



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF MARCH, 1991 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Agenda Nos. 372 and 375 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 369** Accept bid of Servicemaster SW Portland for janitorial services at Kelly Butte for \$20,304 (Purchasing Report - Rebid 77-A)

Disposition: Adopted; prepare contract.

- 370** Accept bid of Bob's Sanitary Service for SW Kingston Avenue, SW Parkside Drive to SW Fairview Blvd., for \$49,530 (Purchasing Report - Bid 101)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

- *371** Pay claim of Mary Karsten (Ordinance)

Disposition: Ordinance No. 163940. (Y-5)

- *373** Call for bids for computer hardware and software for the Office of Finance and Administration and authorize contracts (Ordinance)

Disposition: Ordinance No. 163941. (Y-5)

Commissioner Earl Blumenauer

- 374** Return Council Agenda Item #1851 (1990) and request that it be filed for no further consideration (Report)

Disposition: Placed on file for no further consideration.

- 376** Declare the purpose and intention of the City of Portland to improve N. Depauw Street from N. Van Houten Avenue to N. Portsmouth Avenue (Resolution; C-9750)

Disposition: Resolution No. 34822. (Y-5)

- 377** Declare the purpose and intention of the City of Portland to improve SE 67th Avenue from SE Tolman Street to SE Woodstock Boulevard and construct sumps (Resolution; C-9741)

Disposition: Resolution No. 34823. (Y-5)

- *378** Call for bids for the Central Business District storm sewer system Phase 5, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163942. (Y-5)

- *379** Authorize an Intergovernmental Agreement with the Port of Portland related to the Columbia Slough flow augmentation project (Ordinance)

Disposition: Ordinance No. 163943. (Y-5)

- *380** Authorize amendment to contract with Spencer B. Gross, Inc., to provide additional aerial mapping services for the areas adjacent to the Wheeler Basin mapped under the original contract, transfer funds and provide for payment (Ordinance)

Disposition: Ordinance No. 163944. (Y-5)

- *381** Amend Contract No. 26524, dated September 27, 1990, between CH2M Hill Northwest and the City to include cost functionalization of sewer system center codes as a work element at a cost not to exceed \$20,000 (Ordinance)

Disposition: Ordinance No. 163945. (Y-5)

Commissioner Gretchen Kafoury

- *382** Contract with Union Gospel Ministries for \$10,200 for emergency night shelter services and provide for payment (Ordinance)

Disposition: Ordinance No. 163946. (Y-5)

- *383** Contract with Union Gospel Ministries for \$18,000 for emergency night shelter services and provide for payment (Ordinance)

Disposition: Ordinance No. 163947. (Y-5)

Commissioner Mike Lindberg

- *384** Contract with the US Geological Survey for streamflow and water quality monitoring at a cost of \$78,020 (Ordinance)

Disposition: Ordinance No. 163948. (Y-5)

- *385** Call for bids for tennis court lighting at Grant Park, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163949. (Y-5)

- *386** Call for bids for tennis court lighting at Portland Tennis Center, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163950. (Y-5)

- *387** Authorize Agreement with J. D. Walsh & Associates, Inc., for \$14,945 to provide design and consulting services for development of Harney Park (Ordinance)

Disposition: Ordinance No. 163951. (Y-5)

- *388** Authorize Agreement with GSA Partnership, P.C., for \$25,000 to provide architectural services for renovation of Montavilla Community Center (Ordinance)

Disposition: Ordinance No. 163952. (Y-5)

REGULAR AGENDA

- *372** Authorize the Mayor and the Chief of Police to enter into an agreement for the creation of a Regional Organized Crime Narcotics (ROCN) Task Force (Ordinance)

Discussion: Captain Chuck Karl, ex-Task Force Commander, said this multijurisdictional effort involves federal, state and local law enforcement agencies in a program to interdict upper-level drug traffickers and smugglers. He said this agreement formalizes the structure that was begun informally in 1987. He said they have seized nearly \$3,000,000 of assets and

successfully prosecuted major offenders in federal court.

