like a concession from tri-met for the neighbors to be able to access that greenspace with the trees as a park area for us, kind of a buffer zone.

Katz: You did not -- you have not done the research on this?

Allen: I have not been able to find it yet. We are looking for it.

Katz: Okay.

*******:** But --

*******:** We're in the process.

Katz: All right.

Allen: Yes. That was supposed to be part of a concession for the neighbors, and now they've decided that they want to pave it over and put more buses in there. And plus, they're having an access on to 99th for the -- for the employees and their buses to use, which also will congest our neighborhoods dramatically.

Katz: Thank you. Questions by the council?

Saltzman: Ed, I think you mentioned that tri-met would not make any promises. What promises were you hoping for?

Jordan: Well, I heard that question asked last night. And I don't know who asked it, just some member that was there, one citizen, and I just heard that response, just out of the blue, we will not make any promises. There were a lot of questions being asked.

Saltzman: Promises as to what?

Jordan: Promises as to what tri-met could guarantee what they would do. Because the conversation all related to that.

Saltzman: Okay.

Jordan: It was a very decent on this turnout last night, very packed out.

Katz: Okay.

Jordan: So I do believe we have valid concerns that need to be looked at and we advocate the research be done prior to anything.

Katz: All right, thank you.

*******:** I may state one more thing --

Katz: Just a minute. Thanks. Anybody else want to testify?

Katz: Now.

Gabriel: I was just going to mention that tri-met does have representatives here if you would like to question them as well.

Katz: Well, they don't want to testify, I don't want to question them.

Gabriel: I don't know what they want to do.

Katz: All right. Thank you. You want to come on up?

Gabriel: I do also have photos if you would be interested in looking at them.

Katz: Why don't you pass them up.

Gabriel: I was going to submit to you one of our documents.

Katz: Okay. Sir, grab the mic and explain yourselves.

Jeff Goodling, Tri-Met Employee: My name is jeff goodling. I'm an employee of tri-met. I manage the design/development department at tri-met. Before I discuss the proposed street vacation, since it was brought up briefly by mr. Jordan, ms. Allen, i'd like to briefly set the context for our proposed project. Specifically i'd like to describe the need a little bit about the location and then the proposed street vacation. Tri-met, as was mentioned, tri-met intends to develop a base for our lift buses, which serve the eastern portion of Portland. Tri-met's lift service provides door-to-door service to the elderly and disabled, who are unable to use our fixed route service, as required by the ada. This service is provided with the small buses on van chassis that i'm sure you're very

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familiar with. Our current lift facility providing service to east Portland is on property that we lease. At this location tri-met owns approximately an acre and a half of industrially zoned property adjacent to our existing fixed bus facility, which is at the intersection of powell and i-205. Because of this property adjacency to powell and i-205 this location is unique in how efficiently we can deploy our service. A small portion of this property was long ago dedicated to the city for right-of-way purposes. We distributed a petition to the surrounding community and gained 2/3 of signatures from those individuals in the community. The right-of-way is unused and completely surrounded by tri-met property. It serves no public purpose. Tri-met -- in summary, tri-met's required by the ada to provide this service. The service is a benefit to the public. Tri-met owns all the surrounding property proposed by the vacation. The land is industrially zoned and the proposed use is an allowed use in the industrial zoning. The existing right-of-way is undeveloped and serves no public purpose and tri-met requests that the city vacate this right-of-way.

Katz: All right. Let me ask you the question -- there was some discussion just a few minutes ago about the possibility of some history where tri-met made a commitment to the neighborhood to leave this open spaces and to leave the trees. Are you familiar with that?

Goodling: No, ma'am. In fact, we just completed consolidation of this property last year. We haven't even owned all of this property. So --

Saltzman: But you own this open space to the east of this vacation?

Goodling: Yes, we do.

Saltzman: Own that entire --

Goodling: We now own all the property surrounding it. On your aerial photo there's a little yellow square with a red dot in it. That piece of property we just acquired a year ago. The rest of the surrounding property we've owned.

Francesconi: Is timing an issue here? Is there any critical need?

Goodling: Well, we do have a lease that's expiring.

Katz: When?

Goodling: We have to move into this new facility by march of next year.

Saltzman: I'd certainly be interested in giving the neighborhood more time to explore this prior commitment, if any.

Katz: I would too.

Francesconi: Yeah. If you have till march of next year. We should put some tighter time line on it.

Katz: Yeah. Let's -- and my recommendation would be that you do a little bit of research yourself on this issue.

*******:** Absolutely.

Katz: And this community is very willing to work with partners here in the city. And though they've undergone some anxiety about some of the decisions we've made in the past, they are good partners with us, and so is the neighborhood association. So I would recommend that you might want to do a little research, go back and work with them, and then come back to us in a month, two months. What do you figure? Two months. Okay? How's that sit with everybody?

Saltzman: That's good.

Katz: Okay, good. Thank you.

*******:** Thank you.

Katz: So we'll defer on that one for two months. All right. 196.

Item 196.

Katz: Okay. And this is the second reading. Roll call?

Francesconi: Aye. **Saltzman:** Aye.

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Katz: Mayor votes aye. Thank you, everybody. Since we don't have four people here, we have really no other business, and nor do we have any business this afternoon, so we stand adjourned until next week. [gavel pounding]

At 10:04 a.m., Council adjourned.