



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

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

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

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

Mayor Clark proclaimed Elder Safety Day and presented a proclamation to Ruth Curry, Multnomah Commission on Aging.

Ruth Curry said the Commission has received a federal grant to address safety issues for seniors in their homes and on the streets. She thanked senior advocacy colleague Sister Mary Ellen Glynn.

Mayor Clark welcomed the Sister City Delegation from Suzhou, China on behalf of the Office of International Relations.

Susan Emmons, Northwest Pilot Project, described the efforts of a coalition of housing advocates to ensure that affordable housing is not lost through the General Services Administration's construction of a new federal courthouse. She said Senator Hatfield announced a grant to replace the housing, and she thanked Commissioner Kafoury for her role in obtaining it. She said this may be the first time the federal government provided funds for replacement housing for such a project.

Item 2054 was removed from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

December 9, 1992

CONSENT AGENDA - NO DISCUSSION

2010 Accept bid of Coffman Excavation for Heron Lakes Golf Course maintenance yard relocation and parking lot upgrade for \$295,233 (Purchasing Report - Bid 40)

Disposition: Accepted; prepare contract.

2011 Accept bids of Lone Star Northwest, Ross Island Sand and Gravel, Lakeside Industries, Fazio Brothers Sand Company and Scappoose Sand and Gravel for furnishing aggregates for \$576, 664 (Purchasing Report - Bid 57-A)

Disposition: Accepted; prepare contract.

2012 Accept bid of Colt Construction Company for 8" water main in NE Rocky Butte Road for \$39,611 (Purchasing Report - Bid 62)

Disposition: Accepted; prepare contract.

2013 Accept bid of Fuiten's Plumbing & Heating Company for aeration blower installation Phase II at the Columbia Boulevard Wastewater Treatment Plant for \$38,341 (Purchasing Report - Bid 63)

Disposition: Accepted; prepare contract.

2014 Vacate N Kellogg Street east of N Charleston Avenue, under certain conditions (Ordinance by Order of Council; C-9818)

Disposition: Passed to second reading.

Mayor J. E. Bud Clark

2015 Confirm appointment of Mary E. Sauter to the Portland Historical Landmarks Commission (Report)

Disposition: Confirmed.

December 9, 1992

2016 Confirm appointment of Madeline Herrle and reappointment of Linda Barnes and Richard Burgess to the Fire Code Board of Appeals (Report)

Disposition: Confirmed.

2017 Confirm reappointment of Larry Moore and Stuart Minor to the Plumbing Code Board of Appeals (Report)

Disposition: Confirmed.

***2018** Amend Section 4.44.040 of Chapter 4.44, Deferred Compensation, of Title 4, Personnel, to revise the eligibility requirements under the deferred compensation plan (Ordinance; amend Code Section 4.44.040)

Disposition: Ordinance No. 166025.

***2019** Authorize extension to Legal Services Agreement with Bullivant, Houser, Bailey, Pendergrass & Hoffman (Ordinance; amend Contract No. 27021)

Disposition: Ordinance No. 166026.

***2020** Pay claim of John Peyton (Ordinance)

Disposition: Ordinance No. 166027.

***2021** Authorize the Mayor and Auditor to execute a labor agreement and authorize the Personnel Director to enter into a letter of understanding, both between the City of Portland and Municipal Employees, Local 483, LIUNA, relating to terms and conditions of employment of represented recreation employees (Ordinance)

Disposition: Ordinance No. 166028.

***2022** Authorize loan agreement and note to finance local improvement projects (Ordinance)

Disposition: Ordinance No. 166029.

December 9, 1992

***2023** Lease agreement with David and Marsha Hansen for office space in the Aero Apartments for the Bureau of Police for \$1 per year for a year (Ordinance)

Disposition: Ordinance No. 166030.

***2024** Accept a Special Purpose grant from the US Department of Housing and Urban Development for \$4,370,000 to implement the N/NE Business Assistance Fund (Ordinance)

Disposition: Ordinance No. 166031.

***2025** Authorize the Mayor and Auditor to execute an amendment to an agreement with the Good Health Plan of Oregon for the provision of employee benefit medical services (Ordinance)

Disposition: Ordinance No. 166032.

Commissioner Earl Blumenauer

2026 Accept contract with Highlite Construction Company for traffic signal construction or replacement at five locations, approve Change Orders and authorize final payment (Report; Contract No. 27921)

Disposition: Accepted.

2027 Accept completion of the Fanno Creek Pump Station Bypass and make final payment to Colt Construction Company, Inc. (Report; Contract No. 27928)

Disposition: Accepted.

2028 Set hearing date for 9:30 a.m., Wednesday, January 13, 1993, to vacate certain portions of N Larabee Avenue and N Cherry Street (Report; C-9808)

Disposition: Adopted.

