



CITY OF
PORTLAND, OREGON
OFFICE OF CITY AUDITOR

Barbara Clark, City Auditor
Council/Contracts Division
1220 S.W. 5th, Rm. 202
Portland, Oregon 97204
(503) 823-4082
Fax: (503) 823-4571

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF JANUARY, 1993 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales and Kafoury, 4.

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

Mayor Katz asked for Suspension of the Rules to consider an ordinance and, hearing no objections, so ordered.

Suspension of the Rules

***65-1** Accept the gift of a laser gun from GEICO Insurance Company for the Police Bureau (Ordinance)

Lt. Bob Koch, Portland Police, introduced the GEICO representative and members of the Police Force.

Cole Windisch, general manager, GEICO Insurance Co., said the company is pleased to present a laser speed gun to the Police which it believes will help keep roadways safer and deter excessive speeds.

Deputy Police Chief Charles Moose said they are happy to have others join them in their efforts to make City streets safer.

Police Officer Jack Powell, Traffic Division, showed Council the gun which is will be used for community policing, specifically in school zones and other places where safety is a major concern.

Disposition: Ordinance No. 166186. (Y-4)

Agenda No. 68 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

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CONSENT AGENDA - NO DISCUSSION

66 Request from Rod Lowe for Council hearings on local military production (Communications)

Disposition: Referred to Commissioner of Finance and Administration.

67 Cash investment balances for December 17, 1992 through January 13, 1993 (Report; Treasurer)

Disposition: Placed on File.

69 Accept bid of Oregon Fire Equipment for furnishing turnout coats and pants for \$94,633 (Purchasing Report - Bid 51-A)

Disposition: Accepted; prepare contract.

70 Accept bids of Black Hills Ammunition, Inc., and Quality Ammunition for wadcutter ammunition for \$156,128 and \$160,623 respectively (Purchasing Report - Bid 53-A)

Disposition: Accepted; prepare contract.

71 Accept bid of Clackamas Construction, Inc., for Northeast Bell Drive wastewater pump station for \$155,880 (Purchasing Report - Bid 76)

Disposition: Accepted; prepare contract.

72 Accept bid of S-2 Contractors, Inc., for NE 13th Avenue Basin CSO Sumps No. 5 for \$413,900 (Purchasing Report - Bid 79)

Disposition: Accepted; prepare contract.

73 Accept bid of S-2 Contractors, Inc., for NE 13th Avenue Basin CSO Sumps No. 6 for \$453,775 (Purchasing Report - Bid 83)

Disposition: Accepted; prepare contract.

74 Vacate a portion of SW Orchid Street east of SW 15th Avenue, under certain conditions (Ordinance by Order of Council; C-9803)

Disposition: Passed to Second Reading February 3, 1993 at 9:30 a.m.

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75 Vacate a certain portion of N Larabee Avenue and a portion of N Cherry Street, under certain conditions (Ordinance by Order of Council; C-9808)

Disposition: Passed to Second Reading February 3, 1993 at 9:30 a.m.

76 Vacate a certain portion of SE Fern Avenue and a portion of SE Platt Avenue, under certain conditions (Second Reading Agenda 42)

Disposition: Ordinance No. 166187. (Y-4)

Mayor Vera Katz

77 Accept exterior painting on The Portland Building as complete, waive delinquency and make payment to Williamsen & Bleid, Inc. (Report; Contract No. 28053)

Disposition: Accepted.

