



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF FEBRUARY, 1993 AT 9:30 A.M.

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

Commissioner Blumenauer presented a plaque to Gordon McFarlane, Chair of the Employee Safety Committee at the Columbia Wastewater Treatment Plant, for operating for one year without a time-loss injury. This is 71 days longer than the previous record.

Gordon McFarlane, Chair of the Employee Safety Committee, thanked members of his committee and staff.

Mayor Katz congratulated the Bureau of Environmental Services for saving \$1 million in direct costs which translates into indirect costs.

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TIME CERTAIN: 9:30 AM - Accept the Reclaiming Our Streets Community Action Plan Report (Report introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer said the integration of transportation issues with land use and infrastructure has benefitted the entire region. This plan shows how the City can achieve less traffic and have safer and quieter streets. The Neighborhood Traffic Congress, convened in November, 1991, was an effort to go beyond mass transit and light rail concerns and tackle immediate transportation problems in the neighborhoods. Out of that 100 people stepped forward to work toward a safer, reclaiming-our-streets initiative, resulting in the first Citywide grass roots transportation plan in the City's history. It offers a new vision and a blue print of how to get there. He said in the last ten years, transportation resources have increased in the City but for a variety of reasons, those resources have been diverted for other purposes. As all Bureaus look at possible cuts, Council has an opportunity to address directly what can be done to make streets safer and give people more transportation choices. Carolyn Altman, Chair of the Task Force for the Reclaiming Our Streets

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Project, said the plan reflects a tremendous amount of work by a very dedicated group of citizens. The process began with a neighborhood congress where over 300 people gathered to discuss what they could do to solve some of the problems they believed were ruining the quality of life in their neighborhoods. Major goals were decreasing traffic, decreasing DUI incidents and making streets friendlier to bikers and pedestrians. She said they were able to test some of their ideas in the area around Irvington Elementary School where the traffic problems have been severe.

Ms. Altman said the plan presents an exhaustive list of ideas which they hope other groups will use as a master list of possible solutions.

Goran Sparrman, Bureau of Traffic Management, described some examples of how the Bureau is implementing the ideas presented in the plan.

Individuals speaking in support of the Plan:

Charles Flake, 6520 NE 6th, # 3, Liveability Committee Chair for the NE Coalition of Neighborhoods, said this citizen-created plan, while not perfect, can lay the foundation for the reclaiming of streets. He asked for Council approval.

Chuck Bolz, Epilepsy Energy Group, 7305 SW Trillium, Beaverton, 97005, stressed the need for continuing education of motorists about bicyclists and pedestrians, more signalized crosswalks to increase safety and more enforcement of traffic violations regarding pedestrians.

Nancy Christie, PO Box 304, Beaverton, 97075, said many of the ideas in the plan are low or no-cost and called for incorporating instructions about which bus route to take when meeting notices are mailed out.

Ray Polani, 6110 SE Ankeny St., 97215-1245, Chair of Citizens for Better Transit, said the plan invites every citizen in the City to become less dependent on the automobile and turn to alternate modes of transportation. He said funding is crucial, noting the recommendation to amend the State constitution to convert highway funds to a common transportation fund. He asked Council members to sign a petition to put this on the ballot.

Karen Frost Meley, 5704 SE Liebe, 97206, said it is time to empower those who choose to leave the automobile at home. She said if this plan is implemented more people will choose to walk, bike, use the bus or drive more safely.

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Pat Conley, 11219 SW 16th, 97219, denounced Portland's fascist police state.

Gordon Hunter, 5260 NE 74th, 97218, thanked staff and said this is a great opportunity for citizens to reclaim their streets.

Don MacGillivray, 2339 SE Yamhill, 97214, addressed concerns about speed and the volume of automobile traffic on Belmont and other streets in the Buckman neighborhood. He said automobile users should pay the true cost of their use rather than continuing to be subsidized.

