



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF JUNE, 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; Harry Auerbach, Deputy City Attorney; and Officer Duane Wentlandt, Sergeant at Arms.

Mayor Clark welcomed Dr. Alexander Popoff visiting here from Novogodrud, in the Soviet Union. He also proclaimed the week of July 1-7 as Blues Appreciation Week.

Agenda Nos. 1105, 1123, 1124, 1125, 1126, 1127, 1128 and 1129 were pulled from Consent. (Items 1123-1129 were to be heard following adoption of the FY91-92 budget). On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1086** Cash and Investment balances for May 9, 1991 through June 5, 1991 (Report; Treasurer)
- Disposition:** Placed on File.
- 1087** Accept quote of Frank's Floor Covering, Inc., for Columbia Pool floor replacement for \$42,125 (Purchasing Report - Informal Quote)
- Disposition:** Adopted; prepare contract.
- 1088** Accept bid of D.C. Hopkins Construction, Inc., for St. John's gymnasium floor replacement for \$42,832 (Purchasing Report - Informal)
- Disposition:** Adopted; prepare contract.
- 1089** Accept bid of Russell Construction, Inc., for Community Music Center brick restoration for \$41,598 (Purchasing Report - Informal)

JUNE 26, 1991

Disposition: Adopted; prepare contract.

1090 Accept bid of Security Pacific Bank of Oregon for paying agent and registrar services for \$80,575 (Purchasing Report - RFP 104-A)

Disposition: Adopted; prepare contract.

1091 Accept bid of Atochem North America for chlorine in tank cars for \$40,425 (Purchasing Report - Bid 183-A)

Disposition: Adopted; prepare contract.

1092 Accept bid of Varsity Contractors, Inc., for janitorial services at Columbia Boulevard Wastewater Treatment Plant for \$27,156 (Purchasing Report - Bid 193-A)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

1093 Authorize the City Attorney to intervene in Northwest Environmental Defense Center, Inc., v. United States Army Corps of Engineers, United States District Court for the District of Oregon No. CV 91-476-JU (Resolution)

Disposition: Resolution No. 34871. (Y-5)

1094 Certify that certain services are provided by the City of Portland for eligibility of State shared revenues (Resolution)

Disposition: Resolution No. 34872. (Y-5)

***1095** Issue South Park Blocks Urban Renewal Short Term Taxable Bond, 1991 Series A (Ordinance)

Disposition: Ordinance No. 164319. (Y-5)

***1096** Issue Central Eastside Urban Renewal Area Taxable Bond, 1991 Series B (Ordinance)

Disposition: Ordinance No. 164320. (Y-5)

***1097** Issue Oregon Convention Center Urban Renewal Area Taxable Bond, 1991 Series C (Ordinance)

Disposition: Ordinance No. 164321. (Y-5)

JUNE 26, 1991

***1098** Issue St. John's Riverfront Urban Renewal Area Taxable Bond, 1991 Series D (Ordinance)

Disposition: Ordinance No. 164322. (Y-5)

***1099** Authorize a contract with Geo Engineers for consulting services for the Front and Davis/Old Town Parking Garage Site Investigation Project and provide for payment (Ordinance)

Disposition: Ordinance No. 164323. (Y-5)

***1100** Amend Contract with Richard Tell Associates to conduct a broadband radiofrequency field study for Healy Heights (Ordinance; amend Contract No. 26268)

Disposition: Ordinance No. 164324. (Y-5)

***1101** Pay claim of Geoffrey Squire Silver (Ordinance)

Disposition: Ordinance No. 164325. (Y-5)

***1102** Amend contract with Debbie McCabe for Portland Future Focus project manager services (Ordinance)

Disposition: Ordinance No. 164326. (Y-5)

***1103** Contract with FORTIS Corporation to perform medical bill auditing and other related services for the City's Bureau of Administrative Services, Risk Management Division (Ordinance)

Disposition: Ordinance No. 164327. (Y-5)

***1104** Authorize an agreement with Security Pacific Bank Oregon for paying agent and registrar services (Ordinance)

Disposition: Ordinance No. 164328. (Y-5)

Commissioner Earl Blumenauer

1106 Declare the purpose and intention of the City of Portland to improve NE 55th Avenue from NE Halsey Street to NE Wasco Street (Resolution; Street; C-9756)

Disposition: Resolution No. 34873. (Y-5)

JUNE 26, 1991

- *1107** Accept a sewer easement for the NW Harbor Boulevard sewer reconstruction project, granted by George E. Garrison, authorizing payment of \$170 (Ordinance)

Disposition: Ordinance No. 164329. (Y-5)

- *1108** Accept one easement for the Linn Park (#39) sanitary sewer system project, granted by Christopher M. Barbour, authorizing payment of \$100 (Ordinance)

Disposition: Ordinance No. 164330. (Y-5)

- *1109** Accept two easements for an identical parcel of land for the Linn Park (#39) sanitary sewer system project, granted by Michael W. Canifax, Suzanne Canifax, Neil J. Moeller and Patricia L. Moeller, authorizing total payment of \$200 (Ordinance)

Disposition: Ordinance No. 164331. (Y-5)

- *1110** Amend Agreement with Cross-Continent Engineers by extending the termination date of the contract to June 30, 1992 and increasing the rate of hourly pay by five percent (Ordinance)