Commissioner Bogle asked if ROCN's role would remain the same.

Captain Karl said its current mission is to target high and mid-level drug dealers in the metropolitan area and, while the Control Board determines the mission, he did not foresee a change.

Disposition: Ordinance No. 163953. (Y-5)

- 375** Accept completion of the SW California St. sewer outfall repair and extension, approve Change Order No. 1 and make final payment (Report; Contract No. 25963)

Disposition: Adopted.

Mayor J. E. Bud Clark

- *389** Agreement with the Portland Trailblazers for enhanced police services for the Trailblazer games (Previous Agenda 339)

Disposition: Ordinance No. 163954. (Y-5)

- *390** Authorize the Mayor and Auditor to execute a labor agreement between the City of Portland and the Portland Fire Fighter's Association, relating to terms and conditions of employment of represented personnel (Ordinance)

Discussion: Melinda Peterson, Personnel Director, said these Fire and Police labor agreements achieve several key bargaining objectives, including tying wage and pension benefits to the Portland Consumer Price Index. She explained that achievement of a wage offset for pension pickup that will be deducted from wage increases over a three-year period has been a major Council goal and will result in significant savings. Agreement on a health and welfare cap with the Fire Association brings all bargaining units under a cap, except for the Emergency Communication Operators and Police Command Officers, both of which are now in arbitration. Movement of the Fire Association onto the City's self-insured medical plan also represents significant savings.

Ms. Peterson called the agreements fiscally prudent as well as fair, and said they will achieve operational stability for both the Police and Fire Bureaus and parity with other City employees, specifically with members of the District Council of Trade Unions who will receive 85% of Portland's CPI effective July 1. These settlements propose the same increase but are offset by the backout of the pension pickup. The Fire settlement also resolves the issue of the Fire Command salaries, maintaining the 15% differential with represented employees. She said both the Police and Fire association memberships have ratified these agreements.

Commissioner Blumenauer said these agreements represent a significant compromise on both sides and give the City the stability it needs to plan for the future.

Disposition: Ordinance No. 163955. (Y-5)

- *391** Authorize the Mayor and Auditor to execute a labor agreement between the City of Portland and the Portland Police Association, relating to terms and conditions of employment of represented personnel (Ordinance)

Disposition: Ordinance No. 163956. (Y-5)

Commissioner Gretchen Kafoury

- 392** Adopt Scenic Resources Inventory, ESEE Analysis, Scenic Resources Protection Plan; amend Comprehensive Plan and Title 33 of the City Code by adding a Scenic Resource zone, Rocky Butte plan district and Central City plan district height limits; and amend Official Zoning Maps of the City of Portland (Second Reading Agenda 328)

Discussion: Jeanne Harrison, Planning Bureau staff, said an issue has arisen relating to the addition of three potential new views of Mt. Hood from the west side of the Willamette River. She said Planning began the evaluation process but then decided to defer consideration to the next fiscal year. She said the American Institute of Architects, however, would like some certainty from Council that the issue will not be lost.

Ms. Harrison recommended bringing a resolution before Council next week to signify Council intent to proceed on this issue. She noted approval by Council last week of four amendments to do the following: 1) clarify that the sentence regarding tree removal was advisory, not regulatory; 2) rotate the view from Overlook House to the south to avoid conflicts with potential development; 3) amend the approved vegetation list and; 4) amend the ESEE analysis for VC-1704 to include language about the historic importance of river-related development.

Commissioner Kafoury asked if the AIA proposal could be added as an amendment.

Ms. Harrison said the AIA is asking that the whole process be gone through again for the three proposed Mt. Hood views and the Spring Water Line. Ranking, evaluation and notification of property owners has not been done.

Commissioner Kafoury agreed that a resolution to come to Council next week would be more appropriate.

Commissioner Lindberg said he would vote yes, with the understanding that these issues, including the Spring Water Line (also known as Bellrose), will be studied further.

