



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28TH DAY OF AUGUST, 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.

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

CONSENT AGENDA - NO DISCUSSION

- 1485** Accept bid of James V. Cassetta Construction Services for Leach Botanical Garden entrance gate and drive renovation for \$56,825 (Purchasing Report - Bid 5)

Disposition: Adopted; prepare contract.

- 1486** Accept bid of American Cyanamid Company for furnishing polymer flocculants for sludge dewatering for \$290,157 (Purchasing Report - Bid 80-A)

Disposition: Adopted; prepare contract.

- 1487** Accept bid of Parker-Northwest Paving Company for improvement of NE 55th Avenue from NE Halsey Street to NE Wasco Street for \$70,704 (Purchasing Report - Bid C-9756)

Disposition: Adopted; prepare contract.

- 1488** Vacate two portions of N Decatur Street between N Pittsburg Avenue and N Burlington Avenue, under certain conditions (C-9757; Second Reading Agenda 1444)

Disposition: Ordinance No. 164577. (Y-5)

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Mayor J. E. Bud Clark

- 1489** Accept contract with Rose Heating Co., Inc., for installation of a Penthouse Cooling System in the Portland Building as complete, waive retainage and authorize payment (Report; Contract No. 26288)

Disposition: Adopted.

- *1490** Pay claim of Kevin Smith (Ordinance)

Disposition: Ordinance No. 164578. (Y-5)

- *1491** Agreement to contract with Cushman & Wakefield of Oregon, Inc., for the leasing of the Third and Alder parking garage (Ordinance)

Disposition: Ordinance No. 164579. (Y-5)

- *1492** Amend Agreement with the City of Portland, Oregon Public Building Corporation and the Metropolitan Arts Commission for partial funding of the Metropolitan Center for Public Art (Ordinance)

Disposition: Ordinance No. 164580. (Y-5)

- *1493** Authorize a contract with ADCOMM Engineering Company to provide engineering services for the 800 MHz trunked radio system (Ordinance)

Disposition: Ordinance No. 164581. (Y-5)

- *1494** Contract with Ball, Janik and Novack for the consulting services of Victoria Cram on matters pertaining to the relationship between the City of Portland and the federal government (Ordinance)

Disposition: Ordinance No. 164582. (Y-5)

- *1495** Agreement to sell petroleum products and telephone use to School District #1, School Police (Ordinance)

Disposition: Ordinance No. 164583. (Y-5)

- *1496** Amend contract with M.A. Magnusson & Associates, Inc., for the Office of Finance and Administration and provide for payment (Ordinance)

Disposition: Ordinance No. 164584. (Y-5)

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- *1497** Authorize continuance of the College Work Study Program and execution of agreements between the City of Portland and various colleges and universities (Ordinance)

Disposition: Ordinance No. 164585. (Y-5)

- *1498** Authorize loan agreement with the State of Oregon to receive \$709,041 of Special Public Works funds (Ordinance)

Disposition: Ordinance No. 164586. (Y-5)

- *1499** Authorize the purchasing of copy machines through the State of Oregon contract with American Business Machines for the Bureau of General Services, Printing and Distribution Division, and provide for payment (Ordinance)

Disposition: Ordinance No. 164587. (Y-5)

Commissioner Earl Blumenauer

- 1500** Agreement with Tri-Met providing for City design and construction of corner ramps at certain bus stops (Second Reading Agenda S-1470)

Disposition: Ordinance No. 164588. (Y-5)

- *1501** Call for bids for the Columbia Boulevard Wastewater Treatment Plant exterior compost repaint project, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164589. (Y-5)

- *1502** Call for bids for the Columbia Boulevard Wastewater Treatment Plant parking lot and repaving project, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164590. (Y-5)

- *1503** Call for bids for the SW Hamilton, east of 58th, storm culvert, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164591. (Y-5)

- *1504** Amend contract with The Lynch Company, Inc., to increase the scope of work and the contract amount by \$41,859 (Ordinance; amend Contract No. 27127)

Disposition: Ordinance No. 164592. (Y-5)

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Commissioner Dick Bogle

- 1505** Transmit the 1990 Annual Report of the Cable Regulatory Commission (Report)

Disposition: Placed on File.