Disposition: Ordinance No. 164332. (Y-5)

- *1111** Agreement with the Oregon Department of Transportation, Highway Division, to provide for the Terwilliger Interchange (bridge and ramps) Project (Ordinance)

Disposition: Ordinance No. 164333. (Y-5)

- *1112** Contract with CH2M Hill Northwest, Inc., to conduct studies, prepare preliminary and final designs, and provide construction phase and startup/performance testing services for a package of capital projects at the City's Columbia Boulevard Wastewater Treatment Plant (CBWTP) (Ordinance)

Disposition: Ordinance No. 164334. (Y-5)

- *1113** Contract with HDR Engineering, Inc., to prepare studies, preliminary designs, final designs and construction services for a package of capital projects at the City's Columbia Boulevard Wastewater Treatment Plant (CBWTP) and Tryon Creek Wastewater Treatment Plant (TCWTP) (Ordinance)

Disposition: Ordinance No. 164335. (Y-5)

JUNE 26, 1991

***1114** Contract with CH2M Hill, Northwest, Inc., to conduct facilities predesign studies, prepare a CIP program plan and provide other assistance in support of the City's annual CIP planning process (Ordinance)

Disposition: Ordinance No. 164336. (Y-5)

***1115** Contract with Black and Veatch to provide consultant services for preliminary design, final design, and construction services for the Columbia Boulevard Wastewater Treatment Plant solids handling system modification (Ordinance)

Disposition: Ordinance No. 164337. (Y-5)

***1116** Authorize execution of settlement agreement with Charles M. Hopkins in connection with remedial action costs for real property located at 3019 and 3033 NW Yeon Avenue and transferring funds (Ordinance)

Disposition: Ordinance No. 164338. (Y-5)

1117 Authorize the City to enter into an Intergovernmental Agreement with Portland State University (PSU) for \$168,162 for professional services in setting up and evaluating recycling systems in multi-family residences (Ordinance)

Disposition: Passed to Second Reading July 3, 1991 at 9:30 a.m.

Commissioner Dick Bogle

***1118** Authorize application to the Federal Emergency Management Agency for a grant for emergency management preparedness for fiscal year 1992 (Ordinance)

Disposition: Ordinance No. 164339. (Y-5)

***1119** Contract with PBS Environmental for professional services in the amount of \$42,822 (Ordinance)

Disposition: Ordinance No. 164340. (Y-5)

***1120** Contract with Marine & Environmental Testing for professional services in the amount of \$354,800 (Ordinance)

Disposition: Ordinance No. 164341. (Y-5)

JUNE 26, 1991

- *1121** Contract with Michael M. Yerger and Pamela C. Yerger, dba Lucky Landing Moorage for fire prevention and suppression services for 1991-1992 (Ordinance)

Disposition: Ordinance No. 164342. (Y-5)

Commissioner Gretchen Kafoury

- *1122** Amend the Comprehensive Plan Map and change the zone of property at 6426 SW Beaverton-Hillsdale Highway from R2 Residential to CO-1 Commercial (Ordinance; 8044-PA)

Disposition: Ordinance No. 164343. (Y-5)

- *1130** Contract with Neighborhood Association District Coalition Boards for the operation of seven Neighborhood Office and Crime Prevention programs for the period of July 1, 1991 through June 30, 1992, and provide for payment (Ordinance)

Disposition: Ordinance No. 164344. (Y-5)

Commissioner Mike Lindberg

- *1131** Authorize a Contract with D.C. Hopkins Construction to furnish materials and labor to install a new gymnasium floor at St. John's Community Center for the sum of \$42,832 (Ordinance)

Disposition: Ordinance No. 164345. (Y-5)

- *1132** Amend Contract with GSA Partnership, P.C., to include additional services for design and technical specifications beyond the original scope of work for Montavilla Community Center renovation (Ordinance; amend Contract No. 26855)

Disposition: Ordinance No. 164346. (Y-5)

- *1133** Authorize a Contract with Russell Construction Company to furnish materials and labor to perform brick restoration at the Community Music Center, on behalf of the Bureau of Parks and Recreation, for the sum of \$41,598 (Ordinance)

Disposition: Ordinance No. 164347. (Y-5)

- *1134** Contract with The Private Industry Council to provide placement of youth in work experience positions with the Bureau of Parks and Recreation (Ordinance)

JUNE 26, 1991

Disposition: Ordinance No. 164348. (Y-5)

- *1135** Authorize a Contract with Frank's Floor Covering to furnish materials and labor to install vinyl and tile flooring a Columbia Pool, 7701 N. Chautauqua Blvd. (Ordinance)

Disposition: Ordinance No. 164349. (Y-5)

- *1136** Contract with the Boys and Girls Club to hire youth in work experience positions in the Water Bureau and provide for payment of \$35,000 (Ordinance)

Disposition: Ordinance No. 164350. (Y-5)

- *1137** Authorize an agreement with Murray, Smith and Associates for \$77,080 for engineering services to evaluate decommissioning Reservoir #4 and the impacts of Westside Light Rail on water facilities, waive the formal consultant selection process, transfer funds, and provide for payment (Ordinance)

Disposition: Ordinance No. 164351. (Y-5)

