



CITY OF

PORTLAND, OREGON

OFFICIAL
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF MARCH, 1992 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 Sheridan Grippen, Sergeant at Arms.

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

CONSENT AGENDA - NO DISCUSSION

- 439** Request for hearing on traffic concerns on West Burnside (Communication)

Disposition: Referred to Commissioner of Public Works.

- 440** Accept bid of Accurate Ammunition for furnishing practice ammunition for \$46,594 (Purchasing Report - Bid 59A)

Disposition: Accepted; prepare contract.

- 441** Vacate an alley south of N Lombard Street, under certain conditions (Ordinance by Order of Council; C-9774)

Disposition: Passed to second reading March 18, 1992 at 9:30 a.m.

Mayor J. E. Bud Clark

- 442** Accept report on sale of Assessment Improvement Bonds (Report)

Disposition: Accepted.

- 443** Accept report on sale of Refunding Bonds (Report)

Disposition: Accepted.

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- 444** Authorize reimbursement of expenditures with debts issuance (Resolution)

Disposition: Resolution No. 34968. (Y-5)

- 445** Approval to issue Hospital Revenue Bonds, Series 1992A and Hospital Revenue Refunding Bonds, Series 1992B, for the Sisters of Providence in Oregon by the Hospital Facility Authority of Clackamas County, Oregon (Resolution)

Disposition: Resolution No. 34969. (Y-5)

- 446** Amend City Code to create Chapter 8.65, prohibiting smoking in City Buildings and in City motor pool vehicles (Ordinance)

Disposition: Passed to Second Reading March 18, 1992 at 9:30 a.m.

- *447** Extend an agreement with Cushman & Wakefield of Oregon, Inc. for the leasing of the Third & Alder Parking Garage (Ordinance)

Disposition: Ordinance No. 165170. (Y-5)

- *448** Settle claims of Kathleen Payne (Ordinance)

Disposition: Ordinance No. 165171. (Y-5)

- *449** Authorize an agreement with Stoel Rives Boley Jones & Grey for bond counsel services (Ordinance)

Disposition: Ordinance No. 165172. (Y-5)

Commissioner Earl Blumenauer

- 450** Accept completion of the SW Lesser Road and SW Southview Place Storm Sewer and make final payment to S-2 Contractors, Inc. (Report; Contract No. 27290)

Disposition: Accepted.

- 451** Accept completion of the NE Broadway Interceptor Sewer Project, approve Change Orders 1 through 4 and make final payment (Report; Contract No. 24944)

Disposition: Accepted.

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452 Accept completion of NE Alameda Street, NE 37th Court to NE 35th Avenue Relief Sewer and make final payment to BL and B Contractors, Inc. (Report; Contract No. 27184)

Disposition: Accepted.

***453** Contract with Portland Development Commission to provide landscape site preparation necessary for the NE Airport Way Project (Ordinance)

Disposition: Ordinance No. 165173. (Y-5)

***454** Contract with Perkin-Elmer, Inc., to provide a Mass Spectroscopy detector with hardware and software for \$47,850 and provide for payment (Ordinance)

Disposition: Ordinance No. 165174. (Y-5)

***455** Call for bids to furnish gas chromatograph mass spectroscopy system, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165175. (Y-5)

***456** Call for bids for the SW 10th & Taylors Ferry Road storm sewer, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165176. (Y-5)

***457** Revocable Permit to Nancy Brenner to continue to operate a swim school at 4530 SW Fairhaven, for a period of three years, under certain conditions (Ordinance; 91-00406 RP)

Disposition: Ordinance No. 165177. (Y-5)

***458** Revocable Permit to Ralph E. Williams Jr. and Mark Johnson and Company for an emergency exit gate opening across the W Burnside Street sidewalk at 917 SW Oak Street (Ordinance)

Disposition: Ordinance No. 165178. (Y-5)

***459** Revocable permit to Standard Insurance Company for vapor recovery wells at 610 SW Salmon Street (Ordinance)

Disposition: Ordinance No. 165179. (Y-5)

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- *460** Amend contract with Regional Disposal Company for transportation and beneficial use of stored sewage sludge for the Wastewater Treatment Branch (Ordinance; amend Contract No. 27580)