- *1506** Contract with Ivars Lazdins, Architect, for professional services in the amount of \$25,000 (Ordinance; waive Code Section 5.68)

Disposition: Ordinance No. 164593. (Y-5)

Commissioner Gretchen Kafoury

- *1507** Amend Contract with Southeast Uplift Neighborhood Program, Inc., to increase compensation by \$18,000 to a total of \$317,165 (Ordinance; amend Contract No. 27153)

Disposition: Ordinance No. 164594. (Y-5)

Commissioner Mike Lindberg

- *1508** Authorize amendment to contract with James M. Montgomery Consulting Engineers, Inc., for \$36,000 for additional engineering services for the Water Treatment Pilot Study and provide for payment (Ordinance; amend Contract No. 25626)

Disposition: Ordinance No. 164595. (Y-5)

City Auditor Barbara Clark

- *1509** Cancel systems development charge for 7202 NE Killingsworth Street (Ordinance; amend 162351)

Disposition: Ordinance No. 164596. (Y-5)

REGULAR AGENDA

- 1484** **TIME CERTAIN: 9:30 AM** - Grant residential solid waste, recycling and yard debris collection franchises in the City of Portland (Ordinance introduced by Commissioner Blumenauer; Previous Agenda 1389)

Discussion: Sue Keil, Environmental Services, reminded Council that Senate Bill 66, which was recently passed by the Legislature, requires many of the measures that are part of this proposal. She reviewed comments from citizens and said a matrix is being prepared concerning

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each of the issues raised. She announced that a sub-committee has been formed for yard debris pickup because it was clear from the testimony that earlier implementation is desired.

Estle Harlan, Tri County Council, restated the garbage haulers support for this proposal and said they are willing to begin yard debris collection at any time.

Bonnie Meltzer, 9124 N. McKenna, supported weekly recycling because it will make it easy for people to recycle who otherwise would not.

Steve Apotheker, 1905 NE Going, asked that a review process which would include members of the public be made a part of the proposal. He also called for a shorter franchise period than the proposed ten years and a buy-back opportunity at designated dropoff sites in the community.

Jerry Powell, 3345 NE 27th, said the proposed manner in which the City will collect franchise fees and award the haulers their profits is actually a disincentive to recycling. He also said the City is designing an inefficient recycling collection program with too many haulers and proposed requiring consolidation to four or five providers, rather than 17, over the next five years to make it cost effective.

Commissioner Lindberg asked Mr. Powell why he considered it a disincentive.

Mr. Powell said the City's proposal allows haulers a 9.5 per cent profit on allowable costs and, in addition, the City will charge the franchise fee. He said under this system haulers will not want their customers to choose such items as a smaller can or less than weekly service because it will cut into the revenue base and the franchise fee. He proposed a flat franchise fee with no economic incentives to sell larger cans or more services.

Si Stanich, 5437 N.E. Jessup, said he was concerned with the assignment of one hauler to one area because there was nothing customers could do if they did not like the franchisee.

Ellen Elliff, 3306 NE 41st, objected to the franchising proposal and the elimination of free enterprise.

Dr. Larry Griffith, 12530 SE Knapp, supported the proposal and said this will make it easy for citizens to recycle.

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Mavis Holt, 1235 SE 115th, supported the ordinance, particularly the collection of yard debris.

Jim Hill, 13140 SE Flavel, said he was concerned with illegal dumping in his area and the problem property owners have in getting rid of it.

Steve Bodine, SW 12th, objected to the Mayor comparing Arlington National Cemetery to Arlington, Oregon.

Ms. Keil said she will make appointments with each Commissioner about the issues raised. There will be a hearing on rates September 18.

Commissioner Blumenauer said he is hopeful a better solution to illegal dumping can be found.

Ms. Keil noted that if amendments are made to a franchise, the Charter requires that a second reading can occur no sooner than 30 days afterwards.

Disposition: Passed to Second Reading October 2, 1991 at 9:30 a.m.
Time Certain

Mayor J. E. Bud Clark

- *1510** Revise tax levies for the City of Portland for the fiscal year beginning July 1, 1991; direct the Director of the Office of Finance and Administration to submit the revised tax levies and other certifications to the County Assessors of Multnomah, Clackamas and Washington Counties (Ordinance; repeal Ordinance 164362)

Disposition: Ordinance No. 164597. (Y-5)

Commissioner Earl Blumenauer

- 1511** Consider vacating a certain portion of N Borthwick Avenue between N Halleck Street and the Oregon-Washington Railroad Lines at the request of Howser Steel, Inc. (Report; Hearing; C-9746)

Disposition: Approved. (Y-5) City Engineer Prepare Ordinance.