George Crandall, Architect, 1445 NW 30th, said the AIA was concerned that the requested protection of the three Mt. Hood scenic views would fall through the cracks. He asked Council to take firm action to see that the views were protected.

Commissioner Lindberg said he understood the Planning Bureau had committed to that.

Commissioner Blumenauer said the resolution next week will make Council's intent clear.

Disposition: Ordinance No. 163957. (Y-5)

Commissioner Mike Lindberg

- 393** Hold hearing at 9:30 am, March 13, 1991, on the withdrawal of territory from Hazelwood Water District, Metzger Water District, Powell Valley Road Water District and Rockwood Water District (Report)

Discussion: David Johns, Water Bureau, said the purpose of this hearing is to allow any objections to the withdrawals to be made. Based on Council's determination, the Bureau will then prepare an ordinance next week authorizing the withdrawals. He added that the Boundary Commission has not taken final action on order number 2899 in the Powell Valley Road so that one will not be included in the final withdrawal ordinance.

Leslie Roberts, Attorney representing Powell Valley Road Water District, objected to the withdrawal of that district, stating that the cutting up of service areas between two jurisdictions could wreak havoc with orderly service. She cited their 1986 agreement with the City that calls for the City not to withdraw annexed territory until at least 90 percent of the affected service area had been withdrawn. She said the contract, which ends July 1, 1991, states that the City will not act during the terms of the contract, other than as the contract provides. She said the ragged boundary the City proposes makes no sense.

Mayor Clark asked if the draft option that has been proposed takes care of the boundary problems.

Ms. Roberts said the District Board has not had a reasonable amount of time to consider it but is concerned about the technical problems involved.

Calvin Welch, Manager of the Powell Valley Road Water District, said the proposal raises technical difficulties about where the lines will be cut and could seriously hamper fire protection in the Rocky Butte area.

Mr. Johns said the Bureau's goal is to reach an agreement that keeps Powell Valley whole and at the same time protects City residents who have been annexed. He said the withdrawal, which can only be done once a year, does not in itself transfer physical assets and the City intends to leave the assets with the Powell Valley district.

Commissioner Kafoury asked why they wanted to do the withdrawal and why they did not get the agreement first.

Mr. Johns said the Water Bureau is going ahead with the legal withdrawals in order to make sure that the City is eventually able to provide its residents with City water. In the interim they seek an agreement with Powell Valley that will enable them to retain their territorial integrity. He said the Bureau has been working with the district for some time on the issues and believes the two jurisdictions have an agreement in principle. He said he hopes to have a formal agreement within several months but that the withdrawals must be accomplished by July 1 for any annexations in the prior year. He said the withdrawals in no way prevent the City from reaching an agreement that protects both entities.

Commissioner Bogle asked if Council would get a look at the agreement in the future or if this was its final opportunity to say aye or nay.

Mr. Johns said Council would have the final option next week when it votes on an ordinance to actually accomplish the withdrawals.

Disposition: Placed on File.

- 394** Recommend adoption of Resolution to institute proceedings for the construction of Skyline water main from 3500 feet north of NW Thompson Road to NW Reed Drive (Report)

Disposition: Placed on File.

- 395** Institute proceedings for the construction of Skyline Blvd. water main from 3500 feet north of NW Thompson Road to NW Reed Drive (Resolution)

Disposition: Resolution No. 34824. (Y-5)

City Auditor Barbara Clark

- 396** Create the NE Airport Way water and sanitary sewer Phase II Local Improvement District and provide for constructing water and sanitary sewer systems (Hearing; C-9704)

Discussion: Dan Vizzini, Auditor's Office, said this is a hearing on an ordinance which, if approved, authorizes formation of a Local Improvement District and authorizes the City Engineer to build the project.