2029 Set hearing date for 9:30 a.m., Wednesday, January 13, 1993, to vacate the portion of SW Orchid Street east of SW 15th Avenue (Report; C-9803)

Disposition: Adopted.

December 9, 1992

2030 Declare the purpose and intention of the City of Portland to construct the SE Rex Drive, SE 45th Avenue and SE 46th Avenue Sanitary Sewer System (Resolution; Sewer; C-9806)

Disposition: Resolution No. 35086.

***2031** Amend Ordinance No. 165727 to allow the Purchasing Order to serve as a contract for the purchase of recycling containers for multi-family residences (Ordinance; amend Ordinance No. 165727)

Disposition: Ordinance No. 166033.

***2032** Execute a settlement agreement which provides that the City will receive \$625,000 from bond funds paid into court by the surety as the result of a defaulted contract with Biosystems Management, Inc. (Ordinance; Contract No. 25810)

Disposition: Ordinance No. 166034.

***2033** Authorize an intergovernmental agreement with TriMet for the construction of carriage walks (Ordinance)

Disposition: Ordinance No. 166035.

***2034** Amend contract with Pneumatic Construction, Inc., to increase amount of work and payment by \$22,578 as detailed in Change Order No. 1 (Ordinance; amend Contract No. 28129)

Disposition: Ordinance No. 166036.

***2035** Authorize execution of an amendment to contract with Gresham Transfer, Inc., to change bonding periods (Ordinance; amend Contract No. 28167)

Disposition: Ordinance No. 166037.

***2036** Call for bids for the construction of the NE Bell Drive Pump Station, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166038.

December 9, 1992

***2037** Call for bids for the Columbia Boulevard Wastewater Treatment Plant to supply and install an effluent flow meter, authorize a contract and payment (Ordinance)

Disposition: Ordinance No. 166039.

Commissioner Dick Bogle

2038 Accept remodel work performed by Bowers Construction Company for construction of Station 2, waive retainage and make final payment (Report; Contract No. 27804)

Disposition: Accepted.

***2039** Extend contract with Harris Uniform Company, Inc., for police uniforms through December 31, 1993 (Ordinance; amend Contract No. 26828)

Disposition: Ordinance No. 166040.

***2040** Authorize carryover of excess accumulated vacation hours for Fire Deputy Chief Walter Arnold, a non-represented employee of the Bureau of Fire, Rescue and Emergency Services (Ordinance; waive City Code Chapter 4.16.040)

Disposition: Ordinance No. 166041.

***2041** Contract with Real Property Consultants for \$16,000 for property appraisal (Ordinance; waive City Code Section 5.68)

Disposition: Ordinance No. 166042.

***2042** Correct recent revisions to Table 40-B, Title 31, Fire Regulations (Ordinance; amend City Code Section 31.50.010)

Disposition: Ordinance No. 166043.

***2043** Restore Certificate of Fitness in Title 31, Fire Regulations, to previous amounts (Ordinance; amend City Code Section 31.50.010)

Disposition: Ordinance No. 166044.

December 9, 1992

***2044** Revise Title 31, Fire Regulations, Chapter 31.80, Hazardous Substances and Emergency Planning, by repeal and adoption of new Chapter 31.80 (Ordinance; amend City Code Section 31.80)

Disposition: Ordinance No. 166045.

***2045** Modify contract with Multnomah County Rural Fire Protection District No.10 (Ordinance; amend Contract No. 21500)

Disposition: Ordinance No. 166046.

Commissioner Gretchen Kafoury

***2046** Contract with Multnomah Community Development Corporation for \$25,000 to develop a business plan and proforma for an economic development project at Columbia Villa and provide for payment (Ordinance)

Disposition: Ordinance No. 166047.

***2047** Accept grant from the Department of Human Resources - Senior and Disabled Services Division in the amount of \$30,000 for Project Care; Elder Safety Coalition which will address the needs of senior citizens residing in East County and North/Northeast Portland (Ordinance)

Disposition: Ordinance No. 166048.

***2048** Authorize an agreement with Delanie Delimont for a sum not to exceed \$16,380 to continue work with the Elder Safety Coalition (Ordinance)

Disposition: Ordinance No. 166049.

***2049** Increase contract with Konell Construction by \$9,630 for the demolition of the Bridgeport Hotel and provide for payment (Ordinance; amend Contract No. 26987)

Disposition: Ordinance No. 166050.