Pat Merkle, 3637 SW Canby, 97219, strongly supported the Plan and said she is particularly pleased to see it address ways to make it easier for children to get to school by walking or biking.

Marianne Fitzgerald, 5912 SW Dickinson St, 97219, noted that many bus stops in her Southwest area are inconveniently situated and called for the City to support construction of pathways so that people can more easily get to the stores and schools on foot.

Marie Brown, 3323 SE 71st Place 97206, said she hoped the City would implement some of the ideas in the plan which increase awareness that DUII is really a serious crime and safety restraints do save lives.

Lyneil Chase, 5251 SW Dosch Rd., 97201, said this Plan may help deter the constant speeding on her street.

Laureen Oskochil, 2425 NE Everett, 97232, said they are happy to see DUII education as such an integral part of the Plan and called for stricter traffic enforcement and for more patrols at the tavern closing time.

Joanne Fairchild, Emmanuel Hospital Trauma Nurses Talk Tough group, said the problems associated with drunk driving are real and must be addressed.

Jeffrey Liddicoat, Tribal Survival Recycling, said people will not shift away from the automobile unless the subsidies are stopped. Traffic problems will not be solved unless urban sprawl is halted and building the infrastructure for additional growth will also not relieve use of the automobile. He called for making mass transit more accessible for the poor.

Paul Roland, 3116 SE Clinton, asked why the sale of automobiles and alcohol are allowed and then, after the fact, restrictive laws are passed to mitigate the harmful effects.

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Roberta Cantor, SW Bridlemile Lane, called for more pedestrian accessibility in the Southwest hills.

Jim Howell, Oregonians for Cost-Effective Transportation, 3325 NE 45th, said he too is working to put on the ballot in 1994 a measure to allow the transfer of funds from highway funds to projects such as this.

Mayor Katz asked Mr. Sparrman for a presentation to the Council at some point about how these ideas would be woven into the sometimes Byzantine standards City has for white lines, signals, etc. so that citizens know that City policy will reflect these ideas.

Ms. Sparrman noted that in the last six months they revised stop street standards and he would be happy to make a more extensive presentation about the changes they are making. He said staff feels a personal responsibility to keep faith with the people involved in this report.

Commissioner Blumenauer said this partnership with people and staff has been outstanding. He added that this involves the substantive issue of trying to balance rights and responsibilities, noting that many people feel driving is their right. He said there is also a difference of opinion about priorities and it is not entirely clear where to start.

Disposition: Accepted.

CONSENT AGENDA - NO DISCUSSION

- 181** Vacate a portion of public right-of-way at the southeast corner of SE Holgate Boulevard and SE 30th Avenue, under certain conditions (Second Reading Agenda 139; C-9787)

Disposition: Ordinance No. 166243. (Y-5)

Mayor Vera Katz

- 182** Confirm reappointments of Eliot Allen, Douglas Dunford, Leeanne MacColl and George Tsongas to the Portland Energy Commission (Report)

Disposition: Confirmed.

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- *183** Agreement with Campbell Delong Resources, Inc., not to exceed \$44,000, to assist with the development and revision of the Community Policing Transition Plan (Ordinance)
Disposition: Ordinance No. 166244. (Y-5)
- *184** Authorize purchase of 1,200 copies of the "Peace Officer's Pocket Guide to the '92 Criminal Code of Oregon" for the Police Bureau from Pocket Press, Inc., a company co-owned by a City employee (Ordinance)
Disposition: Ordinance No. 166245. (Y-5)
- *185** Pay claim of Bill K. Tenhaken (Ordinance)
Disposition: Ordinance No. 166246. (Y-5)
- *186** Authorize agreement with Northwest Regional Educational Laboratory to provide professional consulting services pursuant to a federal Community Partnership Program grant (Ordinance)
Disposition: Ordinance No. 166247. (Y-5)
- *187** Accept Intergovernmental Agreement with Multnomah County for printing and duplicating services and authorize Mayor to sign renewals (Ordinance)
Disposition: Ordinance No. 166248. (Y-5)
- *188** Call for bids to install carpet in the Justice Center building, 15th floor, authorize a contract and provide for payment (Ordinance)
Disposition: Ordinance No. 166249. (Y-5)

