



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28TH DAY OF APRIL, 1993 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Hales, Kafoury and Lindberg, 5.

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

Agenda No. 584 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 532** Cash investment balances for March 11 through April 7, 1993 (Report; Treasurer)

Disposition: Placed on File.

- 533** Accept bid of Gelco Services, Inc., for SW Alder Street from SW 15th to SW 19th sewer repair for \$1,708,700 (Purchasing Report - Bid 101)

Disposition: Accepted; prepare contract.

- 534** Accept bid of Clyde West, Inc., for furnishing one truck mounted flusher for \$132,909 (Purchasing Report - Bid 122)

Disposition: Accepted; prepare contract.

- 535** Accept bid of S & L Landscaping, Inc., dba ECCO, for Bloomington Park site improvements for \$79,367 (Purchasing Report - Bid 125)

Disposition: Accepted; prepare contract.

- 536** Accept bid of Highlite Construction Company, for school crossing traffic signals at three locations for \$253,445 (Purchasing Report - Bid 126)

Disposition: Accepted; prepare contract.

April 28, 1993

537 Accept bid of Battan's Construction for SE Salmon Street SE, 15th Avenue to SE 16th Avenue, sewer reconstruction for \$41,504 (Purchasing Report - Bid 131)

Disposition: Accepted; prepare contract.

538 Accept bid of Moore Excavating, Inc., for NE 13th Avenue Basin CSO Sump Project - Unit 16 for \$328,527 (Purchasing Report - Bid 137)

Disposition: Accepted; prepare contract.

539 Accept bid of Brundidge Construction, Inc., for NE 13th Avenue Basin Sump Unit 12 for \$279,562 (Purchasing Report - Bid 143)

Disposition: Accepted; prepare contract.

540 Accept bid of Brundidge Construction, Inc., for NE 13th Avenue Basin Sump Unit 13 for \$148,144 (Purchasing Report - Bid 145)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

541 Accept completion of mechanical and electrical upgrade work at SW 3rd and Alder Parking Facility by Heil Electric Company, and authorize final payment (Report; Contract No. 28561)

Disposition: Accepted.

542 Accept completion of the improvement of the West Hollywood Fred Meyer NTMP by Copenhagen Utilities, Inc., approve Change Order No. 1, make final payment, and release retainage (Report; Contract No. 28034)

Disposition: Accepted.

543 Accept completion of the NE 13th Avenue Basin CSO Sump Project - Unit 3, and make final payment to Brundidge Construction, Inc. (Report; Contract No. 28393)

Disposition: Accepted.

April 28, 1993

- 544** Accept completion of NW 13th Avenue improvement by Copenhagen Utilities, Inc., approve Change Order Nos. 1 through 7, and release retainage (Report; C-9755)
- Disposition:** Continued to May 12, 1993 at 9:30 a.m.
- 545** Confirm reappointments of John Spencer and Charles Sax to the Portland Design Commission (Report)
- Disposition:** Confirmed.
- 546** Confirm appointments of Darrel Burt, Diane Gardner and Clyde Trapp to the Heating and Ventilating Code Board of Appeals (Report)
- Disposition:** Confirmed.
- 547** Endorse Multnomah County Measure 26-1 to renew the serial levy to fund the Multnomah County Library system (Resolution)
- Disposition:** Resolution No. 35123. (Y-4)
- 548** Endorse Multnomah County Measure 26-2 to renew the serial levy to fund jails and drug treatment services in Multnomah County (Resolution)
- Disposition:** Resolution No. 35124. (Y-4)
- 549** Endorse Multnomah County Measure 26-3 to issue a General Obligation Bond to support construction and renovation of the Central and Midland Branch Libraries (Resolution)
- Disposition:** Resolution No. 35125. (Y-4)
- 550** Establish a statement of purpose for the Assessment Collection Fund in accordance with the City's Comprehensive Financial Management Policy (Resolution)
- Disposition:** Resolution No. 35126. (Y-4)
- 551** Establish a statement of purpose for the Computer Services Fund in accordance with the City's Comprehensive Financial Management Policy (Resolution)
- Disposition:** Resolution No. 35127. (Y-4)

April 28, 1993

552 Establish a statement of purpose for the Health Insurance Fund in accordance with the City's Comprehensive Financial Management Policy (Resolution)

Disposition: Resolution No. 35128. (Y-4)

553 Establish a statement of purpose for the Insurance & Claims Fund in accordance with the City's Comprehensive Financial Management Policy (Resolution)

Disposition: Resolution No. 35129. (Y-4)

554 Establish a statement of purpose for the Worker's Compensation Fund in accordance with the City's Comprehensive Financial Management Policy (Resolution)

Disposition: Resolution No. 35130. (Y-4)

555 Authorize advance refunding plans for the Refundable Bonds (Resolution)

Disposition: Resolution No. 35131. (Y-4)