December 9, 1992

Commissioner Mike Lindberg

- *2050** Authorize an agreement with Murray, Smith & Associates, Inc., for \$404,265 for engineering services to accommodate impacts to the water system by the Westside Light Rail Transit project and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166051.
- *2051** Agreement with Black & Veatch for \$158,740 for engineering services for the Headworks Disinfection Improvements and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166052.
- *2052** Release retainage to contractor for the construction of 16-inch and 12-inch water mains, NW Skyline Boulevard, Phase III, Local Improvement District project (Ordinance; C-9761)
- Disposition:** Ordinance No. 166053.
- *2053** Authorize funds for Contract No. 27806 with Woodward-Clyde Consultants of \$313,200 (Ordinance)
- Disposition:** Ordinance No. 166054.
- *2055** Amend contract with ACR Engineering to provide additional work to Multnomah Art Center heating system (Ordinance; amend Contract No. 27688)
- Disposition:** Ordinance No. 166055.
- *2056** Call for bids for improvements at Brentwood Park, authorize a contract and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166056.
- *2057** Call for bids for the construction of 12-inch, 8-inch and 4-inch water mains in SW Boones Ferry Drive and SW Carson Street, authorize a contract and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166057.

December 9, 1992

City Auditor Barbara Clark

- *2058** Cancel system development charge at 600 SE 146th Avenue
(Ordinance; amend Ordinance No. 165899)
Disposition: Ordinance No. 166058.
- *2059** Reduce system development charge at 4454 NE Cully Boulevard
(Ordinance; amend Ordinance No. 165950)
Disposition: Ordinance No. 166059.
- *2060** Cancel sewer system development charge at 1243 NE 110th Avenue
(Ordinance; amend Ordinance No. 165950)
Disposition: Ordinance No. 166060.
- *2061** Cancel system development charge at 203 NE 113th Avenue
(Ordinance; amend Ordinance No. 165934)
Disposition: Ordinance No. 166061.

REGULAR AGENDA

- *2054** Authorize contract with Portland Habilitation Center for \$245,981 for janitorial services, January 1-December 31, 1993 and authorize payment (Ordinance)

Discussion: Rich Gunderson, Recreation Manager, Parks Bureau, said about five years ago, to save money, the Bureau decided to use private contractors rather than in-house custodians for maintaining Parks buildings. However, two of the contractors have not been successfully meeting contract specifications. After considering several options, the Bureau has decided to hire a firm that employs handicapped people. He said State law provides for an exemption to the public bidding process for contracts with organizations that employ the handicapped.

Greg Peck, Service Master of SW Portland, current Parks Bureau contractor, said his company has been fulfilling specifications in their contract, but the buildings are old and difficult to serve. He said the

December 9, 1992

Park Bureau's November 24 letter canceling service does not talk about poor service, but instead mentions a change in direction. Mr. Peck said the original specifications were inadequate, and asked for an equal opportunity to bid the contract, noting that Service Master's workforce is 61% minority and 41% women. He said an increase in price can be expected if there is no competition, and this one increases 15% over the last one.

Commissioner Bogle asked if Parks ever discussed complaints with Service Master during the course of the contract.

Pete Trampell, Senior Operations Manager, Service Master, said they inspected monthly and immediately responded to any complaints. They replaced some janitors who received complaints, but mostly received approval and compliments, not negative feedback.

Charles Jordan, Parks Superintendent, said these facilities are difficult to serve, particularly if they are unsafe to enter at night. This is not a social program to help anyone. The change is no reflection on the previous contractors but simply an effort to try something else that might work.

Mayor Clark said the new contract shows an increase of \$18,000 a year, but there is no documentation as to why the Bureau was not satisfied.

Mr. Jordan said documentation can be provided.

Commissioner Bogle said testimony points to lack of service, but the Parks Bureau's letter to the contractor did not say that.

Mayor Clark said the change in policy is not understandable.

Commissioner Bogle said it should have gone to bid.

Harry Auerbach, Deputy City Attorney, said the State Purchasing Law requires that if a contract is subject to ORS 279, it has to be awarded to the lowest responsible bidder, but there is an exemption for nonprofit organizations working in handicapped job development.

Commissioner Lindberg said he would like to see a report on the deficiencies in service previously provided.

December 9, 1992

Commissioner Blumenauer asked how long the bidding process would take, since the current contract expires December 31.

Mr. Auerbach said it would take one to two months for writing specifications, publishing the notice, submission of bids, and passage of the ordinance awarding the contract.

Charles Jordan said after December 31 they would have to extend the current contract until they know what to do.

John Choi, Service Master, said the current contract has blemishes, but Parks has about 140 buildings with customized needs for each, and there is only one set of specifications for all the buildings. Some of the users are not happy, but they have to live with that, because the contract specifications have to be changed. He said Service Master is a reputable company.

Mayor Clark said he knows that.

Disposition: Continued to December 16, 1992, 9:30 a.m.