Commissioner Earl Blumenauer

- 189** Accept completion of the Columbia Boulevard Wastewater Treatment Plant Screenhouse Ventilation project, approve Change Order No. 3 and make final payment to Fuiten's Heating and Plumbing Company (Report; Contract No. 27125)
Disposition: Accepted.

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- 190** Approve Change Order No. 1, accept completion of Arterial Street Upgrade Project and make final payment to Stoner Electric Co. (Report; Contract No. 28029)

Disposition: Approved.

- 191** Set hearing date for 9:30 a.m., Wednesday, March 24, 1993, to vacate NW 20th Place, north of NW York Street (Report; C-9811)

Disposition: Adopted.

- *192** Call for bids for the NE 13th Avenue Basin CSO Sump Project - Unit 10, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166250. (Y-5)

- 193** Accept the HCD street improvement project of SE 18th Avenue from SE Clinton Street to SE Division Street, approve Change Order Nos. 1 and 2, make final payment and release retainage (Previous Agenda 142; C-9782)

Disposition: Accepted.

Commissioner Charlie Hales

- *194** Increase established cost ceiling to \$60,000 to pay Bighaus Petroleum and Environmental, Inc., for Department of Environmental Quality mandated site testing and contamination removal at Fire Station No. 3 (Ordinance)

Disposition: Ordinance No. 166251. (Y-5)

- *195** Increase established cost ceiling to \$55,000 to pay Bighaus Petroleum and Environmental, Inc., for Department of Environmental Quality mandated site testing and contamination removal at Fire Station No. 9 (Ordinance)

Disposition: Ordinance No. 166252. (Y-5)

- *196** Increase established cost ceiling to \$50,000 to pay Bighaus Petroleum and Environmental, Inc., for Department of Environmental Quality mandated site testing and contamination removal at Fire Station No. 13 (Ordinance)

Disposition: Ordinance No. 166253. (Y-5)

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Commissioner Mike Lindberg

- *197** Authorize Change Order No. 3, adding \$19,428 and a 90 day extension to contract with Silco Construction Company, for work at Kenton Park (Ordinance; amend Contract No. 28197)

Disposition: Ordinance No. 166254. (Y-5)

City Auditor Barbara Clark

- *198** Cancel sewer system development charges at 2421 SE 85th Avenue and 3036 SE 109th Avenue (Ordinance; amend Ordinance Nos. 166161 and 165166)

Disposition: Ordinance No. 166255. (Y-5)

- *199** Reduce sewer assessment lien (Ordinance; amend Ordinance No. 165635)

Disposition: Ordinance No. 166256. (Y-5)

REGULAR AGENDA

- 180** Request from Paul Richmond to address Council regarding due process issues (Communication)

Discussion: Paul Richmond, PO Box 454, 97207, said he filed this request to draw attention to the fact that City measures such as the drug free zones, nuisance ordinances and towing and forfeiture ordinances violate the Bill of Rights regarding due process and other provisions. He asked Council to support his motion declaring the City a police state.

Mayor Katz asked if any of the measures referred to have been tested in the courts.

Mr. Richmond said he was very wary about some of the people being appointed to governmental positions.

Mayor Katz said if people feel their rights are being infringed, the way to test that is to ask the courts to decide whether the regulations are constitutional

Mr. Richmond said he is alarmed at the number of measures the Council is passing that violate people's rights.

