



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF MAY, 1991 AT 9:30 A.M.

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

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

Agenda No. 876 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

867 Request from Oskar Hess to address Council regarding Division Street (Communication)

Disposition: Referred to Commissioner of Public Works.

868 Accept bid of Northside Ford Truck Sales, Inc., for furnishing five 1.5 yard dump trucks for \$115,325 (Purchasing Report - Bid 111)

Disposition: Accepted; prepare contract.

869 Accept bid of The Halton Company for furnishing one crawler/dozer for \$49,780 (Purchasing Report - Bid 126)

Disposition: Accepted; prepare contract.

870 Accept bid of Colt Construction for 8" and 6" water mains, NE Ainsworth Street and NE S Shore Drive for \$173,941 (Purchasing Report - Bid 128)

Disposition: Accepted; prepare contract.

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871 Accept bid of Canby Excavation for NE Wistaria, NE 41st and NE 54th Sewer Reconstruction for \$200,504 (Purchasing Report - Bid 131)

Disposition: Accepted; prepare contract.

872 Accept bid of Flowtronex International for variable speed prefabricated pump station for \$51,237 (Purchasing Report - Bid 135)

Disposition: Accepted; prepare contract.

873 Accept bid of Brattain International, Inc., with a Truckstell service body for furnishing two 25,000 GVW cab and chassis with service body for \$141,802 (Purchasing Report - Bid 137)

Disposition: Accepted; prepare contract.

874 Accept bid of White GMC Trucks for Portland, Inc., for furnishing four 55,500 GVW cab and chassis with 15 yard dump body for \$293,540 (Purchasing Report - Bid 138)

Disposition: Accepted; prepare contract.

875 Accept bid of S-2 Contractors for Wheeler Basin Sewer Relief Phase I for \$618,835 (Purchasing Report - Bid 139)

Disposition: Accepted; prepare contract.

Mayor J. E. Bud Clark

***877** Pay claims of Sidney Perry (Ordinance)

Disposition: Ordinance No. 165418. (Y-5)

***878** Pay claim of Therese Louise Rogers (Ordinance)

Disposition: Ordinance No. 165419. (Y-5)

***879** Authorize amendment to an agreement with ChiroCare of Oregon for the provision of chiropractic services to City of Portland CitySelect self-insured plan participants (Previous Agenda 839)

Disposition: Ordinance No. 165420. (Y-5)

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***880** Call for bids for installing an elevator and improving site drainage at Stable No. 1, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165421. (Y-5)

Commissioner Earl Blumenauer

881 Declare the purpose and intention of the City of Portland to construct the SW Lower Drive and Private Property Sanitary Sewer System (Resolution; Sewer; C-9759)

Disposition: Resolution No. 34995. (Y-5)

***882** Intergovernmental agreement with Washington County to transfer jurisdiction of certain county roads from Washington County to the City of Portland and transfer operation and maintenance responsibility for certain facilities from the City to Washington County (Ordinance)

Disposition: Ordinance No. 165422. (Y-5)

***883** Contract with Portland Development Commission to provide Landscape Maintenance Services necessary for the NE Airport Way Project (Ordinance)

Disposition: Ordinance No. 165423. (Y-5)

***884** Contract with Tri-Met providing for City design of the Transit Transfer Site Improvements, Unit 4 (Ordinance)

Disposition: Ordinance No. 165424. (Y-5)

***885** Contract with Suzanne Crane Engineering for professional engineering services and provide for payment (Ordinance)

Disposition: Ordinance No. 165425. (Y-5)

***886** Grant revocable permit to Cascade Run Off to erect a timers scaffold over SW Front Avenue south of SW Ash on June 28, 1992 (Ordinance)

Disposition: Ordinance No. 165426. (Y-5)

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***887** Revocable permit to USA Basketball to maintain banners on street light poles from June 21 to July 5, 1992 (Ordinance)

Disposition: Ordinance No. 165427. (Y-5)

Commissioner Mike Lindberg

***888** Amend contract with Teufel/Leahy for construction at the Heron Lakes Golf Course (Ordinance; amend Contract No. 27047)

Disposition: Ordinance No. 165428. (Y-5)

***889** Contract with Moskowitz & Thomas, Attorneys at Law, for \$13,786, for professional services to select a concession for Portland International Raceway, waive consultant selection procedures and provide for payment (Ordinance)

Disposition: Ordinance No. 165429. (Y-5)

***890** Call for bids for the removal and disposal of thirteen fuel tanks and associated equipment, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165430. (Y-5)