Paul Shirey, Portland Development Commission, said a month ago Council approved a resolution of intent for this project and at the same time discussed a safety net program. He said the Commission has reconsidered the structure of the safety net and is in the process of approving a new version which offers the farmers an even better deal than before. He outlined the provisions in the new program, which will hold farmers harmless from any downside effects of LID indebtedness while providing them with all the benefits of the upside potential that will result from the improvements.

Commissioner Blumenauer asked Mr. Shirey for a written explanation next week of what the effect of tabling this project would be.

Mr. Shirey said he would be glad to do so but asked that Council deal with the remonstrances today.

Bernard Galitzki, Vi-Tel Investments, said he avidly favors the Airport Way project but believes a larger share of the cost of the water and sewers should be borne by the City. He suggested using some of the \$16,000,000 allocated by the Portland Development Commission to the Holman properties. He said the infrastructure is badly needed but the cost puts a tremendous burden on property owners.

Mayor Clark asked Mr. Shirey to include information on the Holman properties in his memo as well.

Allen Kirk, 6303 SW 40th, objected to the excessive cost burden, saying it is unjust to assess all costs solely to property owners within 300 feet of Airport Way when all the City benefits. He also said he had received confusing information about the project and criticized the water system assessments.

Richard Pfiffner, 4424 NE 158th, representing Wagner Mining, requested exclusion from the project. He said Wagner Mining is presently serviced by its own service line and pump station and would receive absolutely no benefit from this improvement, for which they would be assessed \$47,000.

Deb Wallace, Executive Director, Columbia Corridor Association, supported the plan. She said her organization initially felt the project's cost was too high and burdensome for property owners but now believe PDC has found a way to reduce the cost and provide a good safety net program.

Commissioner Lindberg asked her how many members voted in support.

Ms. Wallace said ten members on the Land Use Committee recommended

approval before the 15-member Board unanimously approved it. No vote of the general membership was taken.

Mr. Kirk, a founding member of the Columbia Corridor Association, said he had just resigned from that organization because so few of the affected property owners were represented. He said the safety net applies only to three property owners.

Robert Hudson, 9802 NE Mason, objected to what he believes is unequal treatment and also to an overassessment on a prior 1987 LID.

Amil Spada, 4939 NE 158th, objected to the way the project is being funded and said he would lose everything he has accumulated.

Commissioner Blumenauer questioned him about the value of his property.

Mr. Spada said he estimated its value at about \$2.50 per foot.

Commissioner Bogle asked if the property had been privately assessed.

Mr. Spada said no, he believed the only way to assess it was to put it up for sale and see what people would pay. He said he sees the assessment method as an inequitable land grab.

Claire Galitzki, Bi-Tel Investments, said Mayor Ivancie had promised that the City would bear all costs of putting in the infrastructure when the property was annexed. She also protested mis-information she has received from the City.

Sheila Trapold, 21439 SE Ash, representing Trapold family interests, said the City has already taken much of their property from productive use and the family believes the assessments are far too high for property owners to bear. They also object strongly to the proposed water system assessment. Ms. Trapold also asked that Council consider using a portion of the Holman area property funds to provide the services.

Arthur Spada, 13635 NE Clackamas, contended that previous city administrators had promised that the cost of the Columbia South Shore infrastructure would be picked up by the City. He also protested the manner in which the charges are being assessed.

Jeff Bachrach, Attorney representing Columbia 205 Commercial Park, said the owners are extremely anxious to see the infrastructure put in place so that development can move forward. He said he hoped Council would focus on how to equitably fund the project, not how to kill it. He cited two other unresolved issues. The first concerns federal restrictions on tearing up the roads, while the second has to do with uncertainties about long-term funding of the payback.

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Commissioner Blumenauer asked him if this was another uncertainty that argued against proceeding with the project. He said that because of Measure 5, the City is unable to make the assurances about funding that he is asking for.

Mr. Bachrach said his clients do not want this project killed.

Laun Carlin, Sievers Company, said his company is considering purchase of property in the area but, without assurance that the infrastructure will be provided, will not proceed.