2009 **TIME CERTAIN: 9:30 AM** - Report to Council regarding the Westside Light Rail Public Art Program (Report)

Discussion: Eloise MacMurray, Metropolitan Arts Commission (MAC) and Public Arts Advisory Committee, said this program represents efforts of governments, citizens, and businesses to create a project of regional importance. She introduced Joan Shipley, MAC, and Rebecca Manus, the on-site public art coordinator for Tri-Met, whose agencies are working together to manage the program, which receives no percent-for-art funds. She showed a video highlighting the work of five artists working directly with architects, engineers and management during the first five months of the program.

Disposition: Placed on File.

2062 Establish the site for an American Indian Cultural Center in Delta Park (Resolution introduced by Mayor Clark and Commissioner Lindberg)

Discussion: Judy Sanders, Chair of Cultural Center Committee for the American Indian Association of Portland, described the committee's efforts since City Council voted to set aside property in East Delta Park

December 9, 1992

for the center. She said work groups designed a model for the buildings and the programs to be implemented. A finance committee is looking at potential funding sources and developing a proforma and business plan.

The following speakers described their work on behalf of the Center:

Don Stastny, 813 SW Alder

Peter Aliff, 5022 NE 23rd

Judith Aliff, 5022 NE 23rd

Violet Allman, 6116 NE 31st Ave.

Cecil Quintana, Quintana Art Gallery

Vince Wannasay, 1828 SE Tibbets

Paul Faulstich, Portland Art Museum, Curator of Native American art

Supporters said they want a community center American Indians can call their own, with space for arts and crafts classes, a learning center and rental studios for artists. They cited the importance of passing down American Indian culture to their children. They said the buildings will reflect the symbols and spiritual quality Native Americans respect. Speakers thanked Mayor Clark for attending Portland State Indian Awareness Week and facilitating a cultural center meeting.

Commissioner Lindberg said the Parks Bureau is committed to reserving five acres of Delta Park for the project until the end of this century

Disposition: Resolution No. 35087.

***2063**

Authorize Mayor and Commissioner of Public Affairs to sign an amended consolidation agreement between the City of Portland and Metro (Second Reading Agenda 1994; introduced by Mayor Clark and Commissioner Lindberg)

Discussion: Commissioner Lindberg moved to add an emergency clause, the motion was seconded and carried. (Y-5)

Disposition: Ordinance No. 166062 as amended with emergency clause.

December 9, 1992

***2064** Authorize Mayor and Commissioner of Public Affairs to sign an agreement between the City of Portland and Metro to offset admission tax (Second Reading Agenda 1995; introduced by Mayor Clark and Commissioner Lindberg)

Discussion: Commissioner Lindberg moved to add an emergency clause, the motion was seconded and carried. (Y-5)

Disposition: Ordinance No. 166063 as amended with emergency clause.

Mayor J. E. Bud Clark

***2065** Accept a grant from the Oregon Department of Human Resources, Adult and Family Services Division, in the amount of \$95,238, to continue the Refugee Crime and Victimization Reduction Project (Ordinance)

Disposition: Ordinance No. 166064.

***2066** Establish two positions and six salary rates for the Compensation Plan in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Disposition: Ordinance No. 166065.

***2067** Adopt a Supplemental Budget for FY 1992-93 of \$125,245,085, increase resources and requirements in various City funds, and make appropriations (Ordinance)

Disposition: Ordinance No. 166066.

***2068** Authorize a contract with the Portland Development Commission to administer a Special Purpose grant from the US Department of Housing and Urban Development in the amount of \$4,370,000 (Ordinance)

Discussion: Ann Gardner, Portland Development Commission, said the grant will provide for loans and technical assistance for small businesses in Northeast Portland, and funds will be made available for job-training in that area. They are devising procedures to make sure the program is working.

Disposition: Ordinance No. 166067.

December 9, 1992

***2069** Authorize contract with Ralph Andersen & Associates to provide consulting services for the development of a pay for performance system (Ordinance)

Disposition: Ordinance No. 166068.

Commissioner Earl Blumenauer

2070 Consider vacating a portion of SE 100th Avenue south of SE Powell Boulevard as initiated by Resolution No. 35082, to consolidate property for development of a public park (Hearing; C-9819)

Disposition: Continued to December 16, 1992, 2:00 p.m.

2071 Recognize the Johnson Creek Corridor Committee as an advisory body to the Bureau of Environmental Services in the development and implementation of the Johnson Creek Resources Management Plan (Resolution)

Disposition: Resolution No. 35088.

***2072** Authorize a contract with Black and Veatch to provide consultant services for a re-evaluation of local discharge standards for the municipal pretreatment program (Ordinance)

Disposition: Ordinance No. 166069.

***2073** Authorize contract with Mackenzie Engineering Incorporated to provide engineering and design services for the NE 13th Avenue Basin, Fiske Basin and in another similarly sized area for slough basin relief work and provide for payment (Ordinance)

Disposition: Ordinance No. 166070.