***556** Adopt the 1993 Edition of the State of Oregon One and Two Family Dwelling Specialty Code (Ordinance; amend Code Section 24.10.040(e))

Disposition: Ordinance No. 166436. (Y-4)

***557** Adopt the 1993 Edition of the State of Oregon One and Two Family Dwelling Specialty Code (Ordinance; amend Code Section 25.01.030)

Disposition: Ordinance No. 166437. (Y-4)

***558** Adopt the 1993 Edition of the State of Oregon One and Two Family Dwelling Specialty Code (Ordinance; amend Code Section 27.01.030(b))

Disposition: Ordinance No. 166438. (Y-4)

***559** Adopt the 1993 Edition of the State of Oregon One and Two Family Dwelling Specialty Code (Ordinance; amend Code Section 26.16.020)

Disposition: Ordinance No. 166439. (Y-4)

April 28, 1993

***560** Contract with Konell Construction Company for \$47,700 to demolish the structure at 2101 SE Powell Boulevard, and provide for payment (Ordinance)

Disposition: Ordinance No. 166440. (Y-4)

***561** Amend ordinance to correct an error in the title (Ordinance; amend Ordinance No. 166214)

Disposition: Ordinance No. 166441. (Y-4)

562 Adopt a Waste Reduction Program and enter into an intergovernmental agreement with the Metropolitan Service District so the City can receive Metro Waste Reduction Challenge Grant Funds (Ordinance)

Disposition: Passed to Second Reading May 5, 1993 at 9:30 a.m.

***563** Authorize a contract with Software AG to purchase, without advertising, SUPERNATURAL, and add-on software package for ADABAS and NATURAL, and provide for payment (Ordinance)

Disposition: Ordinance No. 166442. (Y-4)

***564** Application to Meyer Memorial Trust for a \$7,045 grant to develop and print a manual for the Elder\Business Partnership (Ordinance)

Disposition: Ordinance No. 166443. (Y-4)

***565** Contract with Intracorp to perform medical bill auditing and other related services for the Bureau of Administrative Services, Risk Management Division (Ordinance)

Disposition: Ordinance No. 166444. (Y-4)

***566** Amend contract with Winmar Pacific, Inc., and the Portland Development Commission to revise responsibilities for construction and maintenance of required wetland mitigation and provide for payment (Ordinance; Contract No. 28121)

Disposition: Ordinance No. 166445. (Y-4)

***567** Contract with R.C. Machines to provide eleven drinking fountains at a cost of \$42,076 (Ordinance)

Disposition: Ordinance No. 166446. (Y-4)

April 28, 1993

***568** Authorize a contract for professional services with the International Association of Police Chiefs (Ordinance)

Disposition: Ordinance No. 166447. (Y-4)

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

Disposition: Ordinance No. 166448. (Y-4)

***570** Authorize Credit Agreement to provide interim financing for the Oregon Arena Project (Ordinance)

Disposition: Ordinance No. 166449. (Y-4)

***571** Award right-of-way easement over Springwater Corridor to Multnomah County for county road and structure known as SE Hogan Road (Ordinance)

Disposition: Ordinance No. 166450. (Y-4)

***572** Approve the Consolidated Cable Communications Commission FY 1993-94 Budget (Ordinance)

Disposition: Ordinance No. 166451. (Y-4)

***573** Authorize contract of a joint wastewater treatment options study for the Kellogg Creek, Oak Lodge, Tryon Creek and Tri-City Wastewater Treatment Plants (Ordinance)

Disposition: Ordinance No. 166452. (Y-4)

***574** Agreement with Tri-Met to provide for construction of the Tanner Creek Sewer Separation and Repair project with the Westside Light Rail Tunnel project and provide for payment (Ordinance)

Disposition: Ordinance No. 166453. (Y-4)

***575** Appoint Rick Her to the position of Senior Administrative Specialist at Step D of the salary range for that classification, effective April 6, 1993 (Ordinance)

Disposition: Ordinance No. 166454. (Y-4)