- *1138** Amend contract with the Metropolitan Service District in the amount of \$20,000 for the provision of a Public Art Program for the Oregon Convention Center project (Ordinance; amend Contract No. 23973)

Disposition: Ordinance No. 164352. (Y-5)

- *1139** Contract with Maria Simon for the creation and installation of a public art project to be located at the Columbia Wastewater Treatment Plant and provide for payment (Ordinance)

Disposition: Ordinance No. 164353. (Y-5)

City Auditor Barbara Clark

- *1140** Continue contract with Phillip E. Grillo from July 1, 1991 to June 30, 1992 (Ordinance; Contract No. 26563)

Disposition: Ordinance No. 164354. (Y-5)

- *1141** Contract with Coopers & Lybrand, CPA's, for financial audit services through FY 1996 and provide for payment (Ordinance)

Disposition: Ordinance No. 164355. (Y-5)

JUNE 26, 1991

REGULAR AGENDA

Commissioner Earl Blumenauer

- 1105** Declare the purpose and intention of the City of Portland to construct a sanitary sewer system in the NE 33rd and Marine Drive Sanitary Sewer Local Improvement District (Resolution; Sewer; C-9770)

Disposition: Continued to July 3, 1991 at 9:30 a.m.

- 1083** **TIME CERTAIN: 9:30 AM** - Accept report on modification of time limits and parking rates for downtown parking meters as submitted by the Bureau of Traffic Management (Report introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said today's report is an effort to continue good management of downtown parking, which is essential to the vitality of the downtown urban core. The most important recommendation is to change metering system times to match up with citizen needs and improve the availability of on-street parking. He said expansion of the number of one-hour meters will greatly increase the convenience to those who come downtown. He also noted that few other cities have rates as low as ours, even after the proposed increases.

Elsa Coleman, Parking Manager, said the overall goals of the proposed program are to: simplify the system; integrate on-street parking with City-owned garages; manage by sub-area to meet individual area needs; increase turnover; and replace aging meters.

Bob Andrews, Parking Management staff, described some of the changes, including replacement of the existing meters with electronic ones; reduction of the number of meter time limits from six to three; and equalization of on-street parking rates with rates at City-owned garages to 75 cents an hour.

Bill Palmer, Downtown Retail Council, noted that the current 30-minute meters do not allow sufficient time to meet the needs of short-term parkers, whose average stay is 47 minutes.

Robert Freedman, Director, Portland Center for the Performing Arts and a member of the Advisory Council, said they believe the changes will add parking spaces for people coming downtown to purchase tickets for Performing Arts Center events.

Disposition: Approved. (Y-5)

JUNE 26, 1991

Commissioner Earl Blumenauer

1153 Transmit a report to establish procedures for economic improvement districts (Previous Agenda 1065)

Discussion: Commissioner Blumenauer said getting the downtown business community to voluntarily assess themselves to help maintain the vitality of the urban core is one of the City's true successes. He said working out the financing has been one of the most convoluted conundrums he has seen in government finance.

Ruth Scott, Association for Portland Progress, said the first district was a three-year district which sunsets in September. The new district has been convoluted by Measure 5 which requires that anyone who wishes be removed from the district. She said the final plan will be presented in July, followed by a public hearing on housing and religious exemptions. A hearing on the assessments will then be held in September.

Doug Goodman, Chairman of Economic Improvement District Advisory Committee, said the current program works and is looked to as a model by many other cities which are now in the process of putting their own versions together. He said the public/private partnership is what has made Portland's district successful. He said 75 percent of those in the district have voluntarily committed to the continuation of the program and urged its reestablishment.

Tammy Hinkle, APP Board member, said the message that Portland is a clean, safe and exciting place must continue to be promoted.

Bill Naito, APP Board member, noted that quite a number of homeless have been given jobs through this program. If Portland wants a viable and clean downtown, it needs to continue this program.

Lee Lacey, President, Downtown Community Association, stressed the importance of the district in keeping downtown safe and clean.

Disposition: Placed on File.

1154 Preliminarily institute establishment of a Downtown Economic Improvement District as proposed in the preliminary economic improvement plan contained in the June 7, 1991 report submitted by the Commissioner of Public Works (Previous Agenda 1066)

Disposition: Resolution No. 34874. (Y-5)

JUNE 26, 1991

***1155** Amend City Code to make participation of property owners in Economic Improvement Districts voluntary (Previous Agenda 1067)

Disposition: Ordinance No. 164356. (Y-5)

***1084** **TIME CERTAIN: 10:00 AM** - Authorize an Intergovernmental Agreement with the Tri-County Metropolitan Transportation District (Tri-Met) to provide \$6,000,000 in local match to Federal funds for financing the Westside Light Rail Project ("Light Rail Project") and provide for payment (Ordinance introduced by Commissioner Blumenauer)

Discussion: Laurel Wentworth, Office of Transportation, described the matching obligations for the project, noting that \$7,000,000 has been committed by the City, \$1,000,000 of which has already been provided from the Office of Transportation's current fiscal year budget. She said it was imperative for the participating governmental entities to make binding commitments to Tri-Met to pay their respective shares of the local match.

Commissioner Blumenauer said this is a critical piece to keep the momentum going for light rail. He said he is convinced the City will get far more out of it in terms of business vitality and savings in transportation costs than what it pays.