***78** Pay claim of William Davis (Ordinance)

Disposition: Ordinance No. 166188. (Y-4)

Commissioner Earl Blumenauer

***79** Authorize application to US Environmental Protection Agency for a grant in the amount of \$10,000 for high school employment and education program (Ordinance)

Disposition: Ordinance No. 166189. (Y-4)

***80** Contract with Parametrix, Inc., for professional engineering services and provide for payment (Ordinance)

Disposition: Ordinance No. 166190. (Y-4)

***81** Call for bids for the Sump Reconstruction and Upgrade Project (Phase IV), a retrofit of Englewood (Unit 2 & 4) Sanitary Sewer System, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166191. (Y-4)

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- *82** Call for bids for the NE 62nd & Hancock Sewer Relief Phase I, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166192. (Y-4)

- *83** Call for bids for the Burnside East-South Sanitary Sewer System, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166193. (Y-4)

- *84** Call for bids for the Burnside East-North Sanitary Sewer System, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166194. (Y-4)

- *85** Call for bids for the Parklane Sanitary Sewer System, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166195. (Y-4)

Commissioner Gretchen Kafoury

- *86** Amend agreement with the Portland Development Commission to increase the amount by \$95,400 to cover costs of the Northwest Workforce Center through the end of the fiscal year (Ordinance; amend Agreement No. 27978)

Disposition: Ordinance No. 166196. (Y-4)

Commissioner Mike Lindberg

- *87** Authorize purchase of an automatic cashiering system with three individual work stations for the Water Bureau's payment center at an estimated cost of \$50,000 (Ordinance)

Disposition: Ordinance No. 166197. (Y-4)

- *88** Authorize Change Order No. 2, adding \$30,638 to contract with JM Landscaping, for work at Alberta Park (Ordinance; amend Contract No. 28458)

Disposition: Ordinance No. 166198. (Y-4)

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- *89** Cancel system development charge at 4215 NE 105th Avenue (Ordinance; amend Ordinance No. 166161)

Disposition: Ordinance No. 166199. (Y-4)

REGULAR AGENDA

- 68** Accept bid of Alliance Corporation for Burnside West sanitary sewer system for \$4,594,450 (Purchasing Report - Bid 37)

Discussion: Commissioner Hales said he wanted to flag a policy issue here as he believes Council needs to revisit which bids come to the Council for approval, how many times they come to Council and what the threshold is for Consent calendar action versus discussion on the Regular Agenda.

Disposition: Accepted; prepare contract. (Y-4)

Mayor Vera Katz

- 90** Affirm that neither the City of Portland nor Multnomah County will act to increase its share of total local government property tax receipts (Resolution)

Discussion: Fred Neal, Multnomah County governmental relations officer, said this spirit of cooperation augers well for the coming fiscal year, noting that Multnomah County adopted identical language last week.

Mayor Katz said she and Multnomah County Executive Director Gladys McCoy signed an agreement on January 13 which protects both the City and the County from raiding each other under the ten dollar cap and, in addition, calls for review if either jurisdiction wants to enact significant new discretionary revenues. She said she hopes this is the beginning of a more collaborative relationship between both entities.

Disposition: Resolution No. 35100. (Y-4)

Commissioner Earl Blumenauer

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- 91** Declare the purpose and intention of the City of Portland to form a local improvement district to acquire rights-of-way for the future construction of the NE Multnomah and Hassalo Streets Connection Project (Resolution; Streets; C-9832)

Discussion: Dan Vizzini, Assessments and Liens Manager, said this is the first step in forming an LID to acquire the necessary right-of-ways to realign these two streets around the Convention Center hotel site. He said the affected property owners have waived their right to a public hearing so this project can move forward more quickly.

Disposition: Resolution No. 35101. (Y-4)

- *92** Increase the Bureau of Environmental Services change order authority up to \$350,000 for additional work on Ankeny Pump Station revisions and modifications (Ordinance; amend Contract No. 27095)

Discussion: Commissioner Hales asked what the effect of a strict low bid policy has been on City purchasing. He said in this case a substantial change order has resulted since the low bid was accepted which is very understandable given the age of the facility but highlights whether or not the City wants to retain a strict low bid policy in situations where they have to come back later to add money to the contract.

Commissioner Blumenauer said he agreed about looking at the policy but the problem here is less a problem of accepting a low bid than significantly remodeling a 63-year-old facility where things turned out to be worse than had been anticipated. He said the DEQ is imposing a very high level of maintenance.

Mayor Katz noted that the Engineer's estimate was a little over \$2 million and wondered how many other bidders were closer to the original estimate but did not get the job even though they were more accurate.