April 28, 1993

- 576** Authorize Bureau of Environmental Services Solid Waste & Recycling under an intergovernmental agreement with the Metropolitan Service District to pay Metro for the residential waste survey intergovernmental agreement with Portland State University (Ordinance)
- Disposition:** Passed to Second Reading, May 5, 1993 at 9:30 a.m.
- *577** Authorize an agreement between Tri-Met and the City of Portland for water system modifications related to the Westside Light Rail Tunnel Segment Construction and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166455. (Y-4)
- *578** Amend agreement with Merina and McCoy, CPAs, to increase it by \$10,000 to pay for additional services requested by the City (Ordinance)
- Disposition:** Ordinance No. 166456. (Y-4)
- *579** Call for bids for labor and materials to install or modify traffic signals at nine intersections and install traffic islands at two intersections for the NTMP and Traffic Safety Programs (Ordinance)
- Disposition:** Ordinance No. 166457. (Y-4)
- *580** Call for bids to provide installation of emergency electrical power provisions at Elk Rock pump station, authorize a contract and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166458. (Y-4)
- *581** Call for bids for the Fiske Basin CSO Basin Sump Project - Unit 1, authorize a contract and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166459. (Y-4)
- *582** Call for bids for the Robinbrook Sanitary Sewer, authorize a contract and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166460. (Y-4)
- *583** Call for bids for the Powell Village Sanitary Sewer System, authorize a contract and provide for payment (Ordinance)
- Disposition:** Ordinance No. 166461. (Y-4)

April 28, 1993

Commissioner Earl Blumenauer

- *585** Amend ordinance to change the wording of condition (d) and add a condition regarding the number and location of parking spaces on the northwest corner of SW Richardson and Corbett (Ordinance; amend Ordinance No. 158347; 93-00047 ZC)

Disposition: Ordinance No. 166462. (Y-4)

- 586** Accept a Tree Preservation Bond requirement in the form of a Tree Preservation Agreement and Letter of Credit from owner Brett Allen on property located south of SW Arnold Street as described in Bureau of Planning Case File LUR 92-00568 ZC EN, at no cost to the City (Second Reading Agenda 486)

Disposition: Ordinance No. 166463. (Y-4)

Commissioner Mike Lindberg

- 587** Accept contract with John Arnold Company for installation of 16-inch water main and 8-inch regulator vault at Willalatin Tank Site as complete and authorize final payment of \$43,422 (Report; Contract No. 28410)

Disposition: Accepted.

- *588** Call for bids on behalf of the Bureau of Parks and Recreation for construction of an automated irrigation system in Lents Park (Ordinance)

Disposition: Ordinance No. 166464. (Y-4)

- *589** Call for bids for the construction of 12-inch, 8-inch, 6-inch and 4-inch water mains in NE Bridgeton Drive and NE Marine Drive, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166465. (Y-4)

- *590** Contract with Portland Development Commission to provide real estate services for Ed Benedict Park (Ordinance)

Disposition: Ordinance No. 166466. (Y-4)

April 28, 1993

***591** Call for bids for construction of an automated irrigation system in
Laurelhurst Park (Ordinance)

Disposition: Ordinance No. 166467. (Y-4)

City Auditor Barbara Clark

***592** Cancel sidewalk assessment on property located at 9439 N. Charleston
Avenue (Ordinance; amend Ordinance No. 164664)

Disposition: Ordinance No. 166468. (Y-4)

529 **TIME CERTAIN: 9:30 AM** - Grant franchise to TCI Cablevision of Oregon,
Inc., to operate a cable system for 12 years (Second Reading
Agenda 345)

Discussion: David Olson, Office of Cable Communications, said this
completes a three-year process which has had extensive public involvement.
He said after approval today there is a 60-day waiting period and the
ordinance will be effective July 1.

Disposition: Ordinance No. 166469. (Y-4)

***530** Authorize agreement with TCI Cablevision of Oregon, Inc (Ordinance)

Disposition: Ordinance No. 166470. (Y-4)

REGULAR AGENDA

584 Authorize negotiations to purchase a parcel of land and acquire a Storm
Drainage Reserve Easement required for construction of the Balch Creek
Storm Water Management Project, and in the event that no satisfactory
agreement can be reached, authorize the City Attorney to commence
condemnation proceedings, and obtain early possession (Previous
Agenda 504)

Discussion: Dave Kemper, Bureau of Environmental Services, said this
project in the Balch Creek Watershed addresses flooding resulting from an
undersized storm sewer. Rather than expand the culvert size, detention
facilities are being used which would also support other objectives, such as
recreation and water quality. He said the site discussed in today's ordinance
is one of the primary sites for detention. Bureau staff have conducted
extensive negotiations to try to resolve issues with the current land owners
but are unable to resolve concerns raised by the property owner about water
quality and design. Other area property owners have concerns about access

April 28, 1993

to the site and the intended purpose. He said a City Task Force is working on the issues and residents have indicated quite a bit of support for the project.

Disposition: Ordinance No. 166471. (Y-4)

593 Accept bid of Sahlberg Equipment, Inc., for furnishing one 33,000 GVW asphalt patch truck for \$78,467 (Purchasing Report - Bid 123)

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

Mayor Vera Katz

594 File Rockwood annexation with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case No. A-4-93)

Discussion: John Bonn, Urban Services, said he had received one letter in opposition.

Dominick Cortes, 425 NE 157th, requested that their property be annexed to the City.

Mr. Bonn said they are in one of the islands and their testimony actually pertains to A-5-93. He said while City zoning is comparable to the County's there are some advantages regarding remodeling options.

