PORTLAND, OREGON

OFFICIAL MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF NOVEMBER, 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.

Mayor Clark declared Thursday, November 21 as Great American Smokeout Day. The proclamation was accepted by Francie Herman on behalf of the American Cancer Society.

Agenda No. 1899 was pulled from Consent to be heard with Agenda Nos. 1882 and 1883. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

1884 Accept bid of American Business Machines, Inc., for annual Panasonic copier maintenance for \$90,000 (Purchasing Report - Bid 24-A)

Disposition: Adopted; prepare contract.

1885 Accept bid of Triad Mechanical, Inc., for Airport Way No. 2 wastewater pumping station for \$719,903 (Purchasing Report - Bid 27)

Disposition: Adopted; prepare contract.

1886 Accept bid of Triad Mechanical, Inc., for Airport Way No. 3 wastewater pumping station for \$566,052 (Purchasing Report - Bid 28)

Disposition: Adopted; prepare contract.

1887 Accept bid of Signal Control Company for furnishing traffic signal control equipment for \$201,270 (Purchasing Report - Bid 31-A)

Disposition: Adopted; prepare contract.

1888 Accept bid of Coffman Excavation Company for Royal Highland Pump Station and Force Main and Gravity Sewer for \$609,245 (Purchasing Report - Bid No. C-9715)

Disposition: Adopted; prepare contract.

Mayor J. E. Bud Clark

*1889 Memorandum of Understanding with the Portland Office of FBI for a joint auto theft task force (Ordinance)

Disposition: Ordinance No. 164822. (Y-5)

*1890 Call for bids to provide a contract to upgrade elevators, owned by the City of Portland, at City Hall, 1220 SW 5th Avenue (Ordinance)

Disposition: Ordinance No. 164823. (Y-5)

*1891 Amend agreement with Campbell Resources, Inc., to extend the Landlord Training Program to hotels and motels (Ordinance; contract No. 26759)

Disposition: Ordinance No. 164824. (Y-5)

Commissioner Earl Blumenauer

*1892 Contract with HEPCO Equipment Company for a closed rock washer system for the bid amount of \$39,543 and provide for payment (Ordinance)

Disposition: Ordinance No. 164825. (Y-5)

*1893 Revocable permit to Oregon Public Broadcasting Foundation, Inc., to maintain banners on street light poles from January 2 to February 2, 1992 (Ordinance)

Disposition: Ordinance No. 164826. (Y-5)

*1894 Authorize Purchasing Agent to issue annual purchase orders to Metropolitan Service District for dump fees for the Bureau of Maintenance for a period of five years (Ordinance)

Disposition: Ordinance No. 164827. (Y-5)

*1895 Amend contract with Forum For Community Transformation to provide additional work in connection with the Bureau of Maintenance Workforce Diversity Program (Ordinance; amend contract No. 27335)

Disposition: Ordinance No. 164828. (Y-5)

*1896 Modify and authorize the annual extension of a computer maintenance agreement for the Bureau of Traffic Management with Intergraph Corporation through June 30, 1994 (Ordinance)

Disposition: Ordinance No. 164829. (Y-5)

*1897 Accept Pump Station, Sewer and Access Easement for the NE Airport Way Sanitary Sewer System Project, granted by Security Pacific Bank Oregon, authorizing total payment of \$11,600 (Ordinance)

Disposition: Ordinance No. 164830. (Y-5)

Commissioner Dick Bogle

*1898 Authorize lease from S.I. Lloyd-Simon Management Co. for use of a warehouse by Bureau of Fire, Rescue and Emergency Services, for Toy and Joy Christmas Charity Program (Ordinance)

Disposition: Ordinance No. 164831. (Y-5)

Commissioner Mike Lindberg

*1900 Call for bids for construction of 12-inch main in N Hayden Island Drive, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 164832. (Y-5)

Regular Agenda

1902 Confirm appointments of Pamela J. Brown, James S. Coon, Michael Grice, Bill June, Lee Poe, Ethan Seltzer, Barbara Walker, Robert N. Wise and Bruce L. Wong to the Environmental Commission (Report)

Discussion: Mayor Clark said this Commission puts Portland a step ahead of the rest of the world.

