



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF FEBRUARY, 1992 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Bogle and Kafoury, 3.

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

Commissioner Blumenauer, as President of Council, proclaimed Saturday, February 15 as Earned Income Credit Day.

Priscilla Seaboard, United Way, said they are trying to get the word out to low-income working families about the availability of these tax refunds.

REGULAR AGENDA

- 274** Accept bid of Trak-A-Dial Telemanagement Software for office automation and call accounting system, for \$39,860 (Purchasing Report - RFP 26)

Disposition: Accepted; prepare contract. (Y-3)

- 275** Accept bid of Werbin West Contracting for SW Orchard Hill Place and SE Sun Crest Drive Storm Sewers for \$40,995 (Purchasing Report - Bid 56)

Disposition: Accepted; prepare contract. (Y-3)

- 276** Reject all bids for furnishing Wadcutter Ammunition and rebid (Purchasing Report - Bid 59A)

Disposition: Accepted. (Y-3)

February 12, 1992

- 277** Accept bid of Werbin West Contracting, Inc., for Hayden Island 12" water main Phase 3 for \$90,681 (Purchasing Report -Bid 63)

Disposition: Accepted; prepare contract. (Y-3)

Because parties were present who wished to testify on Item 278, Commissioner Blumenauer proposed to move it to the end of the Agenda.

Commissioner Earl Blumenauer

- 279** Consider vacating a certain portion of SW Hood Avenue and SW Arthur Street at the request of American Business Machines (Hearing;C-9778)

Discussion: Bonnie Schlieman, co-owner of the property, said they plan to continue the beautification of that area.

Disposition: Adopted. (Y-3) City Engineer Prepare Ordinance.

- 280** Consider vacating a certain portion of an unnamed street south of Custer Street at the request of Peter McMahon (Hearing; C-9772)

Disposition: Adopted. (Y-3) City Engineer Prepare Ordinance.

- 281** Approve modified use of 1st Interstate Center Skybridge over SW 4th Avenue between SW Columbia and SW Jefferson Streets to include seating and lounge area (Report)

Disposition: Approved. (Y-3)

- 282** Amend Resolution No. 34957 to provide for a correct listing of unassessed Mid-County sewer local improvement districts which are eligible for finance assistance (Resolution)

Disposition: Resolution No. 34958. (Y-3)

- 283** Revise City Code to clarify processes for appeals to the Code Hearings Officer from administrative enforcement actions and issuance of industrial wastewater discharge permits (Second Reading Agenda 236)

Disposition: Ordinance No. 165068. (Y-3)

- 284** Enter into a Wholesale Sewage Treatment and Disposal Agreement with the City of Tualatin regarding industries in Tualatin that discharge wastewater to Portland's Tryon Creek Wastewater Treatment Plant (Second Reading Agenda 233)

Disposition: Ordinance No. 165069. (Y-3)

February 12, 1992

City Auditor Barbara Clark

- 285** Assess improvements of N Depauw Street Local Improvement District (Hearing; Ordinance; C-9750)

Disposition: Passed to Second Reading February 19, 1992 at 9:30 a.m.

- 286** Assess property for sidewalk maintenance through October 13, 1991 (Second Reading Agenda 264)

Disposition: Ordinance No. 165070. (Y-3)

- 278** Accept bid of Slayden Construction, Inc., for Holladay Street Improvements - Phase III for \$5,072,340 (Purchasing Report - Bid C-9747)

Discussion: Nathan Proby, President of NAMCO (National Association of Minority Contractors of Oregon), protested the awarding of this contract, stating that blacks have been left out of the process.

O.V. Hill, Chairman, NAMCO, said the City should commit to facilitating ten per cent participation by minority business enterprises on City projects. He noted that Slayden proposed to award only two per cent of the work to minorities. He also said the Purchasing Agent failed to investigate the contractor's good faith effort to utilize MBE subcontractors who bid on the project. Mr. Hill asked that Council reject the Purchasing Agent's recommendation pending a full investigation.

Other individuals testifying in opposition to Council acceptance of this bid included:

James Posy, Workhorse Construction
Deborah Etuks, 3217 NE Rodney
Darnell Holefield, Holefield Construction
Steve McCall, no address stated
Perry Dyer, construction worker
Angela Hill, 526 NE Graham

Opponents spoke of their frustration at the lack of jobs for African-Americans who have the skills to work in construction but are unable to find work.

Harold Williams, CH2A and Associates, said while the facts of the law have been met in awarding this contract, the spirit of the law has not. He said the continuing exclusion of blacks is a real problem and asked Council to reassess the bidding process.

February 12, 1992

Commissioner Bogle asked that this be held over. He said this is not a purchasing problem and called for an investigation into this contract and overall policy.

Carleton Chayer, Purchasing Agent, said his responsibility is to find the lowest responsible bidder. He said minority and female participation is encouraged but not mandatory, noting that Slayden has 2.5 per cent minority participation and 17 per cent female among its subcontractors.

Commissioner Kafoury said she thought the City could ensure minority participation at a higher level without mandating it.