Disposition: Resolution No. 35132. (Y-4)

595 File Rockwood and Hazelwood annexation with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case No. A-5-93)

Disposition: Resolution No. 35133. (Y-4)

***597** Authorize intergovernmental agreement with six local and state agencies to prepare the Part 2 NPDES Storm Water Permit Application and authorize the Director of Environmental Services to sign the Part 2 NPDES Permit Application (Ordinance)

Disposition: Ordinance No. 166472. (Y-4)

April 28, 1993

***599** Authorize issuance of a permit to the Tri-County Metropolitan Transportation District of Oregon for construction of certain portions of the Westside Light Rail Tunnel and associated facilities: WCO500 Contract (Ordinance)

Disposition: Ordinance No. 166473. (Y-4)

City Auditor Barbara Clark

***600** Create a local improvement district to construct the N Buffalo Street from N Boston Avenue to N Delaware Avenue HCD Improvement Project (Hearing; Ordinance; C-9788)

Disposition: Ordinance No. 166474. (Y-4)

***601** Create a local improvement district to construct the N Saratoga Street from N Vancouver Avenue to N Moore Avenue HCD Improvement Project (Hearing; Ordinance; C-9789)

Disposition: Ordinance No. 166475. (Y-4)

602 Assess property for sewer system development charges through March, 1993 (Hearing; Ordinance; Z0425 through Z0431)

Disposition: Passed to Second Reading May 5, 1993 at 9:30 a.m.

531 **TIME CERTAIN: 10:00 AM** - Support the Oregon Transportation Plan legislative package (Resolution)

Discussion: Kate Deane, Office of Transportation, reviewed that this resolution supports the legislative financing package that will begin implementation of the Oregon Transportation Plan, which establishes a 20-year vision for the State transportation system. She noted that it is the first multi-modal transportation plan and sets out policies, recommends service levels and identifies unmet needs. She said the Plan was formulated by a coalition of private and public transportation interests to meet six-year transportation needs. She said the finance plan maintains the existing infrastructure investments, increases funding for all modes of transportation, and maximizes the flexibility of federal funding sources. She reviewed changes made to the package, including a reduction from four cents to three in the increase in the gas tax.

Mayor Katz asked what this would mean for the City.

April 28, 1993

Ms. Deane said it was difficult to say as they planned to shift the flexible federal funds to transit and using part of the gas tax to backfill the federal funds. She said she could not tell right now how much of the federal funds would be shifted but they had estimated that, under the 4 cent increase, that they would get \$1.2 million in new revenues for the fiscal year 1993-94.

Elsa Coleman, Office of Transportation, said they will return to Council once they know the final package with options for allocation.

Ms. Deane said an emissions fee, which the City viewed as critical to funding transit and which was recommended by the coalition, is not likely to go forward in the legislature. Therefore the City is considering other funding mechanisms to get transit revenue. One method they are seeking is a \$20 increase in license fees accompanied by a constitutional amendment allowing those revenues to be used for transit. This would be in addition to the \$15 increase in 1994 dedicated to roads. The final change concerns the proposed constitutional amendment to allow emission fees only to be used for transit purposes. Since no emission fees are going to be allowed, the City seeks to use the vehicle registration and other fees to fund any mode of transportation. The resolution also supports the allocation of lottery money to road maintenance as requested in the Governor's budget, rather than in the Transportation Plan. It also seeks the use of auto-related taxes and fees as a financing mechanism for alternate transportation modes. She asked for support of the Plan, noting the City's responsibility for 1700 miles of streets and its 391 mile backlog for maintenance. Of equal importance is the need for the City to begin to implement the Transportation Planning rule which requires a reduction in the number of vehicle miles travelled per capita in the next 20 years. She said passage of the Transportation Plan will help them significantly address their unmet needs.

Ms. Coleman stressed that the Transportation Plan was prepared by a statewide coalition.

Mayor Katz noted that she had pushed Transportation to add the final resolved clause which calls for City support of the use of auto-related taxes and fees as a funding mechanism for transit and other transportation modes. She said the language was broad enough to retain the support of the coalition.

Commissioner Lindberg said while the majority of Council members favor spending gas tax for transit, it is important not to tear the whole package apart because of that.

Ms. Coleman said the intent of Council is to support a concept regarding alternative funding for transit but not to break up the state-wide coalition.

April 28, 1993

Tom Walsh, Tri-Met General Manager, and Chair of the Roads Finance Study Committee, reviewed the progress that had been made in gaining flexibility in funding alternate transportation modes. He noted that the withdrawal of two urban freeways from the urban system had allowed them to do the Eastside light rail project and 140 arterial projects. As this flexibility is extended to fund other transportation modes, the question arises about opening up the Highway Trust Fund. He said at some point he strongly believes that will happen but there is no support right now within the coalition today for taking that one last step. He said currently Portland is the single area that has been able to take advantage of the new flexibility provided by the federal program, ISTEA.