2074 Amend Chapter 17.102 of the City Code to clarify solid waste and recyclables collection rates for duplexes, triplexes and four-plexes (Ordinance; amend Chapter 17.102)

Discussion: Meganne Steele, Bureau of Environmental Services, said a previous rate schedule included an extra \$2.50 a month surcharge to cover recycling costs for small, multi-plex dwellings, but it was

December 9, 1992

unenforcable. After conferring with the Oregon Apartment Association, they developed a new rate schedule that eliminates the separate surcharge and adds it to the price per unit.

David Rand, Oregon Apartment Association, said the Oregon Legislature mandated that all people have the opportunity to recycle, but some landowners refused to pay an extra surcharge for recycling. The OEA recognizes the importance of recycling to the City and supports this new rate schedule.

Disposition: Passed to second reading.

Commissioner Gretchen Kafoury

***2075** Require requests to postpone scheduled date of quasi-judicial land use hearing to be in writing and filed with Auditor one week before scheduled hearing date (Ordinance; amend Code Chapter 3.02)

Discussion: Commissioner Kafoury said this provides that either appellants or applicants may request postponement of a hearing, but they must make written request within a week of the scheduled hearing. There also is an provision to allow less-than-seven-day notice for emergencies, if both parties agree to postponement.

Kathryn Imperati, Senior Deputy City Attorney, said Title 3 of the Code is amended to add a section requiring parties to give ample notice of setting over or continuing a proceeding. She said attorney Ed Sullivan has pointed out that sometimes the applicant is the appellant, so the first exception might still allow one person to request postponement a day before the hearing. Ms. Imperati suggested an additional amendment of subsection 1 of the new section to say: "The applicant and appellant agree in writing to a postponement unless the applicant is the appellant." The exception would require that a person show extenuating circumstances at the Council meeting in order to be granted a postponement.

Commissioner Kafoury asked to see the amendments in writing before voting on them.

Ms. Imperati suggested another amendment in the first sentence, inserting the words "at least before seven days" to ensure that a request is made in writing at least that long before the hearing.

December 9, 1992

Commissioner Kafoury said they want to make sure just the applicant and appellant have the option to do it in less than seven days, unless they are the same person.

Commissioner Blumenauer said when the applicant and appellant are the same, is there a requirement that the principal opponent sign off?

Ms. Imperati said in that case they have two choices: they can request postponement in writing at least seven days before the hearing or, if they make the request in less time, they need to come to Council to show extenuating circumstances that justify postponement. They would need to be prepared to go ahead in case Council did not grant the request.

Commissioner Blumenauer said he would like to develop guidelines for circumstances that would justify this, such as hospitalization.

Commissioner Kafoury said she does not want to get too specific, because there are always additional circumstances not covered.

Ms. Imperati said guidelines could be drafted to give examples of the types of extenuating circumstances, but they need not be in the Code.

Ed Sullivan, attorney, 111 SW 5th, Suite 3200, said he agrees with the changes.

Commissioner Lindberg said defining circumstances could lead to people frequently using them as excuses, such as professional responsibilities.

Disposition: Continued to December 9, 1992, at 2:00 p.m.

Commissioner Mike Lindberg

***2076** Authorize a contract with the US Environmental Protection Agency for \$18,000 for the B.E.S.T. (Business for an Environmentally Sustainable Tomorrow) Program (Ordinance)

Discussion: Commissioner Lindberg said this program helps local businesses at a one-stop center obtain technical advice and financial assistance in energy efficiency, water conservation, waste reduction and

December 9, 1992

efficient transportation. Several model programs have been developed locally, and this is a nationally recognized program.

Disposition: Ordinance No. 166071.

***2077** Contract with Escom Distribution Ltd., to purchase Recreation Registration software and UniVerse upgrades for \$53,850 without advertising for bids (Ordinance)

Disposition: Ordinance No. 166072.

***2078** Call for bids for communications equipment for the Bureaus of Parks and Recreation, Administrative Services, Computer Services Division and the Auditor's office, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166073.

***2079** Call for bids for computer hardware and software for the Bureau of Parks and Recreation, not to exceed \$150,000, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166074.

At 11:10 a.m., Council recessed.

December 9, 1992

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF DECEMBER, 1992 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Joan Engert, Acting Clerk of the Council; Ben Walters, Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

***2075** Require requests to postpone scheduled date of quasi-judicial land use hearing to be in writing and filed with Auditor one week before scheduled hearing date (Ordinance; amend Code Chapter 3.02)

Discussion: Commissioner Kafoury moved to accept amendments that make clear the exception is allowable only if the applicant and appellant are not the same person. She said guidelines were drafted to provide examples of circumstances so people will not use the option frivolously. Commissioner Blumenauer seconded and the motion carried. (Y-4).