Commissioner Blumenauer said this was a case where work was needed which was not included in the original bid.

Lee Klingler, Principal Engineer, Bureau of Environmental Services, said Oregon statutes require acceptance of the lowest bidder. He said staff found that the low bidder is equipped to do this type of project.

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Commissioner Hales asked if any of the bids included some of the items added in later by the change orders?

Mr. Klingler said he is confident that a lot of the added costs would be there even if they had taken the higher bid.

Mayor Katz asked if the fact that the Engineer's estimate was over \$2 million while the low bid was only \$350,000 did not raise a red flag.

Mr. Klingler said yes and when such situations occur they talk to the low bidder about it. In this case, the City felt comfortable that the bidder saw the job the same way they did.

Mayor Katz asked if they contacted the bidder closer to the actual cost to find out why they were higher.

Mr. Klingler said there were only two bidders and the second bidder had first hand knowledge because he was the contractor on another similar project and that reflected his price on this one.

Mayor Katz said she was curious how often it happens that the City has to go back and add on to projects and asked Dick Tracy in the Auditor's Office if his staff had looked at this.

Mr. Tracy said yes.

Commissioner Blumenauer said he is concerned about saying that one bid was more accurate than another. He said if Council wants to try some experimentation to accept higher bids the Bureau has no objection but needs to have some rule of thumb about when not to take the lowest bid.

Commissioner Hales said the City should not accept anything but the lowest bid unless there is some definite policy but there ought to be an exploration of how often there are change orders later which increase an original bid.

Mayor Katz said issues have been raised by the Association for Portland Progress and other groups about what to do about discrepancies between the Engineer's estimate, the original bid and the final cost.

Disposition: Ordinance No. 166200. (Y-4)

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- *93** Authorize negotiations to purchase nine permanent sewer easements required for construction of the Marshall Sanitary Sewer Project, and in the event that no satisfactory agreement can be reached, authorize the City Attorney to commence condemnation proceedings and obtain early possession (Ordinance)

Disposition: Ordinance No. 166201. (Y-4)

Commissioner Gretchen Kafoury

- 94** Report on status of Westside Urban Services Boundary (Report)

Discussion: Commissioner Kafoury said subsequent to reaching an agreement with Beaverton about a boundary line between the two jurisdictions, residents of the area in question indicated that they would rather not be in either Beaverton or Portland but if they had a choice they would prefer Beaverton. Beaverton then went ahead and unilaterally adopted a boundary at the Washington County line. The City urged mediation but Beaverton declined and Council then authorized filing an appeal with the Land Use Board of Appeals. She said the City continues to believe this should be resolved through mediation but given the lack of success to date, believes there is no other choice than going to LUBA.

Bob Stacey, Director Bureau of Planning, said the LUBA appeal is a means to continue a dialogue with Beaverton. The City could also take the same step as Beaverton did even though the City does not believe it is appropriate. A third approach would be to make a formal request to Metro to exercise its planning and zoning coordination responsibility under State law.

Pete Kasting, Deputy City Attorney, agreed that Metro has a statutory duty to coordinate land use plans within the Portland metropolitan area. He said the City has taken the view that if multiple jurisdictions disagree they ought to work through them before adopting land use plans and regulations. Beaverton's approach has been to have one or both governments adopt whatever they want to adopt and sort it out afterwards. If Portland did that there would clearly be a conflict which Metro would probably be required to resolve. While they have been reluctant to pursue this approach, Council should consider adopting its own urban services line.

Commissioner Kafoury asked if Metro could mediate without the City adopting such a line.

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Mr. Kasting said the City could ask Metro to intercede but Beaverton may contend that there is no evidence of a bona fide conflict.

Commissioner Kafoury said our relationship with Gresham has been superb and is an example of how cities should cooperate. She also noted issues such as affordable housing and other critical human services areas where Washington County's commitment is questionable.

Mayor Katz asked about the last meeting with Beaverton.