***891** Call for bids for the recoating of valves and equipment at dams in the Bull Run Watershed, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 165431. (Y-5)

***892** Grant revocable permit to the Portland Rose Festival Association to use Tom McCall Waterfront Park for their annual festival from May 18 through June 9, 1992 (Ordinance)

Disposition: Ordinance No. 165432. (Y-5)

***893** Grant revocable permit to the Portland Rose Festival Association to erect and maintain flags and banners on the ornamental light standards in downtown Portland from May 17 through June 21, 1992 (Ordinance)

Disposition: Ordinance No. 165433. (Y-5)

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***894** Grant revocable permit to the Portland Rose Festival Association to close portions of City streets prior to the Grand Floral Parade, from 5:00 a.m. to 12 noon on Saturday, June 6, 1992 (Ordinance)

Disposition: Ordinance No. 165434. (Y-5)

***895** Grant revocable permits to the Portland Rose Festival Association to hold the Starlight Parade in downtown Portland on May 30, 1992 (Ordinance)

Disposition: Ordinance No. 165435. (Y-5)

***896** Grant revocable permit to the Portland Rose Festival Association to hold the Grand Floral Parade on June 6, 1992 (Ordinance)

Disposition: Ordinance No. 165436. (Y-5)

***897** Grant revocable permit to the Portland Rose Festival Association to vend and sell Rose Festival items on downtown City sidewalks on May 30, June 3 and June 6, 1992 (Ordinance)

Disposition: Ordinance No. 165437. (Y-5)

***898** Grant revocable permits to the Portland Rose Festival Association to hold the Junior Rose Festival Parade on June 3, 1992 (Ordinance)

Disposition: Ordinance No. 165438. (Y-5)

***899** Grant revocable permit to the Portland Rose Festival Association to use propane cooking units in the festival center area from May 29 through June 7, 1992 (Ordinance)

Disposition: Ordinance No. 165439. (Y-5)

City Auditor Barbara Clark

***900** Reduce systems development charge (Ordinance, amend Ordinance No. 165166)

Disposition: Ordinance No. 165440. (Y-5)

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REGULAR AGENDA

- *876** Amend Code provision relating to the transport of weapons and explosives (Ordinance; amend Code section 14.32.010)

Discussion: Harry Auerbach, Deputy City Attorney, said his office prepared this amendment in order to fix a problem in the current ordinance identified by the District Court regarding the citation of someone with an unloaded weapon in a car in a park. He said they are still studying whether it is constitutional to prohibit unloaded weapons in cars in parks and, if so, will return with another amending ordinance. However, in the meantime, passage of this ordinance is proposed with one amendment -- substitution of the word "upon" for "on" in subsection B.

Commissioner Blumenauer moved the amendment. Commissioner Kafoury seconded and the motion carried. (Y-5)

Disposition: Ordinance No. 165441 as amended. (Y-5)

Mayor J. E. Bud Clark

- *901** Accept a grant of \$10,483 from the State of Oregon Public Utilities Commission for Phase II of the FY 92 Motor Carrier Safety Inspection Program in the Police Bureau Traffic Division (Ordinance)

Disposition: Ordinance No. 165442. (Y-5)

Commissioner Earl Blumenauer

- 902** Accept in principle, the transfer of Interstate Avenue from the Oregon Department of Transportation to the City of Portland to expedite the Oregon Arena Project, and direct the Director of the Office of Transportation to begin the transfer (Resolution)

Discussion: Commissioner Blumenauer said they are being very careful to make sure this project does not put the City at a disadvantage in its relationship with ODOT and also helps expedite the arena project.

Disposition: Resolution No. 34996. (Y-5)

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Commissioner Gretchen Kafoury

903 Appeal of the Oregon Food Bank against the Noise Review Board's decision on variance application for Waterfront Blues Festival (Previous Agenda 861)

Discussion: Larry Scruggs, Noise Review Board Chair, said the Board approved the variance for the Blues Festival for all the times requested except for four hours, from noon to four p.m., on Friday, July 3. He noted numerous complaints received last year about events in Waterfront Park, many of which revolved around this particular event. The Board felt that granting the variance for Friday afternoon would have too significant a noise impact on businesses and hotels.

Commissioner Kafoury asked why the daytime hours are more of a problem than the nighttime hours.

Mr. Scruggs said businesses are impacted more during the day while the residential impact is more significant in the evening. He said complaints received from the Marriott and the Alexis hotels stated that the noise was too great. He said the Blues Festival had agreed to reduce the hours the Festival would run in the evening.

Commissioner Bogle asked if it were possible to have two decibel levels for different hours.