City Auditor Barbara Clark

- 1512** Assess property for sewer system development charges through June 30, 1991 (Second Reading Agenda 1473)

Disposition: Ordinance No. 164598. (Y-5)

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- 1513** Assess the improvement of SW 47th Avenue, SW Vacuna Street, SW Coronado Street and SW Buddington Street, and construction of storm sewers (Second Reading Agenda 1474)

Disposition: Ordinance No. 164599. (Y-5)

- 1514** Initiate foreclosure action on three properties for the collection of delinquent City liens (Ordinance)

Discussion: Barbara Clark, Auditor, said they believe enough safeguards have been built into the foreclosure process through the low payment plans and hardship provisions to avoid having elderly low-income people thrown out of their houses.

Commissioner Bogle said he believes the Auditor's Office has gone more than halfway to help people who face foreclosure.

Dean Fernley, 1635 NE 62nd, said he owes the City money because of a charge for a land-use hearing that he was never notified about. He particularly objected to the imposition of monthly billing charges.

Mayor Clark suggested that he talk to someone in the Auditor's Office about the situation.

Disposition: Passed to Second Reading September 4, 1991 at 9:30 a.m.

At 10:20 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28TH DAY OF AUGUST, 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; Kathryn Imperati, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

- 1515** **TIME CERTAIN: 2:00 PM** - Appeal of Allen and Barbara Willard et al against Hearings Officer's decision to approve application of Multnomah School of the Bible for a conditional use review of the master plan to include construction of an apartment complex and additional parking at 8435 NE Glisan St. (Hearing; 91-00157 CU)

Discussion: Mayor Clark said he understood that both sides had requested a continuance to allow them time to reach an agreement.

Disposition: Continued to October 16, 1991 at 2:00 p.m.

- 1516** Consider the LUBA remand regarding the appeal of John C. and Bess I. Bartels against the application of Kelly and Barbara Bruun for a subdivision/PUD for Humphrey Heights (Hearing; CU 121-89/S 47-89)

Discussion: Tom Bizeau, Planning Bureau, said the current proposal is for a 38-residence development located on a steep hillside off Humphrey Boulevard. Staff and the Hearings Officer initially approved the proposal with conditions. Council also granted approval. The case was then appealed and has now been remanded by the Land Use Board of Appeals (LUBA) because of geotechnical deficiencies and the need to address problems of soil stability, water runoff and drainage with an indication as to how such problems will be resolved. The applicant must also show that no problems are expected in developing residential foundations on the site.

Mr. Bizeau said the applicant contends the project is feasible and has proposed resolution of the problems identified concerning soil conditions, groundwater and storm water runoff.

He said the Planning Bureau recommends a change in findings relating to the geotechnical information and an addition to Condition H to include a Tree preservation plan.

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Kelly Bruun, applicant, said he hopes to construct high-end homes close to downtown in accordance with the LCDC infill policy. He said he met with neighbors and they do not oppose the project. He reported that after the LUBA remand the City asked for additional information and solutions regarding soil stability, groundwater and drainage. Mr. Bruun said they have gone forward with all the studies requested and major engineering solutions have been found to the problems. He noted that the Oregon Department of Transportation has approved the plans and said the site is safe and stable.

Terry Craven, Engineer, Rittenhouse, Zeman and Associates, said they have done extensive studies on the site and believe all the lots are stable.

Commissioner Lindberg asked about the number of lots and tree preservation.

Mr. Bruun said he came up with a tree plan with the Hearings Officer and also worked with Tri Met and ODOT to preserve the trees.

Commissioner Bogle asked if Council members were restricted to questions regarding the geotechnical aspects.

Kathryn Imperati, Senior Deputy City Attorney, said yes.

John Bartels, appellant, said the applicant is rehashing old information and shows no new evidence that addresses the deficiencies regarding soil stability and groundwater. He said the massive fill planned for the western drainage ravine does away with the storm drainage reserve of earlier plans and constitutes such a drastic change that the plan must be resubmitted to the Planning Bureau. He said the basic problem of tremendous amount of water flowing through this area has been ignored.

Commissioner Bogle asked whether earthquake damage had been considered.

Mr. Bartels said this has been found to be a particularly fragile area, as demonstrated by the slides at the zoo.

Commissioner Lindberg asked if he was against all development at this site or this particular plan.

Mr. Bartels said he believes there are three good sites that would be stable and he would not object to development there.

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Mayor Clark asked when the drainage pits were dug and the technical information gathered.

Mr. Bruun said the information has evolved since the LUBA remand and the request on June 6 from the City for additional information. He said one test pit was done before the Council hearing.

Mr. Craven said that all of their explorations were done prior to their request for approval but the analysis has been done since then.