Commissioner Blumenauer said the testimony had raised questions about the equity of the assessments and the new funding strategy resulting from passage of Measure 5. He asked Mr. Shirey to also comment on these in his memo.

Commissioner Blumenauer moved to overrule the remonstrances. Commissioner Lindberg seconded. Commissioners Kafoury and Bogle suggested setting the motion over until next week. Commissioner Blumenauer withdrew his motion.

Disposition: Continued to March 20, 1991 at 9:30 a.m.

At 11:25 a.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF MARCH, 1991 AT 2:00 P.M.

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

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

- 401** Tentatively grant appeal of Franklin G. Drake & Preston Hiefield, Trustees, against decision of the Planning Commission to overrule the Planning Director's interpretation of the zoning code which would limit the number of dwelling units at 2447 NW Westover (Findings; Previous Agenda 287)

Discussion: Cay Kershner, Clerk of the Council, said a request had been made to continue this to April 3. The Mayor so ordered.

Disposition: Continued to April 3, 1991 at 2:00 p.m.

- 402** Tentatively deny appeal of Lents Neighborhood Association and approve, with conditions, decision of the Hearings Officer to approve the application of Schwab Properties for a zone change from R5 to C2B at 7304 SE 82nd Avenue (Findings; Previous Agenda 286)

Discussion: The Clerk said the applicant had withdrawn its application.

Disposition: Application Withdrawn.

Commissioner Dick Bogle

- 403** Liquor License application for McFadden Lane, Inc., and Mitchel Sprinkling, dba McFadden's Jockey Club, 529 SW 4th Ave., Dispenser Class A liquor license (new outlet); Favorable recommendation (Report)

Discussion: John Werneken, License Bureau, said, in response to neighborhood concerns about problems at the Jack London Hotel and at O'Connors, the previous outlet operating at this location, the property owner and the new operator have agreed to make changes that could significantly improve what goes on in that building and on that block. He introduced Arthur McFadden and Mitchel Sprinkling, owners of the Club.

Arthur McFadden, building owner, said he realized changes were long overdue to alleviate some of the problems that had resulted under the prior operator.

Disposition: recommended. (Y-5)

- 398** Amend Comprehensive Plan Policy 3.6 (Neighborhood Plan) by adding the Policies and Objectives of the Brooklyn Neighborhood Plan (Ordinance introduced by Commissioner Kafoury)

Disposition: Passed to second reading.

- 399** Amend Comprehensive Plan map and the Official Zoning maps for: Lots 7, 8, 9 and 10, Block 1, Smiths Subdivision, from CG to R2.5; Lots 1, 2, 6 and 10, Block 27, and Lots 5, 6, 7 and 8, Block 28, Feurers Addition, from CS to R2.5; and Lot 15, Block 1, and Lots 4 and 5, Block 4, Reynolds Addition, from CN2 to R1 (Ordinance introduced by Commissioner Kafoury)

Disposition: Passed to second reading.

- 397** **TIME CERTAIN: 2:00 PM** - Adopt Report and Recommendation of the Planning Commission on the Brooklyn Neighborhood Plan (Report introduced by Commissioner Kafoury)

Discussion: Jeanne Harrison, Planning Bureau staff, said the plan represents a 14-month collaborative effort and reflects the neighborhood's vision of what it wants to be. She said the neighborhood wrote its own plan, with input from other bureaus as guidance and, after many refinements, has produced a vision which will shape the neighborhood and provide strategies and goals. The Plan also contains a recommendation to rezone three small areas in order to prevent further industrial and commercial encroachment into residential areas. The Planning Commission has unanimously adopted both the Plan policies and objectives as well as the zone changes. Ms. Harrison showed slides of the three areas where zone changes are proposed.