Disposition: Resolution No. 35134. (Y-4)

598

Authorize a contract with Waste Matters Consulting to provide a cost of service study for garbage and recycling in the commercial sector (Ordinance)

Discussion: Susan Keil, Bureau of Environmental Services, said this awards a contract for a cost of service study for the commercial sector and is part of the City's efforts to find out how it can improve recycling in this area in order to meet its diversion goals. She said they expect to come up with cost models for three or so options to improve recycling.

Disposition: Ordinance No. 166476. (Y-4)

*596

Pay claim of Douglas W. Larson (Ordinance)

Discussion: Commissioner Lindberg said he takes this case very seriously and believes some serious errors were made by City employees. He said they have taken action to prevent this from happening again. He noted the resolution passed last year by Council calling on a halt to logging in the Bull Run Watershed.

Dr. Douglas Larson, 10325 NW Flotoma Dr., read a statement regarding the incidents surrounding this claim. He contended that logging in the watershed may have damaged it to such an extent that its rehabilitation may require many decades. He noted the resolution passed last summer to ban all logging in the watershed.

Bob Robinson, 2226 SE 35th Place, 97214, remarked on the integrity and honesty of Dr. Larson.

Joseph L. Miller, Jr., objected to the twisting of information on Bull Run by City bureaucrats. He cited prior logging efforts as damaging to water quality and criticized the Bureau for developing groundwater source development

April 28, 1993

instead. He charged that monitoring of Bull Run has been abysmal and is one reason why the City has been so slow in establishing the damage there.

Joe Keating, United Community Action Network, said they were greatly concerned about the conduct of Water Bureau employees and believes they have an attitudinal bias against protection of the Bull Run. He called on City to take distinct disciplinary actions against the employees involved. He said their attitudes have not changed and their resignations should be requested.

Frank Gearhart, Citizens Interested in Bull Run, Inc., called for firing of the employees involved, a change in direction at the Water Bureau and more reliance and use of citizen involvement. After decades of verbal battling, now is the time to begin a cooperative effort to restore Bull Run.

Dan Aspinwall, 3565 SE Clinton, said the employees' action was not an isolated incident but part of a pattern. He criticized Joe Glicker for presenting misinformation about chlorine levels and thus blocking public input on bureau operations and planning.

Tom O'Keefe, United Community Action Network, asked for the resignation of three employees for their conduct.

Faith Ruffing, 1437 SW Hall, congratulated Dr. Larson's efforts particularly in view of the coverup about logging impacts on water quality done by the Water Bureau. She said it is shameful that citizens have to take legal action against the City in order for such conduct to come to light.

Albert Gerald, 3438 NE Davis, Sierra Club member, said Dr. Larson needs to be publicly thanked for speaking out against intimidation.

Commissioner Kafoury asked about extension of the ban in the Bull Run.

Commissioner Lindberg said his staff has been meeting with Forest Service almost weekly and meeting with Congressman Wyden.

Keeston Lowery, Commissioner Lindberg's assistant, said the exact date of the ban and the extensions requested are almost irrelevant because of the great cooperation between the Forest Service, Congressman Wyden and Commissioner Lindberg's office in attempting to find ways to adequately implement Council intent. A list of alternative approaches to implementation has been completed as has the decision criteria to be applied. One of the criteria is weighing Council intent against any of the alternatives.

April 28, 1993

~~This information will now go to the Water Quality Advisory Committee which will then make specific recommendations back to the Council about implementation of the policy already adopted.~~

Commissioner Hales asked if Forest Service policy was moving towards substantial compliance.

Mr. Lowery said the Forest Service had stopped green tree logging even though Council had only indicated its informal desire to stop that procedure. The real issue has been the implementation of Council's intent in the buffer area surrounding the watershed. Council recommended that all logging be stopped in the buffer but that research be gathered about the effect of logging in that area before making a final determination. Council also recommended that Little Sandy be studied as a future water source for the City. The problem has been that some of the land in the Little Sandy Drainage is in private or mixed public\private ownership. The Forest Service has a 10-year plan which includes planned timber sales in the buffer and most of the negotiations have centered around trying to meet Council's intent but giving the Forest Service the leeway to back out of their plan. If controversy develops it would concern the buffer and Little Sandy and it will be up to Council to determine its intent in those areas. He said he understood that Council wanted to stop all activity within the entire unit right now and, beyond that, review research about the role of the buffer and the Little Sandy and then make decisions about how to manage them. Within the watershed itself, Council had determined that there would be no logging.

Mayor Katz asked if these decisions have been impacted by the new administration in Washington.