Disposition: Ordinance No. 165180. (Y-5)

- *461** Release the retainage on NE 105th Avenue and NE Knott Street Sanitary Sewer Local Improvement District (Ordinance; C-9733)

Disposition: Ordinance No. 165181. (Y-5)

Commissioner Gretchen Kafoury

- *462** Amend Agreement No. 27175 with the Portland School District for the Home Repair Training Program by increasing the amount by \$6,000 (Ordinance)

Disposition: Ordinance No. 165182. (Y-5)

- *463** Accept a grant from the US Department of Housing and Urban Development for an Emergency Shelter Grant under Title IV of the Stewart B. McKinney Homeless Assistance Act in the amount of \$207,000 (Ordinance)

Disposition: Ordinance No. 165183. (Y-5)

City Auditor Barbara Clark

- *464** Increase contract with Lloyd Hayne & Associates from \$10,000 to \$20,000 (Ordinance; amend Contract No. 27350)

Disposition: Ordinance No. 165184. (Y-5)

REGULAR AGENDA

- 437** **TIME CERTAIN: 9:30 AM** - Acknowledge the concept of the River District Vision and direct the Bureau of Planning to develop recommendations for a study to evaluate the proposal (Resolution introduced by Commissioner Kafoury)

Discussion: Commissioner Kafoury said this concerns use of the last large piece of land in the Central City district that remains available for development. She said they believe this parcel will produce a large percentage of the 15,000 new housing units called for in the Central City plan.

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Roger Breezely, 111 SW 5th, said the North Downtown Consortium, an ad hoc group of property owners that has been working since 1987 to improve the downtown area, has prepared an exciting proposal for over 100 acres of undeveloped or under utilized land in the North Downtown. He said this proposal represents over a billion dollars in private and public investments. He asked Council to work with the Consortium in developing an implementation plan over the next 20 years.

Greg Baldwin, of Zimmer Gunsel Frasca, said this exceptional vision calls for development of a new community which capitalizes on proximity to the river. The vision encompasses the building of basins, creation of a water taxi system, establishment of new developments and extension of transit service, including the trolley.

Bob Ames, Port of Portland Commissioner, said the River District represents the first step in transforming decaying docks and abandoned railyards into an entirely new community of neighborhoods.

Pat Prendergast, 121 SW Morrison, developer of the Hoyt Street yards, said use of urban areas where existing services are available can provide growth with less environmental impact and without disrupting existing neighborhoods or requiring clearances.

Don Magnusson, Chair of Union Station Task Force, said the City, which owns the 31 acre Union Station property, can provide the kick-off for this vision.

Bill Naito, 5 NW Front, said this development will be the next great chapter in the City's history, adding his hope that it could be done earlier than the projected 20-year time frame. He said the beauty of this development is that no one will be displaced.

Stephen Shain, representing the North Macadam Development Council, said the Council supported creation of this public and private partnership.

Carol Smith-Larson, 405 NW 9th, President of the Pearl District Neighborhood Association, said they are very excited about the development of the North railyards.

Commissioner Kafoury said it will be important to include some diversity on the committee as this plan is implemented.

Commissioner Bogle said this vision is like a trip to fairyland, but one that is very real and within the City's grasp.

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Commissioner Blumenauer said this plan is a blueprint for how Portland can successfully manage change and turn it into a positive attribute for the community.

Regarding linkage of the streetcar between North and South Downtown and development of the RAT program (River Access Transit), Commissioner Blumenauer said Transportation is reordering its priorities in order to move ahead on these two areas now. A third area that has not been addressed as yet is to reclaim the river. He said it may even be possible to reclaim Tanner Creek which is now a pipe in Northwest Portland.

Disposition: Resolution No. 34970. (Y-5)

Commissioner Earl Blumenauer

- 465** Consider vacating a portion of N Ramsey Boulevard and N Leadbetter Road south of Marine Drive, within the plat of Rivergate Industrial Park, as initiated by Resolution No. 34955 (Report; C-9794)

Discussion: Cay Kershner, Clerk of the Council, said letters had been received from the Port of Portland and ODOT stating that they had no objections to this vacation.

Disposition: Adopted. City Engineer prepare ordinance.