Commissioner Lindberg asked if anyone had done an analysis of the geotechnical reports.

Bill Freeman, Geotechnic Engineer, Bureau of Buildings, said the final report repeats most of the same information that was in the draft report. He noted that there is also a supplemental report from August 21. He said he is satisfied that the geotechnic work is suitable. He said the Bureau will look at the project again when it comes in for a grading report for the roads, retaining structures, etc.

Commissioner Lindberg asked him if there was enough evidence to recommend approval.

Mr. Freeman said he believed they could go to the next stage. He said the drainage issues are addressed in the engineer's report.

Mr. Bartels said the plan calls for clearing the site from 18 to 24 inches deep everywhere they are going to build. He said the pits do not exist in the residential lots but are all in the roadbeds.

Mr. Bruun said the addition of storm drains will increase the stability of the site by taking water away from the ground.

Commissioner Lindberg asked about what percentage of trees would be saved.

Mr. Bruun said the site was logged in 1956 and most of the growth since has been alder.

Commissioner Blumenauer asked about the statement in Mr. Bartels testimony regarding trapping of water under the fill that guarantees destruction of lateral stability.

Mr. Bartels said because there is no provision for any drainage under the fill water will move back up the hill underneath the house.

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Mr. Craven disputed that and pointed out where the drains are to go on the site. He said at least half the underground water will be removed from the site.

Disposition: Appeal denied tentatively (Y-5). Applicant's Attorney prepare findings for September 18, 1991 at 2:00 p.m.

At 3:00 pm Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29th DAY OF AUGUST, 1991 AT 2:00 P.M.

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

On a Y-4 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

Commissioner Earl Blumenauer

- *1519** Revocable permit to The City Club of Portland to maintain banners on street light poles from September 8, 1991 to October 20, 1991 (Ordinance)

Disposition: Ordinance No. 164600. (Y-4)

- *1520** Revocable permit to Multnomah County for pedestrian/bicycle ramp from the Hawthorne Bridge to the east side Willamette River Esplanade (Ordinance)

Disposition: Ordinance No. 164601. (Y-4)

- *1521** Revocable permit to Holladay Park Medical Center Foundation to maintain banners on ornamental street light poles from October 2 to October 28, 1991 (Ordinance)

Disposition: Ordinance No. 164602. (Y-4)

REGULAR AGENDA

Commissioner Gretchen Kafoury

- *1522** Amend City Code to establish a new pro-rated schedule to be used in determining the amount of benefits paid by the City on behalf of its permanent, part-time employees (Ordinance; Amend Code Sections 4.48.060 and 4.48.130)

Disposition: Ordinance No. 164603. (Y-5)

1517 **TIME CERTAIN: 2:00 PM** - Recommend adoption of the Westside Light Rail Goose Hollow Segment Design and Implementation Report and associated recommendations (Resolution)

Discussion: Commissioner Blumenauer said both the City and Tri-Met have tried to work expeditiously to deal with the concerns raised about the Goose Hollow alignment. He thanked Roger Shiels for his extraordinary work in getting consensus on the issues.

Roger Shiels, Consultant, described the agreement that had been reached with the Goose Hollow Foothills League. Major features include opening 17th between Morrison and Yamhill, retainage of on-street parking and widening of pedestrian crosswalks and additional study of a station at 18th and Salmon. He said the biggest change is the realignment of light rail to the south side of Jefferson to allow better vehicular access to properties on the west side at Jefferson. The agreement also calls for the closure of Madison and the preservation of parking by the addition 120 off-street parking spaces.

Mr. Shiels said one unresolved issue concerns the OWNCO property and the amount of its property that is to be taken. He recommended working with the owners to provide a pro rata share of parking elsewhere. The other outstanding issue concerns parking and noise impacts on the Zion Lutheran Church. He noted their request for an allotment of 60 off-street parking spaces.

Tom Walsh, Tri-Met General Manager, said the toughest issues that remain revolve around mitigation of the effects on the Zion Lutheran Church, particularly noise vibrations. He said the Church has made two requests. The first is that final issuance of the Environmental Impact Statement be delayed and that further study of the Portal C option be required as part of that Statement. He said he believes that UMTA has already denied these requests but the church could still seek federal court action.

Judy Erdman, Goose Hollow Foothills League President, said although they still consider the Portal C option to be superior, the League has voted to support the resolution.

Howard Glazer, Goose Hollow Foothills League board member, said they want to be certain the agreements reached in the resolution are carried out and that unresolved issues are treated with due regard for the neighborhood. He said the League has found previous Tri-Met studies to be unsatisfactory.