Mr. Lowery said decisions about the spotted owl could affect the buffer and Little Sandy and take care of many inconsistencies between the buffer and the watershed. However, there are other areas that are not suitable owl habitat and would not be covered under any decision about the spotted owl. He said they have interpreted Council intent as being much broader than the owl issues and these issues would also need to be addressed.

Mayor Katz asked about the two sales planned in the Little Sandy.

Mr. Lowery said both are near the south end of the buffer. He said the City has indicated to the Forest Service that Council might have serious reservations about approving the sales prior to completion of the research.

Mayor Katz suggested that he go to the Commissioners' offices and get their intent with regard to the sales.

April 28, 1993

Dr. Miller corrected some confusion regarding the watershed itself. He said the Little Sandy is also part of the Bull Run watershed and it is a serious mistake to call it a buffer and not include it in watershed itself. It is a part of the watershed but has not yet been tapped by the City.

Mr. O'Keefe said Council should pass a resolution calling on Oregon's Congressmen to provide permanent federal protection. He said Congressman Wyden seemed to believe Council intent was no longer clear.

Commissioner Kafoury said perhaps Council should reaffirm its position.

Miles Tweete, 551 SE 15th, said he believes the mixed public/private lands referred to by Mr. Lowery belong to PGE and asked for confirmation.

Commissioner Lindberg said part of the agreement is a letter of apology to Dr. Larson from him. He read the letter.

Disposition: Ordinance No. 166477. (Y-4)

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

April 28, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28TH DAY OF APRIL, 1993 AT 2:00 P.M.

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

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

604 Appeal of Meadowview Associates, applicant, against the Hearings Officer's decision regarding adjustments to a previously approved PUD/Subdivision, located at the extension of SW Dickinson Street, between SW 12th and 17th Avenues, south of SW Dickinson Street (Previous Agenda 443; Hearing; 92-00809 PU AD)

Discussion: Susan Feldman, Planning Bureau, said they have proposed conditions which they believe are agreeable to the applicant and which will protect the natural features on the site. She noted one error regarding F (front yard setback) should indicate that there is no maximum setback and the 15 feet should be deleted. Regarding the issue of lot coverage, she noted the debate between the appellant and the Planning Bureau about the interpretation of lot or building coverage. The City Attorney has issued a memo stating that the City can interpret its own Code as long as it is consistent with the Code language and the apparent purpose. She urged that Council adopt the Planning staff's recommendation to interpret building coverage on a lot by lot basis, not on a site coverage basis. She said adoption of this interpretation for this development will necessitate adjustments for larger building coverages on the site. She noted the appellant's philosophical disagreement with this interpretation, stating that Planning said it would look at a Code solution to the way building coverage is applied.

Pete Kasting, City Attorney, read the rules applying to this hearing and to any appeal that is made.

William Cox, attorney for the appellant, 0244 SW California St., 97219, said they have worked very hard to come up with mutual grounds to protect the City and achieve building pads that are workable. He said they are still concerned with the question of lot coverage, contending that there is no such thing as lot coverage in the current Code -- it's all either site or building coverage. He said the City Attorney, in her opinion, fails to address the part of the Code that deals with the definition of structure which is part of the building coverage standard, noting that the definition of structure does not include paved areas or vegetative landscaping. He also disagreed with her

April 28, 1993

conclusion that if his position is carried to the logical extreme, you will get too large of homes on too small of lots. Her opinion that you have to interpret coverage on a lot by lot basis in order to avoid grouping larger structures together goes against the City's goal for cluster housing. He suggested not adopting this interpretation and returning it to the Planning Commission with some other considerations such as revising the percentage of coverage allowed on a lot or site within certain zones.

Commissioner Hales asked Mr. Cox about the practical application in this case of the City Attorney's interpretation and what he would prefer.

Mr. Cox said the interpretation does not necessarily impact this case because, whether Council agrees or not with the Staff interpretation, the developer will get the necessary adjustments. He noted that the measurements in the new Code include the eaves and as a result they have had to request adjustments for what normally is a standard house because of a three per cent difference in site coverage. He said when he interprets site, he is saying that the unpaved areas and vegetative landscaping has to be recalculated into each lot which makes that lot bigger for purposes of calculating site.

Jill Inahara, Chair Arnold Creek Neighborhood Association, said they wanted to address the sidewalk issue and erosion and run-off control measures. They would like some say on what kind of alternative pathway is approved as the neighborhood feels strongly that adequate pathways need to be provided along this street. They would like to see a provision for pathways be made a requirement for all developments. She said the erosion control standards should be stricter, contending that the measures at Sylvania Heights are inadequate and have damaged neighboring houses. Ms. Inahara criticized the lack of enforcement by the Bureau of Buildings and said they would like some recourse other than going to court.

Mayor Katz asked about erosion control.