Commissioner Gretchen Kafoury

- *466** Authorize the Director of Planning to sign a performance guarantee agreement with Bernard I. and Pearl G. Galitzki (Ordinance)

Discussion: Commissioner Kafoury said this and the following ordinance concern bond requirements and agreements that were made part of conditional use approvals.

Disposition: Ordinance No. 165185. (Y-5)

- *467** Authorize the Director of Planning to sign a temporary activity agreement with Winmar Pacific Properties (Ordinance)

Disposition: Ordinance No. 165186. (Y-5)

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City Auditor Barbara Clark

468 Create a local improvement district to construct the NW Skyline Boulevard water main (Previous Agenda 263; C-9761)

Discussion: Commissioner Lindberg said there was significant controversy about this when it came up before and the Water Bureau has been working to resolve some of the issues raised.

Clarence Hilbrick, Deputy Chief Engineer, Water Bureau, said the Bureau recommends deleting the property outside the City limits and having the Bureau "front" the assessments for such property until water service is needed, at which time the Bureau will collect the assessment plus interest. He said they also reviewed the assessment methods and, finding no one method that works perfectly, believe the recommended assessment method should be retained.

Mr. Hilbrick said the Water Bureau will fund the cost of upsizing the main, about \$150,000 and will also advance approximately \$87,000 in deferred assessments.

Mark Fisher, speaking for Dr. Lee Martinson, asked that someone outside the Water Bureau look at the cost of upsizing the main. He said there seems to be an enormous disparity between what people were asked to pay five years ago and what they are being assessed now.

David Froseth, 3200 NW Skyline Blvd., read a letter cosigned by eight neighbors. The letter contended that the assessment method is unfair and favors developers over residents, allowing them to control the LID project. According to the cosigners, there are too many unanswered questions and the Auditor's Office was disingenuous in its assessment method, giving no options and allowing no vote on the method. A flat fee per hookup of \$1,115 was recommended.

Individuals speaking in support of the project included:

Mrs. Robert Pfeiffer, 3130 NW Skyline Blvd.

Inez Peterson, 6015 SE Flavel, owner of property at NW Skyline and Thompson Blvd.

Margie Walling, 8130 NW Thompson Road

Supporters said water is desperately needed and the main is long overdue. They said despite some inequities, the proposal seems to be fair.

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Commissioner Lindberg asked about the cost of upsizing the main and the subsidization by residents of several planned developments.

Mr. Hilbrick described the process used in determining the cost of the upsized mains. He said the Bureau will develop one budget for the size of a water main required for residential users, and a separate one for the cost of constructing the upsized main, with the Bureau picking up the cost of the upsize.

He said the difference between the residential properties and those in the developments is that those fronting on Skyline have direct access, while the others have an indirect benefit. He said everyone within the district will pay \$.03 per square foot.

Commissioner Lindberg said the question is if a larger line is built in order to serve a larger area, are people who just want service to their lots having to pay the cost of the larger line so that the developer can have 200 units.

Dan Vizzini, Assessments Manager, Auditor's Office, said the question is how one fairly spreads the cost of a utility that serves a broad area, in this case one that extends far beyond Skyline itself. He said property owners who find the apportionment method based on total area unfair are those who have a single house sitting on an oversized lot, often several acres. He said they compare the size of their assessments with a per lot charge in a development and find theirs unfair. Mr. Vizzini said the problem is that LIDs drive properties to the highest property use and those who oppose them are property owners who want to keep the use at a lower level, undeveloped and at low density. He said the question for Council is whether it wants to drive this area to its maximum developable use.

Commissioner Blumenauer said fire protection is also an important factor here.

Mr. Vizzini said the Council could decide that specific components of this project have a general benefit to the City and buy into the project. That still leaves the question of whether the remaining cost is spread fairly. The Auditor's Office believes the area apportionment method is the most equitable and that the front footage method would have been grossly unfair.

Mayor Clark asked how much of the cost would be borne by ratepayers.

Mr. Hilbrick said they would pay 35 percent based on the latest estimates.

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Commissioner Lindberg moved to overrule the remonstrances and pass this to a second reading. Commissioner Kafoury seconded.

Disposition: Remonstrances overruled (Y-5); Passed to Second Reading March 18, 1992 at 9:30 a.m.