Mr. Chayer said only at an informal level. The City Attorney has advised them that the City cannot legally enforce a specific goal.

Commissioner Bogle said he has formed a committee to consider such matters.

Ron Kleinschmit, Office of Transportation, said this project is already behind schedule and any delay will affect other projects scheduled for the district.

Commissioner Bogle said a week is needed to explore some of the issues raised.

Disposition: Referred to Commissioner of Public Safety.

At 10:30 a.m., Council recessed.

February 12, 1992

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 12TH DAY OF FEBRUARY, 1992 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Blumenauer, Presiding; Commissioners Bogle and Kafoury, 3.

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

- 287** Appeal of Charles W. Lawrence, applicant, against Hearings Officer's decision to deny application for a comprehensive plan map amendment and a zone change in order to construct a building for an auto repair business at 4411 SE Belmont (Previous Agenda 112)

Discussion: Commissioner Kafoury asked that this be set over to allow more time for mitigation.

Disposition: Continued to March 5, 1992 at 2:00 p.m

- 288** Tentatively deny appeal of Corbett/Terwilliger/Lair Hill Neighborhood Association and uphold, with additional conditions, Hearings Officer's approval of the application of Portland School District No. 1 for a conditional use with an adjustment to house the "Counteract Program" at the Terwilliger School site, in an R5 zone at 6318 SW Corbett Avenue (Findings; Previous Agenda 113)

Discussion: Cay Kershner, Clerk of the Council, said the findings had not been filed but will be ready for Council consideration next week.

Disposition: Continued to February 19, 1992 at 2:00 p.m.

Commissioner Gretchen Kafoury

- 289** Planning Commission Report and Recommendation to the City Council on amendments to Title 34, Subdivision and Partitioning Regulations (Report)

Discussion: Nancy Weiser, Planning Bureau, said a full rewrite of subdivision and partition regulations is planned in a year or two but a number of amendments to them are needed now. One change involves conforming the Code fee schedule to Council-approved fee charts. Other changes will correct definitions currently in conflict with State law and clarify regulations and approval criteria for major and minor partitions. The final change involves a change in street standards, reflecting recent Council-approved policy.

February 12, 1992

Virginia Gustafson, attorney representing Steve Hanson, supported the changes. She said her client has been victimized because the City is currently operating under an invalid minor partition process.

Allan Spidler, 5104 SW 18th Drive, opposed the adoption of this amendment for the same reasons stated by Thomas Nicolai in his letter to Council. He said it does not address serial partitions or contain clear standards. He said there is no emergency at this time and recommended that it be set over until the full Council has had a chance to examine the technical and legal issues.

Commissioner Blumenauer said no vote will be taken today and the material will be made available to other Council members.

Ms. Weiser said there have been numerous occasions for people to address the issues.

Mr. Spidler said he believed his letter was only made available yesterday afternoon.

John Grout, 2591 SW Buckingham, SWRL (Southwest Hills Residential League) Board member, said the issue of minor partitions is extremely complicated and raises a number of areas of concern. He said SWRL would like to have the following wording added to the approval procedure for minor partitions: "No parcel created by minor partitions shall contain sufficient land for further minor partitions. If parcels created do contain sufficient land for further minor partitions they shall be considered part of a major land division."

Mr. Grout said this addresses the issue of serial partitions and specific situations where chunks of property have been taken off bit by bit and considered under the minor partition rules rather than as major partitions. He said SWRL did not understand all the ramifications of Mr. Nicolai's objections but it does have concerns and would like more time for review.

Ms. Weiser encouraged SWRL to work with Steve Gerber in the Planning Bureau on the rewrite of Title 34. She said the issue of serial partition has been of concern for some time but there are now provisions in Title 33 which provide for minimum and maximum lot sizes by calling for a minimum density. One of the provisions in the Title 34 draft will address environmental concerns through requirements for a very specific, definitive lot dimension.

Commissioner Bogle moved to accept the report; Commissioner Kafoury seconded and the motion carried.

Disposition: Accepted.

February 12, 1992

290 Amend Title 34, Subdivision and Partitioning Regulations (Ordinance)

Disposition: Passed to Second Reading February 19, 1992 at 9:30 a.m.

291 Amend Comprehensive Plan Policy 3.6 (Neighborhood Plan) by adding the Brentwood Darlington Neighborhood Plan to the list of neighborhood plans adopted by the City Council (Second Reading Agenda 269)

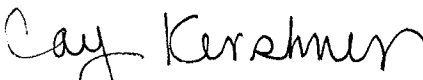
Disposition: Ordinance No. 165071. (Y-3)

292 Amend the Comprehensive Plan Map and Official Zoning Maps for areas within the boundaries of the Brentwood Darlington Neighborhood, a portion of the Lents Neighborhood and several properties in Clackamas County (Second Reading Agenda 270)

Disposition: Ordinance No. 165072. (Y-3)

At 2:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council

FEBRUARY 13, 1992

THURSDAY, 2:00 PM, FEBRUARY 13, 1992

**DUE TO THE LACK OF AN AGENDA
THE MEETING WAS CANCELED**