Commission members Pamela Brown, Ethan Seltzer, Barbara Walker, Bill June, Bob Wise, Lee Poe and Bruce Wong introduced themselves.

Disposition: Confirmed.

*1903 Establish one salary rate for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Discussion: Mayor Clark said he thought the Commission needed a leader to keep everything together during its first year. He said what was needed was someone who understood the science involved in environmental issues and could communicate those in cogent, laypeople's terms.

Commissioner Blumenauer said a commitment was made when the Commission was established that no additional funding would be required. He thanked the Mayor for offering to provide funding for the start-up out of his office. He said this will give the Commission a chance to fine tune its mission and determine its longterm staffing needs without creating an additional drain on City resources.

Commissioner Lindberg said he hopes one project the Commission takes on is the reduction of greenhouse gases to ameliorate the effects of global warming.

Mayor Clark announced that Phil Thompson is the person selected to serve to serve as staff for the Commission.

Disposition: Ordinance No. 164833. (Y-5)

*1904 Transfer \$45,000 from General Fund Contingency to the Mayor's Office for the purpose of continuing the Holladay District Prosecution Demonstration Project (Ordinance)

Discussion: Multnomah County District Attorney Mike Shrunk urged adoption of this ordinance. He said half the cost is being financed by private business and the City is being asked to fund the other half. He said this is the second year of a pilot project initially funded entirely by the private sector.

Mr. Shrunk said this program allows them to solve problems where they occur and before they become monumental problems that take up enormous police and court time. He said they hope this project will be the forerunner of an expanded program in other neighborhoods.

Larry Troyer, General Manager of the Lloyd Center, said this program has been a great success in reducing car thefts and dealing with those who commit crimes in a timely fashion.

Captain Charles Moose, Portland Police, said the Bureau stands 100 percent behind this program because it helps the Police work "smarter" and catch people who have previously fallen through the system.

Commissioner Kafoury asked whether the \$45,000 City contribution to this program would free up some funds to continue the pilot project in other neighborhoods.

Mr. Shrunk said this will allow this program to continue and free up resources to develop a similar pilot project elsewhere.

Commissioner Kafoury said she does not want to add such programs only in areas where there are businesses that can afford it and leave neighborhoods with no resources without such services.

Mr. Skrunk agreed that you cannot have a justice system that only the wealthy can get into. He said private funding allowed them to experiment and make sure this is a workable model. Now they hope to look at residential areas to see if the same model is applicable.

Commissioner Blumenauer said the results are impressive and an example of how well community policing is working.

Commissioner Bogle said it is clear the consistency of high level law enforcement really diminishes crime and that he is looking forward to seeing the residential application in North and Northeast Portland.

Disposition: Ordinance No. 164834. (Y-5)

Commissioner Earl Blumenauer

1905 Consider vacating a certain portion of NW Westover Road north of West Burnside Street at the request of Killian Pacific (Previous Agenda No. 1867)

Discussion: Cay Kershner, Clerk of the Council, noted that a substitute report had been filed.

Vic Rhodes, Office of Transportation Management, read a statement from Lennie Anderson, Chair of the NWDA Transportation Committee, noting that other NWDA committees retain all rights to appeal land-use and landmark issues. He said a compromise has been reached by all parties, noting that the issue of 23rd Place has been resolved, allowing RIEF Corporation to retain two lanes of parking there. On Burnside, Killian Pacific has agreed to donate the additional right-of-way required for wider sidewalks and the City has agreed to pick up the extra cost of concrete and the street trees. He said the Engineer's report was amended to change the legal description to allow for the wider sidewalks on "little" Westover.

Commissioner Blumenauer moved acceptance of the substitute report. Commissioner Bogle seconded and the motion carried. (Y-4)

Bret Schultz, AIA Urban Design Committee, said they believe the final scheme is a creative solution to a difficult problem.