469 Assess property for sewer development charges through February 5, 1992 (Second Reading Agenda 430)

Disposition: Ordinance No. 165187. (Y-5)

438 **TIME CERTAIN: 10:30 AM** - Accept Citizen Advisory Committee's evaluation and recommendations on the Neighborhood Traffic Management Program (Report)

Discussion: Commissioner Blumenauer said questions have been raised by this program and the process it uses to cope with traffic problems. He said the Citizens Committee has worked for two years on this review.

Janice Newton, Manager of the Neighborhood Traffic Management Program, reviewed the history of the program since its inception in 1984, stressing the involvement of citizens in undertaking 25 individual projects. She said the committee reviewed a variety of issues and held three public meetings, conducted three public surveys and contacted all neighborhood associations. Both citizen evaluations and technical evaluations were prepared.

Michael Sievers, Chair of the Citizen Advisory Committee, 1919 NE 24th Ave., said the Committee believes the NTMP is essential to the success of the City even though it is a very public program that inevitably engenders controversy. He said a major focus of the program is its emphasis on citizen involvement.

Mr. Sievers reviewed the purpose of the evaluation project and the 17 Committee recommendations. He said citizen surveys support some inconvenience, traffic delays and rerouting in order to enhance neighborhood liveability.

Linda Dartsch, Assistant City Traffic Manager, explained that an independent consultant conducted a technical evaluation that looked at the traffic circles and confirmed their effectiveness at lowering speeds and reducing accidents. She said accidents were reduced by 58 percent. Traffic management has begun improvements, at the suggestion of the consultant, to increase visibility of the circles at night.

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Robert Verix, Save Our Streets, said his group believes streets are in distress because of the lack of traffic enforcement and called for elimination of the NTMP program and of the concrete devices. He said they believe the traffic circles are inherently unsafe and dangerous. He said the committee started with some wrong assumptions and reached some wrong conclusions. He added that SOS believes City engineers are not following ASTA safety standards.

Bob Nesler, 7098 SE 27th said the program promotes safety and keeps local service streets from becoming arterials. He said he believes the traffic committees should be independent of neighborhood associations because traffic problems are not necessarily confined within neighborhood boundaries. Secondly, regarding the question of who gets to vote, he thinks those with traffic impacts and those who live close to the project streets should have the right to vote.

Elmer Moyer, 3682 NE Flanders, said the cost of this program, \$1,000,000 a year, or \$70,000 for each project, needs to be examined. Another factor to consider are the reasons why traffic is going through that neighborhood in the first place. He said the program's objectives are philosophical and idealistic when clear, measurable objectives that hold people accountable are called for instead. He said he heard a lot of disagreement about the program at the meeting he attended which is not reflected in the Committee's report.

Scott Frank, 2029 NE Knott, supported the process and the program but called for further clarification of the roles of City traffic staff and the neighborhoods.

Susan Buys, 3117 SE Martins, said she had benefitted greatly from this program. She said most of the controversy in Eastmoreland concerned the process rather than the project itself. She said education about the process and about the problems that exist in a neighborhood is very important.

Victor Strauss, 2111 NE Hancock, supported the program and said the two traffic circles on NE 21st have been a help.

Deborah Gruenfeld, 1602 SE Ladd, said the Division Corridor plan has been very successful and the program is an important way to enhance neighborhood liveability.

Michael Morrissey, 2404 NE 47th, supported the program even though he believes there is too much emphasis on traffic circles, which have decreased speeds and accidents but done little to decrease volume, the number one concern in his neighborhood. He said a second concern is timeliness.

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Neil Malling, 2443 NE 37th, said a traffic circle has been very successful in preventing cars from careening down his street. He said the NTMP's strength rests with having local people provide the energy and commitment to get the projects done. He said the idea that everyone who uses the street should have a say in what happens is fallacious.

Dean Gisvold, Vice President, Irvington Neighborhood Association of Traffic Committee, said implementation of the process is flawed because it takes too long and is too bureaucratic. He said neighborhood associations should be used rather than setting up autonomous traffic committees which ignore neighborhood plans. Mr. Gisvold said, given the desire of the City to increase density, traffic management should be done on a neighborhood basis and streets should be treated comprehensively rather than focusing on individual ones.