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Other individuals speaking in support of Mr. Richmond's assertions included:

Tom O'Connor, homeless resident
John Walsh, 3929 SE Madison
John Titus, 20316 NW Reeder Road
Paul Roland, 3116 SE Clinton
Naomi Rice, 3205 NE 64th
Jeffrey Liddicoat, Tribal Survival Recycling, 5403 SE Gladstone
Richard Koenig, 1827 SE Oak
Maryann Halloran, 8625 N. Fox
Jason Zamel, Hollywood District
Janet Markley, 24015 SW Morgan Lane, Sherwood
Mark Welborn, 8636 N. Lombard, #409
Paul Loney, 816 SE 29th
Andrea Tetrick, 2427 NE 10th Avenue
Edgar Crazywolf, Tribal Survival Recycling
Dale Toren, SE Foster Rd.

Supporters said the passage of the drug house, towing and other ordinances is unconstitutional and violates the Bill of Rights. These ordinances do not solve the real problems and also unfairly target lower income people and people of color. Many objected to being told to take such issues to court, claiming that the court system does not work and that juries have been deprived of their proper role.

Commissioner Hales said this is a reminder to Council of the need to balance the public safety protections with people's rights.

Commissioner Blumenauer said people who have concerns about the limits of government regulatory policies should talk to the people who believe the liveability of their neighborhoods is being harmed by unacceptable behaviors. He said he wished everyone protected the rights of their neighbors and also exercised their responsibilities. Regarding drunk drivers, he noted that the Council believed the ordinance passed constitutional muster. If the balancing of rights vs. responsibilities crosses the line or is not effective, he said he will be happy to take another look at it.

Commissioner Kafoury moved to place the item on file. Commissioner Blumenauer seconded.

Mayor Katz said the balances between protecting individual rights and providing a safe and peaceful community are very difficult to achieve. If ways can be found to be less intrusive in people's private lives, that is the

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route Council should take although this is not always possible. She thanked Council members for adding sunset clauses to the ordinances and requiring reports from the Police on enforcement.

Disposition: Placed on file. (Y-5)

Mr. Richmond raised a point of order concerning the vote. He said he had put this before Council in the form of a motion.

Mr. Auerbach said under the Charter and Council rules, an ordinance can only be introduced by a member of the Council. If one of them wishes to put this item on the agenda as an ordinance, it can be voted on at that time. Otherwise, Mr. Richmond's recourse is an initiative petition.

Mayor Katz said one reason she requested this be pulled off Consent was because she did not think any Council member would introduce such an item but she wanted it to be presented and discussed.

200 Accept bid of Rehrig Pacific Company for furnishing multi-material curbside recycling containers for \$51,975 (Purchasing Report - Bid 85)

Disposition: Accepted; prepare contract.

Commissioner Earl Blumenauer

201 Consider vacating certain portions of NE 3rd Avenue, NE Hassalo and Multnomah Streets in connection with the Multnomah/Hassalo Connection Street Improvement Project (Hearing on Report; C-9828)

Disposition: Adopted. City Engineer prepare ordinance.

***202** Vacate certain portions of NE 3rd Avenue, NE Hassalo and Multnomah Streets in connection with the Multnomah/Hassalo Connection Street Improvement Project (Ordinance; C-9828)

Disposition: Ordinance No. 166257. (Y-5)

***203** Contract with Husari Engineering Incorporated, for wastewater pumping station electrical control and equipment programming and start-up services (Ordinance)

Discussion: Mayor Katz noted that the effective date of the contract was January 18, 1993 and wondered why this contract was being approved retroactively.

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Ernie Birkhans, Bureau of Environmental Services, said the work by Husari has been started.

Mayor Katz asked why the work was started before the contract was adopted.

Mr. Birkhans said it is at Husari's own risk. He said they could not wait until this was approved because the contractor was coming up to a deadline and this work was also integrated with another contract.

Mayor Katz asked what would happen if Council turned this down and if there was an emergency that necessitated Council's acting retroactively.

Mr. Birkhans said this is one of nine different projects.