Ms. Feldman said they are imposed by Title 24 and enforced by the Bureau of Buildings. For this project, the Bureau added some landscaping requirements for non-structural prior to occupancy permit.

Ms. Inahara said she did not believe that would help prevent erosion damage.

Mayor Katz said it looks as if both Planning and Council need to look at erosion control to see if what is in the Code is adequate. She asked Council about the lot coverage interpretation whether it wanted to take the City Attorney's recommendation to deal with it on a lot-by-lot basis and then

April 28, 1993

reexamine it to see if better definitions are needed. Council indicated it felt comfortable with that and with the revised Conditions.

Mr. Kasting said the revised findings will include the new conditions as well as a section containing the Code interpretation.

Mayor Katz declared that the record has been closed.

Discussion: Tentatively grant appeal with conditions. Applicant prepare findings for May 26, 1993 at 2:00 p.m.

605 Tentatively deny appeal of Markham Neighborhood Association and uphold, with conditions, Hearings Officer's decision to approve the application of Roger Edwards and John Neimeyer for a ten-lot PUD/Subdivision and Environmental Review located at SW Taylors Ferry Road, north of Stanley Court (Previous Agenda 517; Findings; 92-00435 PU SU EN)

Disposition: Findings Adopted. (Y-4)

603 **TIME CERTAIN: 2:00 PM** - Adopt the Washington County Segment of Portland's Urban Services Boundary and amend Ordinance No. 150580 which adopted a Comprehensive Plan for the City of Portland by amending the Comprehensive Plan Map to replace the Urban Planning Area Boundary in Washington County with the Urban Services Boundary (Ordinance; amend Ordinance No. 150580)

Discussion: Commissioner Hales said public testimony would be taken today but no action would be taken until May 19.

Bob Stacey, Planning Director, reviewed the history of this case, noting that Beaverton decided to unilaterally adopt a boundary line along the Multnomah County/Washington County lines. The City then initiated action to set its own service boundary in order to bring the issue to Metro for resolution. That Urban Services boundary (USB) is now before Council with Planning Commission approval. The Commission does not believe the best line has been established or that Portland should act singly. However, it believes its adoption is the best way to get all parties to the table and to protect the City's interest. He said staff will review the evidence heard today and then offer amendments based upon it. Testimony given earlier will be made a part of the record.

Jim Claypool, Planning Bureau, described the proposed boundary lines.

Kim McQuiston, 15630 NW Barkton St., 97006, Oak Hills Homeowners Assn., said an overwhelming majority of the Association favors retaining the

April 28, 1993

Washington County line as the USB and would much rather be annexed to Beaverton than Portland although many prefer to remain unincorporated.

Others testifying against adoption of the USB proposed by Portland included:

Ken Wolfgang, 7200 SW Sylvan Court, 97225

C. L. Waltermath, 7130 SW Sylvan Court, 97225-3740

Faye McAllaster, representing CPO-4, 15645 NW Perimeter Dr., Beaverton,
97006

Richard H. Mathews, 6808 SW Canyon Crest, 97226

Peggy Lynch, representing CPO-3, 3840 SW 102nd Ave., Beaverton, 97005

John Franzwa, 7425 SW Chapel Court, Tigard

Jim McElhinny, Tualatin Hills Parks and Recreation District

Carol Gearin, 2420 NW 119th Ave., 97229

Irma Turmlitz, representing CPO-1, 515 NW 112th, 97229,

Robert Werner, 5475 NW 137th Avenue, 97229

Lawrence Bolgar, 7233 SW Canyon Drive

Mike Moscarelli, 1130 NW 91st, 97229

Opponents reported strong opposition to annexation to Portland from everyone in the neighborhoods that would be affected and a preference for being annexed by Beaverton, if annexation is necessary in the currently unincorporated areas. They expressed fears about increased taxes, lack of representation and the effect on service districts, such as the Tualatin Hills Parks and Recreation District. They accused the City of being arbitrary and divisive in its boundary recommendations.

Chris Wrench, Friends of Forest Park, said any annexation efforts should take into consideration the need to reduce vehicle miles travelled within the City. She said the City will run into difficult problems with residents in Washington County advocating a new freeway which would run through Forest Park, destroying a wilderness habitat. She said Friends of Forest Park support visionary approaches to transportation and want no additional capacity or modification of park boundaries.

Kevin Martin, representing Washington County, requested deferment on the boundary in order to work with staff to develop an appropriate plan to deliver urban services. He noted that establishment of a boundary is necessary for public facilities planning and to meet state requirements for public facilities planning.

Commissioner Hales noted that the City's initial action will be postponed until at least May 19. He asked if Beaverton would delay action.

Mr. Martin said the action would not be concluded until this fall, if then.