Tom Walsh, Tri-Met Manager-Elect, said amazing progress has been made on this project in recent months and negotiations are going very well.

Disposition: Ordinance No. 164357. (Y-5)

S-1085 Approve the concept of fee parking at the Zoo/OMSI/WFC parking lot (Resolution introduced by Commissioner Lindberg)

Discussion: Cay Kershner, Clerk of the Council, said a substitute has been introduced. Commissioner Lindberg moved the substitute; Commissioner Bogle seconded and the motion carried. (Y-5)

Linda Dobson, Assistant to Commissioner Lindberg, said Metro has come to the City for approval, in concept, for fee parking at the Zoo/OMSI/World Forestry Center lot so that it can meet its matching obligations for the Westside Light Rail project. The Parks Bureau owns the lot and leases it back to the three institutions. If the concept is approved, a detailed study will be made on the impacts. If a fee is continued after the debts are retired, the City would expect to share in any revenues. The resolution also calls for the Parks Bureau to prepare a new lease. She said there are many unknowns

JUNE 26, 1991

at this point and they plan to return to Council later with a detailed analysis.

James Wilkes, Western Forestry Center Development Director, said approval of the resolution is premature because of so many unknowns. These include parking for those visiting the Vietnam Memorial, added costs for families visiting the park and spillover parking into the adjoining neighborhood.

Mayor Clark said these issues concern him also and that the study will help answer them.

Mr. Wilkes questioned the reasonability of the fee revenues cited in Commissioner Lindberg's memo. He called for the resolution to be tabled.

Commissioner Lindberg said he shares the concerns raised but is willing to approve this conceptually while realizing that there are dozens of issues to be studied.

Commissioner Blumenauer said this resolution provides the framework to look at all the issues, many of which have been raised before.

Commissioner Kafoury said she had strong concerns about the costs to local families.

Disposition: Substitute Resolution 34875. (Y-5)

1144

Report on the first year of Community Policing implementation
(Report)

Discussion: Tom Potter, Chief of Police, reported on the first year of the five year transition to community policing. He described some of the measures taken during the first year, highlighted by creation of the Chief's Forum to advise on major policy issues, creation of Biased Crimes Unit and assignment of detectives to the precincts in the gang enforcement teams. They also have trained all Police Bureau members in cultural awareness, community organizing and in problem solving. A revised drug enforcement policy has placed neighborhood liveability as its first priority and the neighborhood liaison program has been expanded. He said they are also working on establishment of a regional drug enforcement policy and continuing with the landlord drughouse training. In addition, Chief Potter said they are analyzing maximum use of their resources, and are working to implement the Citizens Crime Report.

JUNE 26, 1991

Chief Potter said Police have learned from citizens that they want to see more officers out of their cars and more attendance at community meetings. They also want more enforcement of drug-house regulations. Next year the Bureau wants to increase training and implement an affirmative action hiring plan so that the Bureau will truly represent the diversity of the community.

Mayor Clark asked about the effect of Ballot Measure 5.

Chief Potter said he assumed that without Measure 5 the Police would have been given increased resources to respond to community problems, instead of having to shift things around.

Disposition: Approved.

1145 Adopt the Community Policing Transition Plan Attributes and Success Factors (Resolution)

Discussion: Chief Potter said the attributes and success factors encompass the goals of community policing. These include increased neighborhood livability, reduction in crime and empowerment of citizens and officers.

Richard Brown, Police Chief's Forum, described some of the steps that have been taken to make community policing work.

Jim McPhillip, member of the Police Chief's Forum, said the business community is very pleased with Police Bureau response to its recommendations. He said it is concerned with the need for additional Police staff and recommend appointment of a Task Force to look at stable funding levels for the Bureau.

Haven Baxter, Police Officer, 22-year Police veteran, said community policing has opened a door that allows officers to get involved with the community and encourages the community to get involved in government.

Disposition: Resolution No. 34876. (Y-5)

1142 Establish a Regulatory Review Committee with a charge to examine Portland's land division policies and procedures and to submit recommendations to the City Council (Resolution introduced by Commissioner Kafoury and Commissioner Blumenauer)

Discussion: Commissioner Kafoury said both the Planning and Building Bureaus agree it is time to revisit this process.

JUNE 26, 1991

Laurie Moeser, Arnold Creek Neighborhood Association Co-Chair, supported creation of the committee. She said it makes good sense to have periodic review of land use requirements. She said one concern they have is the lack of notification on smaller applications, such as minor partitions.

Thomasina Gabriele, Chair of Regulatory Review Committee, said all the major players in the area appear to be represented on this committee. She said all the issues will be examined on a one-by-one basis.

Disposition: Resolution No. 34877. (Y-4)

1143 Request from The Review Board of Neighbors West/Northwest to address Council on contractual issues with City (Previous Agenda 1064)

Disposition: Continued to July 3, 1991 at 9:30 a.m.

Mayor J. E. Bud Clark

1146 Hold State Revenue Sharing probable use hearing (Hearing; Report)

Discussion: Mayor Clark asked if anyone wished to be heard. No one responded.

Commissioner Kafoury said we should hear how much less this is than it used to be.