Mr. Kasting said the response of Beaverton and Washington County is that it is appropriate to proceed with legal resolution of the matter and no further discussion was needed.

Commissioner Kafoury said a lot of the issues will not be resolved even through the LUBA action.

Mayor Katz asked why people resisted being in Portland.

Mr. Stacey said residents of unincorporated areas have to be shown why they should trade the status quo for a situation where they would be required to pay city property taxes. He said the demand for additional services will increase as development occurs. Washington County is clearly differentiating between basic and enhanced services and have indicated that they do not see themselves as offering a full range of municipal services in the future.

Commissioner Blumenauer said in mid-Multnomah Co. they found the same forces at work. He said the tax rate differential is still a real concern and long term financial projections indicate that service providers in Washington County may actually experience more cost per unit than what they gain. He said he would like to include Hillsboro in these conversations as well and make it clear that the line is for planning purposes only.

Mr. Stacey said Council made it clear that no annexation program should be considered on the West side until commitments made in mid-Multnomah County had been met. He said setting an urban services boundary does not signal an immediate annexation plan, and the City has no present capacity to do that in Washington County.

Mayor Katz said that the reality, however, is that the line will be used as a guideline for annexation somewhere down the road.

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Commissioner Kafoury said the City is more concerned about getting land use and transit systems in place and obtaining services agreements than about annexation.

Commissioner Hales said he understood that this concerns an urban design designation rather than an annexation issue. He said Metro should be given every reason to exercise its responsibility in this area.

Commissioner Blumenauer said it needs to be very clear that this is a planning line with no intent to proceed with annexation.

Mayor Katz agreed with Commissioner Blumenauer.

Disposition: Accepted. (Y-4)

95 Consent to County animal control ordinances applying within the City and amend City's animal control regulations (Ordinance; amend Title 13)

Discussion: Commissioner Kafoury said for some time there have been conflicting statutes about animal control which has led to many complaints from the public. She said she believes the City also has to support the County as they work through some of the funding issues.

Ben Walters, Deputy City Attorney, said under this ordinance the City would consent to the application of Multnomah County animal control regulations although a limited regulations would still apply to City residents only. He said existing intergovernmental agreements for enforcement with Multnomah County would not be affected.

Mike Oswald, Director, Multnomah County Animal Control, said they have been working for a long time to streamline and eliminate conflicting regulations. He said it is critical to add a City representative on the Advisory Committee when budget-related issues are raised.

Disposition: Passed to Second Reading February 3, 1993 at 9:30 a.m.

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96 Accept Audit Services Division report: "Portland's System for Handling Citizen Complaints about Police Misconduct Can Be Improved, January 1993" (Report)

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Discussion: Dick Tracy, Director of Audits, said they have just completed this report on handling citizen complaints about police officer conduct. He explained how the Internal Investigations Department (IID) handles complaints and also how complaints from people unhappy about the IID process are handled by the Police Internal Investigations Audit Committee (PIIAC). He said they did not review criminal complaints or civil claims. The study relies on interviews both with City staff, citizens groups and complainants. Staff also looked at 60 separate case files and researched citizen complaint systems throughout the country.

Mr. Tracy said the major findings re IID were that the Police in general were handling complaints well but that the initial citizen complaint process could be improved. The report also found that the command review process which should act as an early warning system about officers who receive complaints, misses opportunities to correct behavior. Other areas where improvement could be made include the length of investigations, IID staff morale, lack of complaint-handling training and the need for computer assistance. He noted a letter from the Police Chief that responds to the recommendations.

Regarding PIIAC, Mr. Tracy said the City Council constitutes PIIAC but designates many of its powers to its Citizen Advisors. The only power not designated is compelling witnesses to appear. He said reviews are well done but monitoring and reporting on the work of the IID could be improved. While the report found that PIIAC has sufficient authority, more can be to assure accountability. He said many of the recommendations are similar to those made by a citizens group last year.

Commissioner Kafoury noted that both the City Club and Willamette Week recommended citizen review.