Disposition: Substitute report approved. (Y-5) City Engineer prepare ordinance.

*1881 TIME CERTAIN: 9:30 AM - Authorize modification of the existing SW Terwilliger Boulevard Bikeway between SW Taylors Ferry Road and SW Maplecrest Drive (Ordinance)

Discussion: Krys Ochia, Bureau of Traffic Management, said this modification will provide striped bike lanes on both sides of Terwilliger,

replacing the existing facility. He said the current bikeway is on one side of the street only and encourages bikers to ride on the wrong side of the street. The Oregon Department of Transportation (ODOT) will contribute \$50,000 of the \$96,000 estimated cost to promote bicycle use in local jurisdictions. Mr. Ochia said four alternatives for providing the bicycle lanes were evaluated as well as whether the present extruded curb should be retained or removed. Residents involved in the hearings showed a preference for preserving a shoulder for pedestrians on the west side of Terwilliger and for relocating the curb because its current location constitutes a hazard to both motorists and cyclists.

Rex Burkholder, 1912 NE 11th, and member of the Citizens Bicycle Advisory Committee, said this project corrects a currently dangerous situation on a very popular bike path. He said this kind of separation of bicycle traffic from automobile traffic should be extended to other areas.

Larry Ramsey, Citizens Bicycle Advisory Committee, said the proposal will negate the need to ride against traffic and opens up Lake Oswego area for bike transit.

John Miller, Chair, Collins View Neighborhood Association, said this solves at least four problems, including having cars parked on the bike path. He said drainage still remains a problem and called for an upgrade of sidewalks on Terwilliger as well.

Kurt Maul, 8937 SW Terwilliger Blvd., asked that the ordinance be amended to clearly state that the existing 10-feet for pedestrian/bike use now in place remain regardless of what is done with the rest of the project. He also cited the importance of the current extruded curb as a drainage facility which directs runoff down the hill and asked that the plan be amended to make relocation of the curb a precondition to removal of the existing one.

Glen Gregg, Treasurer, Lewis and Clark College and a resident at 10415 SW Terwilliger Place, concurred with Mr. Maul's recommendation regarding inclusion of the extruded curb on the west side. He said the College is very much in favor of the expansion as Terwilliger is not currently functioning well as a bikeway.

Mr. Ochia said at the minimum the curb would be relocated. He said he has met with Environmental Services and Transportation Engineering to discuss methods of taking care of the problem.

Sharon Stroheker, 937 SW Terwilliger Blvd., said the drainage issue should be resolved before the ordinance is passed.

Steve Manton, 0442 SW Palatine Hill Rd., said the proposed improvement will separate runners and bikers and make it a lot safer for both.

Commissioner Blumenauer said if the City cannot come up with a better solution to alleviate the drainage problem, the curb will be moved and relocated. He urged approval

Disposition: Ordinance No. 164835. (Y-5)

1882 TIME CERTAIN: 10:30 AM - Transmit report on Bureau of Parks and Recreation Youth Trust Fund - 1991 Summer Program summary (Report)

Discussion: Commissioner Lindberg said this report details what was done with the Council-approved surcharge at the golf courses that was dedicated to youth programs.

Charles Jordan, Parks Bureau Director, said adoption of the Future Focus plan and efforts of the Leaders Roundtable have provided the impetus for Parks to move beyond fun and games to find creative solutions to some of the City's social problems, including crime prevention. He said it is the Parks Bureau's intention to modify the way they deliver youth services without abandoning its traditional role of providing fun and games.

Mr. Jordan said the extra dollars granted for summer programs allowed Parks to move into a leadership and brokerage position with other youth-oriented organizations. He explained how the program was used to increase camping experiences for youngsters and expand employment opportunities.

David Jordan, Coordinator of the Youth at Risk Program for the Parks Bureau, described some of the other programs the golf fees aided, including the Golden Ball program, OMSI scholarships, youth program scholarships at Columbia Villa, assistance for Asian youth and outdoor recreation in connection with Gang Task Force. He also outlined areas they intend to focus upon next summer.