Tim Grewe, Director of Financial Planning, said the state revenue sharing has remained pretty flat over the past several years. He said in the case of federal revenue sharing, all the funds, about \$11,000,000 have gone away.

Disposition: Approved. (Y-4)

***1147** Elect to accept funds from the State of Oregon under the State Revenue Sharing Program for FY 1991-92 (Ordinance)

Disposition: Ordinance No. 164358. (Y-4)

S*1148 Amend the FY 1990-91 budget; transferring appropriation within sixteen City funds to prevent overexpenditures in controlled expenditure categories (Ordinance)

JUNE 26, 1991

Discussion: The Clerk announced that a substitute had been filed. Commissioner Bogle moved the substitution; Commissioner Lindberg seconded and the motion carried. (Y-5)

Disposition: Substitute Ordinance No. 164359. (Y-5)

***1149** Close eight City funds and transfer the remaining balances effective June 30, 1991, modify the name and purpose of one fund effective July 1, 1991, and create one City fund effective July 1, 1991 (Ordinance)

Disposition: Ordinance No. 164360. (Y-5)

***1150** Adopt the annual budget of the City of Portland and establish appropriations for the fiscal year beginning July 1, 1991 (Ordinance)

Discussion: Commissioner Kafoury said she would return to Council regarding two issues: 1) job sharing and parttime work benefits; and 2) a diversion program as requested by Judge Harl Haas.

Disposition: Ordinance No. 164361. (Y-5)

***1151** Levy taxes for the City of Portland for the fiscal year beginning July 1, 1991, and direct the Director of Financial Planning to certify said tax levy to the County Assessors of Multnomah, Clackamas, and Washington Counties (Ordinance)

Discussion: Tim Grewe, Director of the Bureau of Financial Planning, said they will return to Council, probably in September, with another levy action which would reflect any budget adjustments needed based upon what the State legislature decides on tax increment financing.

Disposition: Ordinance No. 164362. (Y-5)

***1152** Authorize an Agreement with the Association for Portland Progress (APP) and Portland Downtown Services, Inc., (PDSI) to provide special downtown services (Ordinance)

Discussion: Regarding the action needed to incorporate the additional \$10,000 Council approved into this agreement, Mr. Grewe said the money needs to be transferred from the special appropriation established for the Association for Portland Progress into the Parks Bureau budget because it is Parks that will be paying for the services. He said an amending action will be brought forth at a later date to take care of that.

JUNE 26, 1991

Disposition: Ordinance No. 164363. (Y-5)

- *1123** Contract with the Catholic Community Services for \$16,000 to provide the Asian Youth Outreach Project and provide for payment (Ordinance)

Disposition: Ordinance No. 164364. (Y-5)

- *1124** Contract with Transition Projects, Inc., for \$128,870 for alcohol/drug free housing and emergency night shelter services and provide for payment (Ordinance)

Disposition: Ordinance No. 164365. (Y-5)

- *1125** Contract with the Portland Development Commission for \$11,222,299 for portions of the FY 1991-92 Housing and Community Development program and provide for payment (Ordinance)

Disposition: Ordinance No. 164366. (Y-5)

- *1126** Contract with Community Energy Project, Inc., (CEP) for \$73,702 for the Weatherization Workshop Project and provide for payment (Ordinance)

Disposition: Ordinance No. 164367. (Y-5)

- *1127** Contract with School District No. 1 (Portland Public Schools) for \$334,940 for the Home Repair Training Program and provide for payment (Ordinance)

Disposition: Ordinance No. 164368. (Y-5)

- *1128** Contract with the Senior Job Center for \$73,487 for the Senior Home Repair and Maintenance Program and provide for payment (Ordinance)

Disposition: Ordinance No. 164369. (Y-5)

- *1129** Contract with Security Pacific Bank of Oregon and Portland Development Commission to execute a Private Lender Participation Agreement (Ordinance)

Disposition: Ordinance No. 164370. (Y-5)

- *1156** Authorize the execution of a Stipulation and Final Order with the Department of Environmental Quality in connection with abatement of combined sewer overflows (Previous Agenda 1069)

JUNE 26, 1991

Disposition: Referred to Public Works.

- *1157** Agreement between the City of Portland and Construction Management Inspection, Inc., to supply qualified construction inspectors, engineering technicians and administrative personnel upon request, and provide for payment (Ordinance)

Disposition: Ordinance No. 164371. (Y-5)

- *1158** Allow the City of Portland to administer the Washington County Traffic Impact Fee for that part of the City that is inside Washington County and amend the FY 91-92 Budget (Ordinance)

Disposition: Ordinance No. 164372. (Y-5)

Commissioner Dick Bogle

- *1159** Contract with Portland Security, Inc., for dispatching of towing services (Ordinance)

Disposition: Ordinance No. 164373. (Y-5)

- *1160** Contracts for towing and storage of vehicles ordered by the Police Bureau and Parking Patrol Division (Ordinance)

Disposition: Ordinance No. 164374. (Y-5)

- *1161** Contract with Retriever Towing, Inc., for towing, storage and disposal of abandoned vehicles (Ordinance)

Disposition: Ordinance No. 164375. (Y-5)

Commissioner Mike Lindberg

- 1162** Accept the Water Bureau and U.S. Forest Service Annual Activity Schedules for the Bull Run Watershed (Previous Agenda 1071)

Disposition: Referred to Public Affairs.