Commissioner Blumenauer asked him to provide an explanation to Council next week as to why Husari was authorized to go ahead, how the contract fits into the overall work plan for the nine pump stations and why the Bureau determined to that the contractor could proceed at his own risk.

Mayor Katz said she would prefer an answer this morning before Council adjourns but otherwise it will have to wait until next week.

Disposition: Continued to February 24, 1993 at 9:30 a.m.

Commissioner Charlie Hales

***204**

Continue negotiations to purchase, by the exercise of the City's power of eminent domain, a site for a Fire Station on Hayden Island; begin condemnation proceedings, if necessary, and obtain early possession (Ordinance)

Discussion: Tom Feeley, Fire Bureau, said this allows the Bureau to enter negotiations with Payless NW for a fire station on Hayden Island. He said they have a year-and-half lease on the facility they currently use. He said they do not expect to have to exercise condemnation proceedings. He said they will return later with a lease agreement.

Disposition: Ordinance No. 166258. (Y-5)

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Commissioner Gretchen Kafoury

- 205** Consent to County Animal Control ordinances applying within the City and amend City's animal control regulations (Ordinance; amend Code Title 13)

Discussion: Commissioner Kafoury said they have now reached agreement with the County. She said she committed to have someone from the Bureau of Buildings serve on the countywide animal control committee that is being set up. She said it is important to acknowledge that if the County does not provide these services, the City will be heavily impacted.

Disposition: Passed to Second Reading February 24, 1993 at 9:30 a.m.

- 206** Grant a ten-year property tax exemption to Downtown Community Housing, Inc (Alder House Limited Partnership) for new multiple-unit housing at the southwest corner of the block between SW 13th Avenue, Stadium Freeway, Washington and Alder Streets (Second Reading Agenda 164)

Disposition: Ordinance No. 166259. (Y-5)

City Auditor Barbara Clark

- 207** Assess property for sewer system development charges through December, 1992 (Hearing; Ordinance; Z0305 through Z0342)

Discussion: Dan Vizzini, Assessments and Liens Manager, said they have processed almost 5,000 of these liens, which are essentially loans people in mid-County are taking out as part of the prepayment plan, representing about \$30 million and have had only three remonstrances, most of them from property owners who want to delay taking their loans until a later date.

Mayor Katz asked if there had been any remonstrances.

Mr. Vizzini said he had a call from one property owner this morning who had changed their mind and wanted to delay coming into the program. The Auditor's Office will take care of the paper work on this.

Disposition: Passed to Second Reading February 24, 1993 at 9:30 a.m.

- 208** Assess benefitted property for the costs of the Vintage Trolley Improvement District (Second Reading Agenda 134; C-9601)

Disposition: Ordinance No. 166260. (Y-5)

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- 209** Create a local improvement district to acquire rights-of-way for the future construction of the NE Multnomah and Hassalo Streets Connection Project (Second Reading Agenda 173; C-9832)

Disposition: Ordinance No. 166261. (Y-5)

Commissioner Lindberg moved Suspension of the Rules. Commissioner Kafoury seconded and the motion carried. (Y-5)

Suspension of the Rules

- 210** Authorize intervention in City of Silverton v. State of Oregon and Oregon Department of Transportation (Resolution)

Madeline Wessel, Deputy City Attorney, said the Bureau of Parks received a \$2.3 million grant for development of the Springwater Corridor. She said the City found out yesterday that a lawsuit had been filed which would delay Portland's receipt of this money. Because a hearing had been scheduled this Friday, they are asking Council's consent to intervene.

Commissioner Lindberg said it is very unusual for the City to intervene in a case involving another city but in this case Portland is supported by the State Department of Transportation. He said there is a great risk of not being able to get this grant and also losing matching monies.

Disposition: Resolution No. 35108. (Y-5)

At 11:55 a.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council

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WEDNESDAY, 2:00 PM, February 17, 1993

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

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