Commissioner Lindberg said 550 kids were served with the \$150,000 received from the golf surcharge.

Dapo Sabomehin, Executive Director, Operation Easy, said he was proud to be a part of this program.

Precious McKinney, Christian Women Against Crime, described the day camp tutoring program which, because of the Parks money, was extended to include 20 additional children and employ seven young people.

Mary Ellen Conklin, Portland Public Schools, said this is a way to involve many more children in existing programs.

Disposition: Placed on File.

*1899 Accept a \$10,000 donation from Precision Castparts for the construction of Harney Park (Ordinance)

Discussion: Bill Robinson, Brentwood Darlington Neighborhood Association, thanked those involved in creation of the Park.

Lee Parr, Vice President, Precision Castparts, presented a check for \$10,000 to the Brentwood Darlington Neighborhood Association for Harney Park.

Disposition: Ordinance No. 164836. (Y-5)

1883 TIME CERTAIN: 11:00 AM - Transmit the Park Futures Plan - a master plan for Portland's Park System (Report)

Discussion: Parks Bureau Director Charles Jordan said this acknowledges that despite a shortage of public resources, Portland has a future beyond just survival or holding the line.

Among the Plan mandates are: 1) better use of existing resources; 2) major park and facility renovation program; 3) development of new facilities and 4) integration of trails. He said this incorporates a capital improvement plan and provides a vision of the parks system into the year 2041.

Barbara Walker, a member of the Environmental Commission, said putting the Parks Future Plan in place will allow many pocket organizations and private individuals to begin projects now and not wait for 2041 for something to happen.

Ray Leary, Portland resident, described the importance Peninsula Park played in his youth and said children should be the first priority in the Parks vision for the future.

Kim Manley, a member of the Parks Future Plan Task Force, said the Plan does a very good job of quantifying the tremendous park needs.

Tim Grewe, Bureau of Financial Planning, reminded Council of a major staff initiative in the past year, creation of public facilities plans for general fund bureaus. He said a report on the inventory of capital requirements will be come before Council during the next Budget process, along with options for meeting those requirements. He assured Council that the Parks Future Plan has been closely integrated with the Public Facilities Plan.

Commissioner Lindberg said he is amazed at the amount of resources in the private sector that people are willing to contribute to further some of these projects.

Disposition: Approved. (Y-5)

REGULAR AGENDA

Mayor J. E. Bud Clark

1901 Outline of the terms of a negotiated agreement to lease/purchase land and building at Eastport Plaza for a ten year period, and an option for additional land (Report)

Discussion: David Kish, Director, Bureau of General Services, said 10 sites were reviewed and the Eastport site turned out to be the best for the 911 facility. He said eventually they will be able to build their radio repair shop and possibly the East precinct on that same site. He said \$150,000 could be saved if the radio repair is built at the same time as the 911 facility.

In response to Commissioner Bogle's concern about day care, he said they estimate the cost to be about \$140,000 for a facility accommodating 20 children. He said both Tri Met and the County have indicated that they would like to be a part of the radio repair shop.

Disposition: Approved.

Agency for study, evaluation and development of commentary on the Oregon Department of Environmental Quality's proposed revised dissolved oxygen standard for the Willamette River and dissolved oxygen modeling (Second Reading Agenda No. 1870)

Disposition: Ordinance No. 164837. (Y-5)

Commissioner Dick Bogle

1907 Approve the annual review of the Basic Emergency Services Plan (Resolution)

Disposition: Resolution No. 34919. (Y-5)

City Auditor Barbara Clark

1908 Assess property for sidewalk maintenance through August 31, 1991 (Ordinance)

Disposition: Passed to Second Reading November 27, 1991 at 9:30 a.m.

At 11:50 a.m., Council recessed.