- *1163** Authorize an agreement with Homer G. Williams, Inc., to co-apply for an Urban Growth Boundary Location Adjustment under certain conditions (Ordinance)

Disposition: Ordinance No. 164376. (Y-5)

JUNE 26, 1991

City Auditor Barbara Clark

1164 Approve March and April, 1991, sidewalk maintenance bills for assessment (Hearing on Report)

Disposition: Continued to July 3, 1991 at 9:30 a.m.

At 11:20 a.m., Council recessed.

JUNE 26, 1991

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF JUNE, 1991 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Kafoury, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Pete Kasting, Chief Deputy City Attorney; and Officer Duane Wentlandt, Sergeant at Arms.

1166 Tentatively grant appeal of North-Northwest Business Boosters and uphold Hearings Officer's decision to deny application of Coverall Uniform Supply for a comprehensive plan map amendment and zone change at 2522 NE Martin Luther King Jr. Blvd. (Findings; Previous Agenda 954)

Discussion: Commissioner Kafoury said the parties were still negotiating and asked for a three-week continuance.

Disposition: Continued to July 17, 1991 at 2:00 p.m.

***1165** **TIME CERTAIN: 2:00 PM** - Implement franchised residential solid waste recycling collection through Independent Recyclers and recycling districts (Ordinance introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer complimented the public and staff for their commitment to taking the most complex local collection system in the country and finding solutions to turn it into an efficient process.

Sue Keil, Bureau of Environmental Services, described the "corralling" process used to determine the assignment of territories. She said territory assignments will be brought to Council in late July for approval and that they are now in heavy negotiations with the haulers on the franchise agreements. She said the recycling delivery system goals are to encourage increased curbside recycling by upgrading the service, expanding the types of recyclables and consolidating the routes to fully utilize state-of-the art recycling methods and equipment.

Ms. Keil reviewed the rationale for establishment of recycling districts for smaller haulers with fewer than 3,000 customers, noting that the two major components of efficiency are routing and equipment. She said the equipment is expensive and only becomes cost effective at the 3,000 customer per week level.

JUNE 26, 1991

Commissioner Blumenauer said we are talking about sustainability and the need to put something in place that will work for five or more years.

Stan Kahn, Sunshine Recycling, 722 SE 18th, asked for an exemption of his company from the standards that mandate a recycling consortium for companies with less than 3000 customers. He said his company's equipment will be idled while it pays someone else to do its recycling. He pointed out his pioneering efforts and 18-year commitment to innovative recycling methods.

Mayor Clark recognized that Mr. Kahn has been involved in recycling right from the start. He suggested using Mr. Kahn's expertise in some manner under the new system.

Commissioner Blumenauer said he also recognized Mr. Kahn's demonstrated track record. He said they looked at a way to grant exemptions but have found no way to do so that keeps faith with the other parties.

David McMann, Cloudburst Recycling, said it has been their longtime goal to see the City adopt a quality, comprehensive recycling system. He said he is not thrilled about going to a geographically-based route or other aspects of the program but is willing to make sacrifices in order to move forward.

Judy Roumpf, 3345 NE 27th, said the proposed system, with 17 different recycling operators, is not efficient enough. She asked Council to amend the ordinance to make efficiency a priority and called for routes of 12,000 customers each within five years.

Dennis Gilman, 1313 SE Oak, said it is important that innovative and committed companies like Cloudburst and Sunburst be allowed to continue in business. He suggested making performance the standard, not size.

Bruce Lewis, Elmer's Sanitary and a member of the steering committee for East Side Recycling Committee, said there is a certain amount of hurt among haulers that will not be allowed to continue. He said he believes innovation is not dead just because large districts have been formed.

Commissioner Blumenauer noted Ms. Roumpf's argument that the districts are too small. He said the new system will be more

JUNE 26, 1991

regulated but that Council is committed to looking at innovation over time. However, right now the ground rules that allow the City to move forward must be provided. He said the Bureau believes that what is proposed is a reasonable cutoff.

Mayor Clark said hopefully the rules will open up new and expanded opportunities for recyclers, haulers and residents of Portland. He said it will allow the City to test innovation in a controlled situation.

Disposition: Ordinance No. 164377. (Y-4)

At 3:15 p.m., Council recessed.

JUNE 27, 1991

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF JUNE, 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 R. Glen Mueller, Sergeant at Arms.

1167

TIME CERTAIN: 2:00 PM - Consider Findings in response to LUBA rulings in appeal of Joseph Angel of denial of a zone change to develop a Burger King at SE 39th and Hawthorne (Hearing; Previous Agenda 955)

Discussion: Cay Kershner, Clerk of the Council, said Stephen Janik, attorney for Mr. Angel, had requested a setover.

Mr. Janik said he wished to continue this because his primary witness on the traffic issue was unavailable today.

Ed Sullivan, attorney for Lois Wakelin and Gary Marshel, expressed annoyance with the last minute nature of this request. He asked Council to make their statements regarding site visits and ex parte contacts today. He also noted that evidence can be presented 20 days in advance of the hearing date and suggested that such advance filings would be helpful.