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Tim Ramis, Attorney for Zion Lutheran Church, said on the issue of noise vibration mitigation, the goal is to preserve the church as the landmark it has been designated. Regarding the protection of perimeter parking, Mr. Ramis said he believes progress can be made on this so that the church is not destroyed operationally. The final issue, off-street parking replacement, is the most difficult to resolve and may require some property condemnation if a solution is to be found.

Mayor Clark asked about the stop at 18th and Salmon.

Mr. Ramis said the church had great reservations about this but since the neighborhood and the Multnomah Athletic Club strongly support it, was willing to go along.

The Mayor said he thought light rail would be quieter than buses.

Mr. Ramis said studies show otherwise and that even small amounts of vibration will be damaging.

Jim Mendenhall, co-owner of OWNCO, said they have already given up one building for the good of light rail and now they are being asked to give up their employee parking as well. He said they need the parking spaces for their business.

Commissioner Blumenauer moved the two amendments to the resolution that had been proposed. The first would add wording to the first Resolved section stating that assurances granted the Zion Lutheran Church regarding future on-street parking removal and any other outstanding issues will be considered by the Council if and when they are accepted by the Church and Tri-Met as part of the settlement agreement. The second adds a new Resolved directing city staff to continue to assist Tri-Met in successfully resolving any outstanding project-related issues in the Goose Hollow neighborhood.

Commissioner Kafoury said she would second the amendments if the parking issue brought up by Mr. Mendenhall was one of the issues included.

Mr. Shiels said in the original proposal Lot 6 was considered to be taken. He said they will work with OWNCO to further some type of development there and in that case OWNCO will come out whole.

Commissioner Kafoury agreed to second the motion. The motion carried. (Y-5)

Disposition: Resolution No. 34890 as amended. (Y-5)

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1518 TIME CERTAIN: 3:00 PM - Recommend adoption of the Phase I Northwest Intersections Project Report and recommendations for the NW 21st and 23rd Avenues Element (Resolution)

Discussion: Commissioner Blumenauer said the neighborhood and City have been working very hard on these recommendations.

Laurel Wentworth, Office of Transportation, said Council is being asked to adopt the recommendations of staff and the citizens advisory committee for phase one of the Northwest Intersections Project. She said this is one of 10 such projects that were conceptually adopted by Council in 1982 as part of the Northwest Transportation Study. It was intended to address safety problems for bikes, pedestrians and vehicular circulation throughout the District. A parking analysis determined that City resources should first go towards relieving conflicts between pedestrians and vehicles on 21st and 23rd Avenues. The Office of Transportation then completed the conceptual design of the project with the understanding that there would be two phases. The first would deal with the 21st and 23rd Avenue elements to be adopted today and the second would examine intersections throughout the entire Northwest district that could benefit from safety improvements as well.

Ms. Wentworth said the Office of Transportation resolved that providing curb extensions at the intersections will provide additional parking, increase visibility, provide improved transit facilities and improve pedestrian and bicycle crossings. She noted that the current bus stop lengths will be shortened, adding to the number of on-street parking spaces. She identified seven intersections scheduled for curb extensions. She noted the two amendments that are proposed plus an additional one.

Commissioner Blumenauer moved adoption of the three amendments. He noted that the third amendment would insert the words "initial project in a" before the words "long term urban design" in the first Resolved clause. The other amendments would: 1) add the word "agreed" to the third Whereas section and 2) amend the second Resolved section to add language directing the Office of Transportation to begin conceptual design on phase II of the project, together with the NW Everett/Glisan project. The motion carried. (Y-5).

Steve Fosler, Citizen Advisory Committee member, said this report resolves transit, parking and pedestrian safety issues that have been around for many years. He said this is one element of a major comprehensive transportation plan for Northwest Portland.

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Ellen Vanderslice, Northwest District Association, supported the resolution, noting that these projects were identified in 1974 when the freeway extension was built and that since then traffic volume on NW 23rd has doubled in volume.


Rick Michaelson, 96 NW 23rd Avenue, added his strong support of this project. He said, however, that a complete plan would consider whether curb extensions are appropriate at other intersections. He suggested including a map in the document to show the recommendation for each intersection and suggested measures that might be implemented to complete the plan.

Commissioner Blumenauer said he will work with Transportation to see if Mr. Michaelson's recommendations can be incorporated.

Disposition: Resolution No. 34891 as amended. (Y-5)

At 3:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council