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF NOVEMBER, 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; Pete Kasting, Chief Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

1909 TIME CERTAIN: 3:00 PM - Appeal of Robert Randall, Jr., applicant, against Hearings Officer's decision to deny application for a major partition and interim resource protection review to develop two flag lots into three lots, located west of SW 26th Avenue, between Taylors Ferry Road and I-5 (Hearing; 91-00474 SP IR)

Discussion: Tom Bizeau, Planning staff, said appellant/applicant Robert Randall proposes to add one lot to the middle of two existing flag lots. He said the lots will be accessed by a 20-foot wide street that crosses over a creek. A culvert would be built at the crossing. While Staff recommended approval with conditions, the Hearings Officer denied both the major partition and the interim resource protection review, based on documented groundwater problems and the floodplain issue.

Mr. Bizeau said an adjacent property owner is concerned because of seepage resulting in ponding. He described the applicant's proposal to deal with this problem. He said the floodplain issue stems from the interim resource review requirement which calls for preservation of the floodplain in its natural state. The issue is the location of the floodplain. Applicant states it is at creek level and the culvert would properly address these concerns.

Another major point to be addressed is whether an interim resource review applies. Mr. Bizeau said another way the concerns raised can be taken care of is through a management plan, although generally such plans are intended for larger areas and do not apply in situations like Mr. Randall's. Mr. Randall has submitted what he considers to be a management plan but it is really a plan for this particular site and not a management plan in the way it was intended. Finally, the Hearings Officer was concerned that the culvert be designed and located in such a way as to be compatible with the environmental aspects of the site. Applicant has supplied a drawing to show the compatibility.

Mr. Bizeau said the appellant contends that the Hearings Officer's decision renders the property useless. He also maintains that there is no floodplain on the site, that the drainage issues are solvable and that the natural vegetation between the driveway and the creek will be enhanced.

Commissioner Kafoury said Council needs to know more about the management plan issue.

Mr. Bizeau said there are two ways to meet the floodplain criteria: 1) applicant can show that areas of flooding will be retained in their natural state or 2) applicant can seek Council approval of a management plan prior to going through an interim resource review. He said Planning staff initially thought a management plan was needed but now believe otherwise.

Duncan Brown, Planning staff, said the resource management plan was meant to protect resource values in larger areas such as Columbia South Shore and is not applicable in this situation.

Mr. Bizeau said new information furnished by Mr. Randall shows that he can meet the interim resource review criteria.

Robert Randall Jr., applicant/appellant, said the property is landlocked and there is no other way to access the property other than crossing the creek. He said he has tried to provide the most environmentally sensitive way possible to cross the creek. He said the water problem in a neighbor's yard is basically caused by subterranean drainage intercepted by the City sewers which makes an artisan well that pops up in his yard. He said he has provided for a new storm sewer line which should help with the neighbor's drainage problem.

Mr. Randall noted that the Hearings Officer stated in his decision that, if he read the interim resource regulations correctly, he was not allowed to approve anything of this nature without prior approval by Council. He said he thought the Hearings Officer should have approved it with conditions as is normally done. He addressed other issues raised by the Hearings Officer, citing a survey which shows that the floodplain does not rise above the creek banks anywhere at this site and a report by a wetlands biologist who states that there are no regulatory wetlands by the 1987 federal criteria. He explained landscaping plans and the culvert and road design.

Brent Ricks, 9034 SW 26th and the most affected property owner, said the erosion factor is real and that he probably could get federal protection for the marsh in his backyard. He said there is some question as to where the floodplain actually exists. He said if the driveway goes over the floodplain and there is no problem then the third partition could be put in. If not, it would make the third partition null and void as it would not pass interim resource criteria.

Michael Attwood, 9125 SW 26th, says he does not understand why the property would be rendered useless since it could still be subdivided into two lots.

Mayor Clark said it was because of the creek. He said new rules apply because of the presence of the creek.

Commissioner Kafoury asked for clarification of the issues raised.

Mr. Bizeau said Mr. Ricks is correct in stating that if the floodplain exists at the point the culvert goes in, a culvert could not be put in there. He said the Bureau of Environmental Services has stated that the floodplain is at the level of the creek which means any culvert that goes in would have to accommodate the creek.