Commissioner Lindberg and Commissioner Bogle said they would prefer to make their statements at the setover date rather than today.

Disposition: Continued to Wednesday, August 21, 1991 at 2:00 p.m. Time Certain.

On a Y-5 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA

Commissioner Earl Blumenauer

***1168**

Revocable permit to Oregon Public Broadcasting Foundation, Inc., to maintain banners on street light poles from August 11 to September 9, 1991 (Ordinance)

JUNE 27, 1991

Disposition: Ordinance No. 164378. (Y-5)

Commissioner Gretchen Kafoury

***1169** Amend electrical permit and inspection fee calculation methods and fees per OAR 918-260-031 and OAR 918-260-032 (Ordinance; amend Code Section 26.06.080)

Disposition: Ordinance No. 164379. (Y-5)

1170 Amend Portland City Code Section 13.16.100 relating to swine to allow pot-bellied pigs to be kept as pets in the City (Second Reading Agenda 1081)

Disposition: Ordinance No. 164380. (Y-5)

REGULAR AGENDA

Mayor J. E. Bud Clark

***1171** Amend Sections 5.08.140 and 5.10.120 of the City Code to establish fees for voluntary payroll deductions, adding and deleting certain organizations from the list of agencies authorized to use the payroll deduction system (Ordinance)

Discussion: Ron Bergman, Acting Director, Bureau of Administrative Services, said all the organizations had been notified about this action.

Joanne Allen, Black United Front, said she was concerned about the effect the 25 cent per payroll deduction charges would have on small contributions of \$10 or so.

Mr. Bergman said the fee was intended to be considered as an administrative expense against the organization and a part of its overhead.

Commissioner Blumenauer said a minimum threshold should be set so that the contributions are sizeable enough to make the payroll deduction worthwhile.

Mr. Bergman said the fees will be used solely to recover the cost of one employee who spends full time administering the voluntary deductions. The cost is approximately \$28,000 a year.

Valerie Brown, United Way, said they are concerned with the precedent the City is setting and asked for a deferral.

JUNE 27, 1991

Don Skinner, Environmental Federation of Oregon, echoed Ms. Brown's concern with the precedent this sets. He protested the lack of prior involvement and also asked for a deferral to allow time to look at other options.

Ernst Snook, American Family Life Assurance Co., said one-fifth of City employees are enrolled in his company's insurance programs and are thus subject to payroll deductions. He said a better solution would be to allow their premiums to be treated as a pretaxed deduction. That would immediately save the City approximately \$7,650 and would generate four times the amount the proposed service fee would give them.

Barbara Clark, City Auditor and a member of the Police Historical Society, said the Society supports the concept of user fees for special services but wishes to point out that the fees affect 36 organizations of which only 10 will be subject to the fees.

Commissioner Kafoury said the City has done a very poor job of promoting charitable contributions compared to the County. If the City agreed to have a more aggressive fund-raising effort perhaps some tradeoff could be made on the deduction fees. She asked for a deferral for several weeks.

Mr. Bergman said as of July 1 he will not have the budget to fund the position.

Commissioner Blumenauer said Council had considered this issue before and made the decision during the budget process that they would recover the cost of this service. He said the issues raised should be considered but Council should go ahead and follow through on the decision already made.

Mr. Bergman said if a better way to do it was found the ordinance could be cancelled. He explained the notification process on this issue.

Commissioner Kafoury said she would like to commit to increase our participation in charitable giving by about 20 percent. She said a minimum threshold does need to be implemented.

Mayor Clark said he agreed with Commissioner Blumenauer, noting that it had been discussed at length during the budget process.

Mr. Bergman said 75 percent of the revenue will come from the Credit Union and deferred comp programs.

JUNE 27, 1991

Commissioner Bogle said it would be a good idea for those people speaking today to have a forum so adjustments could be made later on.

Disposition: Ordinance No. 164381. (Y-5)

Commissioner Dick Bogle

1172 Liquor license application for Hahn, Sung Ki, dba Commodore Grocery, 621 SW 16th Avenue, package store liquor license (change of ownership); favorable recommendation (Report)

Discussion: John Werneken, License Bureau, said the License and Police Bureaus have a common statement regarding the six liquor licenses on today's calendar. He said they want to recognize that operators at SW 3rd and Burnside have made some major changes which have resulted in a substantial reduction in alcohol-related problems at that corner. To keep the problem from moving to a new area, he said all six applicants have agreed to make good faith efforts to keep their outlets from becoming a new base for the street inebriation problem.

Chuck Bolliger, Police Bureau, described what has been accomplished in the Old Town area to reduce the street drinking problem.

Mayor Clark said he has noticed a real change in Old Town recently. Commissioner Lindberg agreed.