Commissioner Blumenauer asked for feedback from Council members and said the Bureau of Traffic Management will process this information and then return with enacting ordinances.

Mayor Clark said he is very much in favor of this program which, by the way it uses traffic control devices, indirectly adds Police.

Disposition: Accepted. (Y-5)

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

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF MARCH, 1992 AT 2:00 P.M.

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

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

Commissioner Earl Blumenauer

- 470** Establish a Mid-County Sewer Financial Assistance Program for certain owners of single family residential property located in the Mid-Multnomah County Sanitary sewer system improvement project (Second Reading Agenda 431)

Discussion: Commissioner Blumenauer said a clarification needs to be made concerning a typographical error in Resolution 34957 which Council passed February 6.

Dan Vizzini said Peter Smith was correct last week when he noted an error in the way assessable area was described. He said the error in the resolution occurred when assessable area was described as "area property within 100 square feet of a street or easement line of the sewer" when what they intended to say was "...area property within 100 feet"... He said, because of the discrepancy in the resolution and the ordinance, it is important to clarify that Council's intent was not to change the assessment policy.

Commissioner Blumenauer said there was no intent to alter any of the existing City policies or practices as they relate to local improvement apportionment or assessment activities. He said despite the typographical error in Resolution 34957, the ordinance Council is voting on today is correct and faithfully reflects its purpose and intent.

Disposition: Ordinance No. 165188. (Y-5)

- 471** Substitute a new Title 16 of the Portland City Code, Traffic and Parking, for the current Title 16, Vehicles and Traffic (Second Reading Agenda 434)

Discussion: Mayor Clark said he had some concerns because no mention is made of skateboarders or runners. He said he believes some of these should be part of Title 16 and wondered if a committee was looking into this. He also asked about horse-drawn carriages. He said

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he was concerned about regulating some areas very heavily and not mentioning others.

Linda Dartsch, Bureau of Traffic Management, said these are the kinds of issues the reconfigured pedestrian and bicycling committees should be looking at.

Commissioner Bogle thought horse drawn carriages might best be included under the Taxi Cab Code section, perhaps under a Vehicle for Hire Section.

Commissioner Blumenauer said this is an effort to deal with the issues of greatest concern where it is known changes are needed and where there is consensus. He said it does not negate opportunities for further adjustments.

Ms. Dartsch said no changes were made in the skateboard regulations because no one had raised any issues about them during this revision.

Commissioner Blumenauer moved the amendments distributed in a memo dated March 11, 1992. (They added inline skates to three sections regulating roller skates and deleted several words in Section 16.20.540 (B) regarding angle loading permits.) Commissioner Kafoury seconded.

Commissioner Lindberg asked about bicycle messengers.

Ms. Dartsch said in terms of how they use the roadway system, they are included under bicycle regulations. She said her office will continue to work with the bicycle messenger organizations to see if they can do some industry regulation without putting it in the Code.

Bill Graham, Bureau of Traffic Management, said he has been meeting with the messenger association regarding truck loading zones and the issue of bicycles on sidewalks.

A vote on the amendments carried. (Y-5)

Commissioner Bogle said it may be appropriate to have the License Bureau regulate horsedrawn carriages under a Vehicles for Hire Code.

Regarding horsedrawn carriages, Dennis Nelson, License Bureau, said a comprehensive look at all ground transportation providers is needed. He said the Bureau will be bringing in a review of taxicab regulations in April which could spin off into vehicles for hire, including chauffeured limousines and other ground transportation providers. He said, however, there was nothing to stop passage of Title 16 now.

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Commissioner Lindberg asked if the ordinance had to go to another second reading since it had been amended.

Ruth Spetter, Senior Deputy City Attorney, said no, since the amendments were technical and did not change the substance of the ordinance.

Disposition: Ordinance No. 165189. (Y-5)

Commissioner Gretchen Kafoury

472 Amend Title 33, Planning and Zoning Code to add the North Cully Plan District (Second Reading Agenda 433)

Disposition: Ordinance No. 165190. (Y-5)

At 2:25 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland



By Cay Kershner
Clerk of the Council

March 12, 1992

THURSDAY, 2:00 PM, March 12, 1992

**DUE TO LACK OF AN AGENDA
THE MEETING HAS BEEN CANCELED**