Plan supporters included:

Siobhan Taylor, 3402 SE 12th, Chair, Brooklyn Neighborhood Association
Doug Klotz, 3339 SE 10th, Steering Committee member
Ruth Ann Tsukuda, Steering Committee Chair
Belinda Larsen, 3355 SE 16th
Barbara Coughlin, 3355 SE 16th
Dr. Joseph Cimino, President, Brooklyn Business Association
Paul Schuback, 3003 SE Milwaukie
George C. and Rosannah Stone, 3384 SE 16th
Janet Holzman, Portland General Electric
Diana Hinton, 3525 SE Milwaukie
Alys Allwardt, 3758 SE 8th
Kathy Bare, 3363 SE 14th
Trudy Tolliver, representing Tri-Met at 4012 SE 17th
Anne Reif, 3511 SE 8th

Supporters described the process they had followed to develop the Plan and stressed the need to protect the sanctity of this neighborhood. They also supported the zone changes.

Greg Franks, management agent for Portland Union Manners, owners of two vacant lots in area three where a zone change is proposed, said they were told at the Planning Commission meeting last October that the zoning maps were wrong and what was designated as commercial property when they bought it was actually residential. They requested retention of the current zoning designation. Because of the error in the zoning designation, they purchased the lots at an inflated price and believe they should have some recourse with the City.

In response, Ms. Harrison said one of the lots they own on SE Holgate is not in dispute but that the other lot, facing Reynolds, should have been rezoned in 1980 but was not. She said it had enjoyed commercial zoning for the last 11 years and could have been developed at any time in that period.

Commissioner Lindberg and Mayor Clark asked about river access, which several supporters mentioned as a goal.

Ms. Harrison said the neighbors plan to contact various state and local agencies to get the access in whatever way works best.

Mayor Clark and Commissioner Blumenauer complimented the neighborhood on its commitment and its vision.

Disposition: Adopted. (Y-5)

REGULAR AGENDA

- 400** Appeal of Corbett/Terwilliger/Lair Hill Neighborhood Association against decision to approve application of GAPO, Inc., for a PUD and Subdivision located at SW Viewpoint Terrace, north of SW Iowa (Previous Agenda 366)

Discussion: Mayor Clark said he had received a letter from Attorney Ed Sullivan stating that he could not be here today and requesting that, if Council accepted the site drawings, the matter be continued because he has not had time to review them.

Ruth Spetter, Senior Deputy City Attorney, recommended that the matter be set over for that reason and also to allow an opportunity for the other side to rebut Council members' declarations regarding their site visits.

Stephen Janik, Attorney representing GAPO, objected to any set over, stating that the only purpose of today's hearing was to look at the drawing, not engage in further argument. He added that an attorney from Mr. Sullivan's office was present today.

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Ms. Spetter recommended that the matter be set over one week because the drawing and the site visit declarations are new information, which the other side should have an opportunity to address. She reviewed the rules regarding site visits by Council members.

Commissioners Kafoury, Lindberg, Blumenauer, and Mayor Clark described their visits to the site, their impressions and who they spoke with. Commissioner Bogle said he did not visit the site but will disclose similar information if he does.

Council said they would prefer to wait until next week when they can be questioned by both attorneys regarding their visits.

Mr. Janik introduced Ted Lundeen of Soderstrom Architects, the project architect, who described the photographs of the existing residences and the drawings prepared in response to Council's request for site elevations.

Commissioner Blumenauer said he was troubled by some of the new hillside developments that are terrible eyesores. He said he would like to involve the Design Commission and have it act as an advisor to Council on projects such as this. He referred to language he has distributed to Council incorporating this idea and asked Council to review and comment on it before the matter is heard again.

Disposition: Continued to March 20, 1991 at 2:00 p.m.

At 3:40 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council

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BUDGET SESSIONS

Council will hold a public testimony session on the FY 1991-92 Budget on Tuesday, March 12, from 1:30 to 5:00 pm and will conduct the final balancing on Thursday, March 14, from 9:00 am to 5:00 pm. Regular Council business will be conducted on Wednesday.

A schedule of budget hearings is available from the Office of Finance and Administration, 1120 SW 5th Avenue, Room 1250; 796-5288.