Mr. Scruggs said yes, the Board is asking that the Festival comply with existing noise Code which specifies a sound level of 60 dBA before 6 p.m. He said the Festival requested 70 dBA from noon to 4 p.m. on Friday, July 1, noting that 70 dBA is twice as loud as 60.

Bill Dickey, Assistant Event Coordinator for Oregon Food Bank for the Waterfront Blues Festival, said they are asking Council to review denial of the noise variance for Friday afternoon, July 3. He said not having the variance will put a serious strain on the Food Bank's ability to collect food donations during that time period. He said they have worked very closely with the Noise Review Board to make this event work, including spending additional monies for sound technology and staging in order to meet the variance's strict requirements.

Mr. Dickey said this year, in response to last year's complaint from occupants at the Ben Franklin Building, they notified every tenant and

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received only one letter of complaint. He said July 3 is a bank holiday and downtown usually slows down on such days. He compared the Blues Festival to other events, such as Cinco de Mayo, which operated on both Thursday and Friday afternoon in a similar neighborhood. Mr. Dickey said he believes their festival is taking the heat for other festivals that have not acted as responsibly as they have.

Commissioner Bogle asked about the sound level last year and for more details on the notification sent to Ben Franklin tenants.

Mr. Dickey said the dBA last year was 75. He said they notified approximately 200 tenants in the Ben Franklin Building and received five responses - three positive and two negative. He said without the variance for Friday afternoon, Festival organizers believe they will lose about \$10,000 in food donations.

Mayor Clark asked why the noise level could not be kept to 60 dBA.

Mr. Dickey said he does not think musicians can play amplified at that level.

Paul Herman, City Noise Control Officer, said there are two stages and the music switches from one to the other so that there is no down time. He said a number of the complaints, particularly from the Marriott, had to do with the unrelieved aspect of the noise and were specific to this event.

Tom Robinson, owner of Concert Sound and chief engineer for the Blues Festival sound system, said the Blues Festival is the most technologically difficult of the festivals to put on and much time and money has been spent on noise containment. He said 75 dBA is a very reasonable sound level, while 60 is below the ambient traffic level on the street.

Andrew Newman, 1731 NW Everett St., #111, stressed the humanistic reason for holding the Festival -- to raise money for food to feed the homeless and hungry.

Craig Mayther, 1017 SE 33rd, said the Blues Festival is the largest such festival in the West and raised over \$60,000 last year. He said sound was constantly monitored by the Festival organizers in order to cooperate with City noise requirements. Mr. Mayther said he started

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circulating a petition favoring the appeal and collected over 300 signatures in about a week.

Jeffrey Dawkins, Back Porch Blues, said this event is one of the major Blues Festivals in the country. He asked Council to grant the Food Bank's request in order to help Portland's underclass. He said the festival workers work hard to maintain user-friendly sound levels.

Nina Vallioan, Riverplace Cafe & Deli, said she does not believe the festival is disruptive. She said if you are downtown it is going to be noisy and if you want quiet you should move to the suburbs.

Mayor Clark asked if there was a way to allow for breaks, so there could be some intervals of quiet.

Dave Clingan, Festival talent coordinator, said one of the unique appeals of the Festival is that music goes on all the time.

Commissioner Kafoury asked whether it had been held on a holiday before and whether there had been complaints then.

Mr. Herman said it had been held on a holiday and there had been complaints. He said the Noise Review Board was most concerned with businesses that would be open on Friday. He said last year complaints came from higher floors at the Ben Franklin and they also received a number of complaints from residential high rises. He said in its decision not to grant the variance requested for Friday afternoon, the Board was looking at a way of giving some relief to some people.

Commissioner Kafoury moved to overrule the Noise Review Board's decision. Commissioner Bogle seconded.

Commissioner Lindberg said he will vote to grant the appeal because he believes the organizers have made exceptional efforts to reduce the noise and because the request is for an afternoon that is a legal holiday.

Disposition: Appeal granted. (Y-5)

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- *904** Accept a grant from the State Department of Land Conservation and Development in the amount of \$30,000 for competitive planning assistance (Ordinance)

Disposition: Ordinance No. 1651443. (Y-5)

- 905** Authorize execution and acceptance of a conservation covenant affecting property within the Lakota planned unit development and subdivision (Ordinance)

Discussion: Tom Bizzeau, Planning Bureau, said this is an effort by the developers, neighborhood associations, Friends of Forest Park and the Planning Bureau to protect a large chunk of property outside the urban growth area but inside the City. He said the covenant was sought because environmental zoning, which now overlays the property, was not in effect at the time application was made for the planned unit development.