Disposition: Ordinance No. 166075 as amended. (Y-4)

2081 Transmit Citizen Advisors' case recommendations to Police Internal Investigations Auditing Committee (Report)

Discussion: Richard E. Paul, Chairperson of the PIIAC Citizen Advisors, described PIIAC Cases 92-08, 92-10 and 92-12. He said advisors did not recommend further investigation or different findings, although there were flaws in the handling of two cases. He said advisors made recommendations for future investigations and police procedures. In 92-08, advisors recommend that police commanders develop a quicker, more positive response to citizens regardless of whether an investigation is still pending, establish standards for precinct investigations and develop a new option for commanders for responding to valid complaints that do not reflect misconduct. In 92-10, advisors observed that no incident report was written because no one was arrested; however, advisors agree with Police Bureau's efforts to require written reports in more situations.

Regarding Case 92-12, Mr. Paul said advisors felt officers' actions were warranted because of a volatile street situation, but they noted IID did

December 9, 1992

not respond to one of the appellant's allegations. Advisors recommended that IID write a letter responding to the woman's allegation that her children were inappropriately maced and noted that a required report was not written about one such incident.

Commissioner Kafoury inquired into the followup procedure for recommendations.

Joan Engert, PIAAC staffperson, said the advisors would send a report to the Chief based on Council's actions and follow up on the Bureau's response.

Mayor Clark moved to accept the advisory report, the motion was seconded and carried. (Y-4)

Disposition: Accepted

2080 **TIME CERTAIN: 2:00 PM** - Transmit status report of Citizen Advisors to Police Internal Investigations Auditing Committee (Report)

Discussion: Bill Hamilton, Chair of the PIAC Monitoring Subcommittee, responded to a request made by Commissioner Kafoury and Mayor Clark in June for an evaluation of the Committee. He said advisors reviewed a small sample of IID cases and found that in the last year advisors rarely disagreed with investigations but have requested some changes. He said the Code provides enough authority for citizens to review IID operations, but they need to monitor a larger sample of IID cases beyond what comes to PIAC through the appeals process. He said advisors also would like to review the seriousness with which the Bureau handles valid complaints by getting an overview of disciplinary decisions.

Mr. Hamilton noted that volunteers have limited time to give to PIAC work, and need more direction and support from City Council. He said advisors are asking City Council to endorse the recommendations, begin the process of direct involvement with the advisory committee and help enhance the committee's role.

Commissioner Kafoury said she had hoped advisors would make specific recommendations on handling minor complaints such as rudeness, so PIAC's time is focused on more appropriate cases and issues. She said handling of complaints is tied to community policing, and there should

December 9, 1992

be a different process than IID and PIIAC when the person just wants an apology or when a simple conversation with someone at the Bureau would suffice.

Mr. Hamilton said advisors believe commanders should take a more active role in trying to defuse problems which arise between a citizen and a police officer. Commanders should get back to the citizen, do some fact-finding, resolve the issue and not treat everything as if it is a mark on somebody's record. He said an apology goes a long way to people who feel they have been unjustly treated. He said PIIAC should show more support for officers when evidence clears their actions, particularly when there is media coverage of a complaint.

Commissioner Blumenauer supported putting PIIAC reports on the regular agenda, agreed there needs to be a different threshold for triggering an internal investigation and said feedback is needed from people involved in community policing.

Commissioner Bogle asked whether placing PIIAC matters on the regular Council agenda would result in complainants coming directly to Council with grievances. He said Council could be inappropriately used as a court of law if there are not some restrictions on who talks to Council.

Mayor Clark said the presentations should be public, with media coverage, so the public knows what is going on.

Commissioner Blumenauer said it is inappropriate for people to bring grievances directly to Council, when Council is monitoring the efficacy of the internal investigations system. He said he would like to implement this change without losing sight of the current system. Matters should be handled by the Bureau and not through a separate mechanism, and focus should be on the Bureau's efforts with the community.

Mayor Clark said advisors can always recommend a full investigation, and the Council has Charter authority to completely review cases.

Commissioner Bogle said Council has not been inundated by complaints about PIIAC, advisors have been acting within the authority they were given and he does not see a major problem.

December 9, 1992

Bill Hamilton said the group needs to improve their performance, with public reporting and a better response to citizens who come before them.

Deputy Chief Alan Orr, speaking for Chief Tom Potter, said the Police Bureau at this point can not respond to each recommendation, but they generally concur with the recommendations and will prepare a written response. Further legal opinions and communications with the unions are needed. The Personnel Division has been rewriting the General Order concerning the discipline process, and the GO incorporates some of the advisors' recommendations. He said the Police Bureau applauds the PIIAC advisors for their caring concern. They see PIIAC as a way to improve service to the citizens of Portland, particularly in the areas of policy and procedures during the investigative stage of police complaints.