Commissioner Blumenauer said he believes the Hearings Officer misinterpreted Council's intent regarding application of a resource management plan in this case. He moved to tentatively approve the appeal with conditions. Commissioner Kafoury seconded.

Disposition: Appeal granted tentatively. Prepare Findings for December 11, 1991 at 2:00 p.m.

Mayor Clark read a proclamation honoring retiring City employee Faye Lyday.

1910 Appeal of Wilson Neighborhood Association against Hearings Officer's decision to approve the application of Interstate Mobilphone Company dba Cellular One for a conditional use to construct a cellular telephone communications facility and tower on the site of an existing office building at 7660 SW Barbur Boulevard (Hearing; 91-00519 CU)

Discussion: Steve Gerber, Planning Bureau, said staff and Hearings Officer agree that this application, with conditions, meets applicable Code criteria for a conditional use. Mr. Gerber said the appellants believe the application is not in compliance because of its visual impact on the neighborhood. They also contend that the 1974 Tower Sharing Policy is out of date and call for removal of the tower when it is no longer needed.

Mr. Gerber said the tower is located in a relatively obscured location in a commercial area and the wooden pole will not present a significant change to the area. He noted that the Hearings Officer specifically stated that the proposed tower does not conflict with the 1974 Tower Sharing Policy and did not agree that the Policy was out of date.

Wesley Risher, Chair of the Wilson Neighborhood Association, said the Association believes current technology has not been addressed by the Planning Commission since adoption of the 1974 Tower Sharing Policy. He said the policy of tower sharing runs counter to another part of the Code (33.815) which calls for dispersement to lessen the impact. He maintained that the visual impacts of a platform on top of the pole will negatively affect the area and said approval of this tower will set a precedent for additional towers above the allowable 50 feet to go in throughout the City. The neighborhood would also like to add a condition to have the tower removed if it becomes technologically obsolete.

Spencer Vail, land-use planning consultant representing Cellular One, said this facility is a permitted use in a commercial zone. He said the only issue is the height of the monopole which, because of the 474 foot elevation required, must have a 70 foot high pole in order to operate adequately. He said the pole is needed because they found that this area is not getting adequate service. He said other poles in the vicinity are in the 60 to 70 foot range. He said operating at the 45 foot height allowed in the Code without a conditional use is inadequate. Mr. Vail agreed to accept the proposed condition calling for removal if they no longer need the site and to retest in five years to see if that height is still needed. He said because of new technology, many existing sites will quadruple in capacity in the next few years so lots of new towers will not be needed. He said in general they locate towers on existing tall structures and the proposed tower would be only the third freestanding one in the metropolitan area.

John Herbst, a landscape architect, 7610 SW 17th Drive, said such towers are have the same negative impact as billboards. He said the bunker-like

structures surrounded by wire are ugly and a detriment to the community.

In rebuttal, Mr. Risher said Washington County is revising its policy regarding the proliferation of towers there and has suspended all applications until April.

Commissioner Kafoury said she understood that Washington County has no policy now.

Mr. Gerber said they are beginning a process the City has completed.

Mr. Snow said Multnomah County and the City's ordinances are still used as models for other jurisdictions. He said the Hearings Officer's conditions are acceptable to his client as is the condition proposed by the Neighborhood Association calling for removal of the tower if it becomes obsolete.

Commissioner Blumenauer added Condition F to ensure that the pole would be removed if no longer necessary. Commissioner Kafoury seconded and the motion carried (Y-5).

Commissioner Kafoury moved to deny the appeal. Commissioner Blumenauer seconded.

Disposition: Appeal denied. Condition F added. (Y-5)

Adopt Portland Plant List (Second Reading Agenda No. 1878) 1911

Disposition: Ordinance No. 164838. (Y-5)

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

BARBARA CLARK Auditor of the City of Portland

By Cay Kershner

Cay Kershner

THURSDAY, 2:00 PM, November 21, 1991

DUE TO THE LACK OF AN AGENDA $\label{eq:condition}$ THE REGULAR MEETING WAS CANCELED