Disposition: Passed to Second Reading May 20, 1992 at 9:30 a.m.

Commissioner Bogle moved to suspend the rules to hear from residents of North Portland regarding the Asian gypsy moth spraying program. Commissioner Kafoury seconded and the motion carried. (Y-5)

- 905-1** Hear from North Portland citizens regarding the Asian Gypsy Moth spraying program (Report)

The following citizens called for a stop to the spraying program:

Delores Eaves, 409 N. Tyler
Grace Papour, no address given
Sandy Trapnell, 9406 N. Tyler
Adele Kaptur, 6841 N. Newcastle

Opponents cited respiratory and other health problems as a result of the spraying and complained that prior notice was not always given before the spraying began.

Jay Ward, 8120 SW 56th, said federal and state agencies have run roughshod over the concerns and questions of North Portland residents. He said he has no problem with site specific application of B.t but this

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massive application is ineffective and an overreaction which harms people.

Commissioner Lindberg said State officials informed him that they have not been receiving calls from doctors reporting harmful effects.

Mr. Ward said he contacted several emergency rooms and learned they are not tracking this as yet. He urged revocation of low flight helicopter flights until the State answers the many questions that have been raised. He also asked why the Toyota and Steinfeld properties were exempted from the program.

Mayor Clark said he would inquire into this.

Commissioner Kafoury said it is difficult for Council to change things when all the reports are anecdotal and medical corroboration is lacking.

Mr. Ward said the burden of proof should be on the State to show that it is safe, not the residents.

Michael Vernon, operator of a hot line for residents, said he set up the line because the State's hot line was always busy or disconnected. He said residents have been unable to get accurate information about spraying dates and locations from the Department of Agriculture.

Commissioner Bogle asked about the nature of the 56 calls cited by Mr. Vernon.

Mr. Vernon said there were 56 calls which were directly health related. He said he has names and numbers.

Commissioner Bogle asked how many of the 56 went to physicians.

Mr. Vernon said very few because most could not afford it but one elderly woman had to go to emergency. He said the Oregon health department has finally acknowledged that there might be some problems.

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Pam Arnold, Kenton Neighborhood, said the State sprayed the Heron Golf Course during the daytime hours, adding that the accuracy of information they are getting is intolerable.

Commissioner Kafoury said it is within our jurisdiction to ask the State for a better response and better information.

Commissioner Blumenauer said that should be a condition of the permit and if they are violating it, then they should not fly.

Mayor Clark agreed and said he would contact the State about this.

Mr. Auerbach said he recalled that the City did not itself grant a permit but instead gave consent to the Federal Aviation Authority to grant one for a low-flight helicopter flight.

Disposition: Placed on File.

At 10:45 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF MAY, 1992 AT 2:00 P.M.

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

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

Mayor Clark proclaimed the week of May 11-17 as U.S. Olympic Spirit Week.

Bob Groff, Manager of Communications for the U.S. Postal Service said they are proud to be sponsors of the 1992 Olympics.

906 Tentatively overrule Hearings Officer's denial of appeal of Charles W. Lawrence, applicant, and grant a comprehensive plan map amendment and a zone change in order to construct a building for an auto repair business at 4411 SE Belmont (Findings; Previous Agenda 864)

Discussion: Commissioner Kafoury said several minor changes have been made and she believes all parties are in agreement on the findings now before Council.

Disposition: Findings Adopted. (Y-4)

At 2:15 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF MAY, 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; John Hodges, Sergeant at Arms.

907 TIME CERTAIN: 3:00 PM - Spirit of Portland Awards (Ceremony)

Mayor Clark proclaimed the week of May 10-16 as Neighborhood Recognition Week.

Kitty Wheeler, coordinator of the neighborhood flag program, introduced six neighborhood representatives who displayed flags designed in the past year.

Spirit of Portland awards were presented by the Mayor and Commissioners to the following individuals and groups:

Vivian Grubb
Reverend Kelly Chatman
Martha Johnston
Joanna Wilson
Ky and Sharon Holland
Pat Merkle
Franciscan Enterprises
Piedmont Foot Patrol
Friends of Trees
Bob Parr
Leslie Pohl-Kosbau
Sabin Neighborhood Association

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Mayor Clark presented Business Awards to Gunderson Brothers, Columbia Wire and Iron Works, and Lattice Works of Oregon.

At the ceremony's end Commissioner Kafoury presented a surprise Spirit of Portland award to Mayor Clark.

At 4:00 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council