Commissioner Blumenauer suggested including a PIIAC citizen advisor on the Chief's Forum. Deputy Chief Orr said he attended a conference of the International Association for Citizen Oversight of Law Enforcement, and the seminar emphasized that civilian oversight of individual cases does not go far enough, because policy and procedure are related, and community policing is regarded as an important program.

Commissioner Kafoury moved that the report be referred to her office, the motion was seconded and carried.

Disposition: Referred to Commissioner of Public Utilities.

December 9, 1992

Commissioner Gretchen Kafoury

2082 Accept Planning Commission report and recommend proposed amendments to the Downtown Parking and Circulation Policy (Report)

Discussion: Alf Siddall, Planning Bureau Long-Range Planning Section, described efforts to develop strategies which address the parking needs of older office buildings which lack adequate parking. The Downtown Parking and Circulation Policy is a transportation element of the Downtown Plan and also part of the Central City Plan and the City's Comprehensive Plan. In addition, it is also part of the State Department of Environmental Quality's implementation plan for maintaining downtown air quality. The Planning Commission approved four amendments to this policy. They added a definition of older and historic buildings, which includes an office building built prior to 1964 in which the number of parking spaces is less than the number allowed to a new building by the parking ratios in the policy. It would allow parking to be approved for older and historic buildings, but the spaces must have existed as of January 1992, so no new spaces would be created downtown. The spaces cannot be exempt from the limit on downtown parking, such as exist at hotels and residences approved for particular uses. Spaces would have to be dedicated for use of older and historic buildings and the applicants must participate in alternative transportation management information programs. Surface lots will provide spaces dedicated to older and historic buildings.

Ron Jackson, Portland Development Commission, said older and historic buildings, also referred to as Class B and C buildings, represent about 40 percent of downtown office space. Consultants looked at over 100 buildings in 60 blocks, covered all surface lots and found three significant things: 1) these buildings face a crisis because of the lack of parking; 2) high vacancies and parking are linked; 3) buildings with parking have higher occupancy levels.

Rick Williams, Association for Portland Progress (APP), said he was appearing for Marty Brantley, Chairman of the Clean Air Business Alliance (CABA). He said the coalition has worked to get businesses to subsidize transit passes, promote alternative work schedules and add carpool spaces to the downtown parking inventory. He said the PDC recommendations are workable and reflect consensus among disparate groups.

December 9, 1992

Phil Kalberer, Association for Portland Progress, Business Development Task Force, said respondents to APP's annual business climate survey indicated that parking costs and availability are the primary hinderance to conducting business downtown. There will be no long-term solution until a new Central City Transportation Management Plan is in effect.

Disposition: Accepted.

***2083** Amend the Downtown Parking and Circulation Policy to allow the use of parking for older and historic buildings (Ordinance)

Discussion: Commissioner Blumenauer said he intended to present some of the policy questions this issue raises in a Council informal sometime in January before adoption of the Plan.

Mayor Clark advised caution in balancing parking and air quality concerns.

Disposition: Ordinance No. 166076. (Y-4)

***2084** Amend the Comprehensive Plan map from Open Space to Industrial Sanctuary and change the zone from OS, Open Space, to IH, Heavy Industrial, for property located at 7327 NW Helens Road (Ordinance; 92-00603 CP ZC AD)

Disposition: Ordinance No. 166077. (Y-4)

2085 Tentatively deny appeal of Southwest Hills Residential League and Bartley F. Day et al, against the Hearings Officer's decision to approve the application of Michael and Ellen Daly for a 3-lot subdivision in an R10 zone located west of SW Hillside Drive, north of SW Patton Drive (Findings; Previous Agenda 1972: 92-00331 SP)

Disposition: Findings Adopted. (Y-4)

2086 Tentatively grant appeal of Wilson Neighborhood Association and Bridlemile-Robert Gray Neighborhood Association against the Hearings Officer and Design Commission decisions to approve the application of Robert and Rafik Eskandarian for a 14-unit PUD located at SW

December 9, 1992

Terwilliger, near SW Westwood (Findings; Previous Agenda 1892; DZ 138-90/CU-123-90/S-61-90)

Discussion: The Clerk said findings were not ready.

Disposition: Continued to December 30, 1992, at 2:00 p.m.

2087

Tentatively deny appeal of Wilkes Community Group against certain conditions imposed by the Hearings Officer in approving application of KMAC Corporation for an 11-lot subdivision at 1904 NE 155th Avenue and approve City staff proposal for pedestrian pathway (Findings; Previous Agenda 1931; 92-00288 SU)

Discussion: John Southgate, Planning Bureau, said Council's previous action required the applicant to apply for adjustments for setbacks. The applicant said he would not do this, and no one likes the compromise solution. He suggested either remanding this back to the Hearings Officer or setting it over so the neighborhood and applicant can reach a workable agreement.