Disposition: Favorably recommended. (Y-4)

1173 Liquor license application for Chau, Phuoc Quach, dba Three Brothers Market, 638 E. Burnside Street, package store liquor license (renewal); favorable recommendation (Report)

Disposition: Favorably recommended. (Y-4)

1174 Liquor license application for Phillips, Sung Soon, dba Morrison Street Deli, 1402 SW Morrison Street, package store liquor license (renewal); favorable recommendation (Report)

Disposition: Favorably recommended. (Y-4)

1175 Liquor license application for Han, Kichae, dba Westside Food Center, 919 SW 14th Avenue, package store liquor license (renewal); favorable recommendation (Report)

JUNE 27, 1991

Disposition: Favorably recommended. (Y-4)

1176 Liquor license application for Gustafson, Michael L., dba Georgias Grocery, 1143 SW Stark Street, package store liquor license (renewal); favorable recommendation (Report)

Disposition: Favorably recommended. (Y-4)

1177 Liquor license application for Heintz, Michael L., dba Master Mart, 1200 SW Washington Street, package store liquor license (renewal); favorable recommendation (Report)

Disposition: Favorably recommended. (Y-4)

***1178** Amend Amusement Device regulations (Ordinance; amend Chapter 14.69)

Disposition: Ordinance No. 164382. (Y-4)

***1179** Increase existing fees for automatic sprinkler systems regulated by the Fire Bureau to a level of approximately 67% of cost recovery (Ordinance; amend City Code Section 31.40.040)

Discussion: Mike Tate, Northwest Fire Sprinklers Association, said after working with the Fire Bureau on this issue, they have come to an agreement that all seem to be happy about.

Discussion: Ordinance No. 164383. (Y-4)

***1180** Increase existing fees for Certificates of Fitness and Special Inspections administered by the Fire Bureau (Ordinance; amend City Code Title 31)

Disposition: Ordinance No. 164384. (Y-4)

Commissioner Gretchen Kafoury

1181 Adopt Johnson Creek Basin Protection Plan, amend Comprehensive Plan and Title 33 of the City Code, and amend Official Zoning Maps of the City of Portland (Ordinance)

Discussion: Gail Curtis, Planning Bureau, said this is the third in a series of environmental mapping plans being done to update the City's Comprehensive Plan and to conform to LCDC statewide planning Goal Five. The Plan is a major step to protect and restore the natural resources in Johnson Creek and the entire ecosystem. The Plan places two overlay zones on the map - an environmental

JUNE 27, 1991

protection zone where development should be restricted and an environmental conservation zone where development can be accommodated with mitigation. The Plan sets the framework for future work the City will be doing with the Johnson Creek Management Plan, the major tool for restoration. Citizen involvement has been extensive, including meetings with seven neighborhood associations and 12 other groups with a direct interest in protecting the area.

Ms. Curtis said citizen involvement molded the Plan, resulting in the Johnson Creek Plan District. Because the creek basin consists of so many small residential parcels, they ended up decreasing the buffer area along the creek to give property owners more flexibility. In turn, the overall area to be protected was expanded to cover the Boring Hills and Mt. Scott areas which will provide more protection from erosion and runoffs. She said they also created exceptions for property owners to allow modifications without environmental review where there is no expansion. Another recommendation was to move the 40 Mile Loop trail to the Spring Water line.

She said this is just one of several steps necessary for restoration of the Creek, the first being creek cleanups organized by the residents themselves. The Protection Plan offered today is the second step and the Management Plan to be implemented by the Bureau of Environmental Services is the third.

Ms. Curtis recommended taking all public testimony today and then having staff return with a summary of responses to the issues raised. She said an errata sheet had been distributed showing some minor mapping changes.

Steve Johnson, 3707 SW Johnson Creek Boulevard, said his recent return has brought home how much the City has encroached upon the creek area. He said they need to pay attention to the edges and urged expansion of the environmental protection areas.

Linda Bauer, Pleasant Valley Neighborhood Association, protested the V overlay as called for in Code section 33.535.200. She said 33.535.320, additional approval criteria, adds back guidelines which fuzz up what was approved under the new zoning code passed in January.

Merrie Miller, 6558 SE 108th, Landowners and Friends of Johnson Creek, said her group is fighting to prevent the destruction of area wetlands and neighborhood degradation. She complimented Planning staff but affirmed Ms. Bauer's concerns about 33.535.320.

JUNE 27, 1991

Stephen Janik, attorney representing Herb Althouse of Tom Moyer Theatres, requested deletion of a two-acre site owned by the Theatres from the EC zone and also asked that language relating to potential regulation of the 16-acre drive-in site be deleted. He said no evaluation had been done and there is no factual basis to support such action, which if applied would drastically reduce the industrial capability of the properties.

Michael Obrist, 17232 SE McKinley, owner of seven acres at 14346 SE Foster, protested the amount of property he will be forced to donate under the proposed EC zone.

Commissioner Kafoury said it would be helpful to have the staff present the choices on those issues that cannot be resolved at the staff level.

Joyce Beedle, 6622 SE 108th, voiced concerns regarding building and flooding. She said if her home burns down she must seek an adjustment which, if denied, would render her property worthless. Regarding flooding, she said she is not clear on the actual recommendation on creek stabilization. She said she wants to be able to reinforce her property with riprap, bring in fill and establish an earth berm without incurring the cost of an evaluation.

Mr. Brown suggested closing verbal testimony today but leaving written record open for one week, until 5 p.m. July 3, 1991. Council agreed.

Mr. Brown said they expect to circulate their responses to the issues raised today a full week before the next hearing.

Disposition: Passed to Second Reading July 17, 1991 at 2:00 p.m.

Commissioner Bogle moved to elect Commissioner Lindberg as President of Council to serve until December 31, 1991. The motion carried. (Y-4)

At 3:15 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council