Mr. Tracy said citizen review systems in general seem to have two objectives: 1) assure public accountability for police and; 2) improve police behavior. Police Associations throughout the country oppose citizen investigations but many citizens believe the police are incapable of policing themselves. However, he said, there is no research to show that civilians do a better job of investigations and, in fact, they found that the police are often more lenient on officers than the citizen groups. He said they do not believe it is necessary to change City's current system as no as PIIAC has sufficient authority, if effectively applied, to do the job.

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Commissioner Hales noted that PIIAC was not following City Code and issuing quarterly reports. He said that did not seem to be a specific recommendation in the audit report.

Mayor Katz recommended adding that to the recommendations.

Captain Roger Haven, Personnel Division, summarized Chief Potter's response to the audit and said they will take steps to implement the recommendations, placing more responsibility on supervisors to ensure that officers are held accountable. He said new computers and software have been purchased which will help track behaviors which can serve as an early warning system.

Commissioner Hales asked what would trigger command review, the number or the severity.

Captain Haven said there is a numerical standard which was not being followed but will be now that the computer system has been added. They are also planning to initiate more timely reviews.

Mayor Katz asked how difficult it would be to follow up and see if these recommendations were initiated.

Mr. Tracy said he could return with a status report in a year or any time the Council wishes.

Commissioner Kafoury underscored the fact that Council is PIAAC. She said citizen groups have expressed a lot of concern and stressed that PIAAC needs to be beefed up and supported. She noted that the citizen advisors have not responded yet to this audit report.

Commissioner Blumenauer said it was initially very frustrating to have the Commissioner in charge of Police excluded from PIIAC. Later the entire Council were made members of PIIAC. He suggested that the Mayor give direction to Council on how she would like to manage PIIAC, adding his belief that if PIAAC is done right it can enhance community policing and other efforts.

Mayor Katz said there is a lot of community concern from those who believe the current system does not work and want to explore new ways of doing it. She said she would like to reenergize the advisory group and have Council spend more time on some of these issues.

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Commissioner Kafoury said this has not been a Council priority in the past nor has Council exercised its authority. There is also a need for more public education and for mechanisms other than PIAC to solve attitudinal complaints.

Mayor Katz said she will consider this seriously.

Jeff Liddicoat, 5403 SE Gladstone 97206, said three things need to be included in a citizen review board: 1) complete independence from the Police Bureau and City Council; 2) independent subpoena authority to procure records; 3) independent and adequate funding. He said there are no current mechanisms to make general suggestions about the Police department. He also urged Council to eliminate the unit set up by Mayor Clark to monitor political groups.

Mayor Katz asked for more information about this unit.

Paul Richmond, no address given, said Police should be appointed on an individual basis by the community and live in that community. Nor should they be in uniform. He said this system is corrupt at its foundation and unresponsive to citizens.

Disposition: Accepted. (Y-4)

- *97** Establish the Mid-County Sewer Financial Assistance Trustee Account and direct the City Treasurer to prepare and issue payments of sewer financial assistance to eligible property owners as determined by the City Auditor (Ordinance)

Disposition: Ordinance No. 166202. (Y-4)

- 98** Assess property for sewer system development charges thorough November, 1992 (Hearing; Ordinance; Z0249 through Z0270 and Z0343)

Kathleen Alaniz, 5630 SE Malden, said she had applied for a Mid-County sewer loan without realizing the restrictions it would place on her property. She asked if she could withdraw.

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Commissioner Blumenauer advised her to talk to Dan Vizzini in the Auditor's Office.

Disposition: Passed to Second Reading February 33, 1993 at 9:30 a.m.

At 11:20 a.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council

January 27, 1993

WEDNESDAY, 2:00 PM, January 27, 1993

DUE TO LACK OF AN AGENDA
THE PORTLAND CITY COUNCIL
DID NOT MEET

THURSDAY, 2:00 PM, January 28, 1993

DUE TO LACK OF AN AGENDA
THE PORTLAND CITY COUNCIL
DID NOT MEET