Commissioner Blumenauer said since there is no majority of Council favoring a particular solution, perhaps the parties themselves can fashion something Council will accept. He added that the street connection is an important part of the policy.

Mr. Southgate said the complexities of the design require approving the Hearings Officer's decision for the pedestrian connection and the connection to 157th, granting the appeal or some further compromise.

Commissioner Kafoury moved to set the matter over until the first of the year.

Spencer Vail, representing the applicant, asked if there would be another hearing allowing introduction of evidence.

Commissioner Kafoury said they hoped for recommendations from the applicant and the neighborhood group that reflected the Hearings Officer's report.

Mr. Vail said any new plan needs to be documented and requested a hearing on that. The street connection can be handled, but the

December 9, 1992

walkway is the problem. He noted that at the first of the year there will be two commissioners who haven't heard the case before.

Commissioner Kafoury said they could restrict the hearing to new information.

Spencer Vail said only the different options should be discussed.

Mr. Southgate said reopening the hearing would require notice.

Commissioner Kafoury moved to reopen the hearing on December 30, 1992, with careful time restrictions for new information and with public notice.

Ms. Imperati said people would need to be notified of the subjects to be discussed. Any compromise proposal must be available two weeks beforehand.

Mr. Southgate suggested reopening the hearing on the original appeal.

Commissioner Kafoury withdrew her previous motion and moved to set a second hearing on the Hearings Officer's decision on December 30. The motion was seconded and carried. (Y-4).

Disposition: Set second hearing on Hearings Officer's decision, December 30, 1992, 2:00 p.m. time certain.

2088

Tentatively grant appeal of Harry Kemm III and Chaney Development Corp., applicant, against Hearings Officer's decision to impose certain conditions in approving a major subdivision and variance at the extension of SW Dover Street, east of SW Oleson Road, north of Alpenrose Dairy (Findings: Previous Agenda 1933; 92-00377 SU)

Disposition: Continued to December 16, 1992, 2:00 p.m.

December 9, 1992

2089 Tentatively deny appeal of Forest Park Neighborhood Association and grant appeal of Raintree Development, applicant, against Hearing Officer's decision regarding the 25-lot subdivision and PUD located south of NW Skyline Boulevard (Findings; Previous Agenda 1971; 92-00436 PU SU IR AD)

Disposition: Continued to December 16, 1992, 2:00 p.m.

At 3:10 p.m., Council recessed.

December 10, 1992

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF DECEMBER, 1992 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Joan Engert, Acting Clerk of the Council; Linda Meng, Chief Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

***2090 TIME CERTAIN: 2:00 PM - Amend Pay and Park regulations relating to parking fee payment devices, permit fees and other procedures (Ordinance; amend Code Chapter 14.36)**

Discussion: Commissioner Bogle said this ordinance serves the best interests of the public. He thanked city employees Dennis Nelson, Gary McGrew, Ben Walters, and David Hedges for their work and Doug and Greg Goodman and attorney Mark Cushing for their cooperation.

Dennis Nelson, Manager, Bureau of Licenses, said there have been problems in the past for customers in proving payment at pay and park lots, but the new machines, which issue receipts, will provide proof of payment and allow better enforcement. He said the fee for registering lots has been increased from \$50 to \$100.

Greg Goodman, 715 SW Morrison, City Center Parking, said customer service is a priority for City Center and they are investing substantial money in the new machines. He said there have been no glitches in the new machines and they have received rave reviews.

Mark Cushing, attorney, Ball, Janik & Novack, said they had been talking with operators and looking for a system that would work. There have been problems, but this is a fair system for customers and operators.

Don Mix, 330 SW 10th Ave., Diamond Parking, said his company has not had complaints that City Center has had and finds that the machines are expensive and a burden for small companies. He said no other city demands machines that provide receipts for payment.

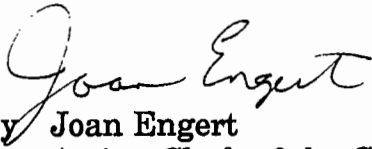
December 10, 1992

Dennis Nelson, Bureau of Licenses director, said the Bureau did not work with Diamond Parking because they did not have pay and park facilities when the Bureau began its study of this process. He said unattended lots are not required to have receipt-bearing machines unless they have a surcharge program. This provides a way to enforce parking without towing. Portland is the only city that authorizes a surcharge; therefore, it is the only city that requires a receipt.

Disposition: Ordinance No. 166078.

At 3:00 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Joan Engert
Acting Clerk of the Council