April 28, 1993

Roy Kendrick, Commander of Central Precinct, discussed traffic problems and rush hour congestion in Northwest Portland, particularly on Burnside and Cornell. To residents in Washington County, those roads are designated as arterial highway but when they get into the City they are suddenly in a residential neighborhood. He encouraged Council to consider traffic and how we are going to get people in and out of the City. He said regardless of the boundary line there has to be a traffic plan to deal with growth for individuals who do not live within the City. For policing, it is even more difficult.

Commissioner Kafoury said the City's goal has always been to have a regional services plan and believes the capacity to provide services goes beyond merely "City" services. She said the City never wanted to litigate or force annexation of this area but does want a forum to get agreement about what the boundaries should be.

Commissioner Hales said this is much more than a turf battle or quest for a tax base. The whole area is facing growth which they must get ready for and USBs are one tool governments in the Metro area can use to shape growth and protect neighborhood identity. He said he does not believe any of the lines proposed so far are a perfect solution and this delay will allow further negotiations towards finding a more acceptable solution.

Commissioner Lindberg said the jurisdictions need to work together as a region to deal with problems facing the whole area, such as transportation, water, etc. He said no one can work in an isolated fashion in the future and not all the responsibility should fall on the central City. He said there is a public relations problem, as everyone seems to think it is simply a matter of annexation. He said he has long questioned a policy of bringing hostile people into the City against their will and whether this is good for the long term health of the City.

Mayor Katz said she was sorry that Beaverton made a decision about drawing the line and stressed the need to work as regional partners. For her the issue is not annexation but how the region plans in such areas of transportation and water. She noted that while annexation increases the tax base, if the cost equals or exceeds the cost of providing services, it does not make sense. She said she hopes the conversation can continue without litigation.

Disposition: Continued to May 19, 1993 at 2:00 p.m.

April 29, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 29TH DAY OF APRIL, 1993 AT 2:00 P.M.

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

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

***606**

TIME CERTAIN: 2:00 PM - Accept land donation from Hayden Corporation DBA Hillman Properties Northwest and enter into an Improvement Agreement with Winmar of Jantzen Beach, Inc., for improvements and long-term maintenance of Lotus Isle Park at Hayden Island (Ordinance)

Discussion: John Sewell reviewed the City's prior attempts to make this site a park, noting that this agreement authorizes Hillman Properties to give the title to the park and \$10,000 to cover maintenance costs to the City, while the City enters into an agreement with Winmar which includes granting of a perpetual easement to Winmar through the park. Such easements are not unusual. Within 180 days of City ownership, Winmar is to improve the park and maintain it to City standards for 20 years. The City will then contribute the \$10,000 from Hillman to Winmar, which is making about \$40,000 in improvements. The Parks Bureau believes this will improve the site and ensure that it is well maintained and protected at little cost to the City. However, some neighbors oppose this because they believe granting the easement will allow the linking of Winmar's property to a potential parking lot.

Mayor Katz asked about deliberations between Parks and the Hayden Corp.

Mr. Sewell said Hayden was willing to give property, make improvements, and add an irrigation system but would only give \$10,000 for maintenance, which would cover maintenance costs for only one year. He said the Winmar property is now zoned industrial and the park property is commercial.

Elizabeth Wilson, Assistant Vice President, Winmar, said Winmar will bring the Park up to standard and in return Winmar gets a pedestrian access easement linking a small industrial site to its marina property, if and when land use approvals are given on their adjacent property. She said Winmar is also interested in keeping the area as parkland and believe it is an asset to the community. She noted opposition to the proposed linking of marina to the west and the "sand lot" to the east which they would use as a parking lot

April 29, 1993

to serve 55 existing floating homes. The parking lot would be locked and well landscaped and Winmar is willing to work to mitigate any negative impacts. She added that a full public hearing would be needed on the land use approval.

John Jenkins, President of High Noon Association and River House East, said both groups oppose the agreement and would like the City to explore other options. He said the Association recommends establishment of a land trust to acquire the property.

Others speaking in opposition to the Parks Bureau proposal included:

Joy Beldin, Jantzen Beach Village Condominiums, 535 N. Hayden Bay Dr.,
97217

Doug Ness, Hayden Bay Marina Homeowners Assoc.,
305 N. Lotus Beach Dr., 97217

Roy Griffin, 456 N. Hayden Bay Dr., 97217

George Thomas, 375 N. Lotus Beach Dr., 97217

Jack Botkin, 507 N. Tomahawk Island, 97217

Arlene Picard, 604 N. Tomahawk Dr., 97217

Steve Posey, President, Lotus Isle Homeowners Association, 354 N. Lotus
Isle Dr., 97217

Pamela Thomas, 375 N. Lotus Beach, 97217

Thurman Hice, 418 N. Lotus Isle Dr., 97217

Walker Heil, 388 N. Lotus Isle Dr.,

Gerald Rightmire, 513 N. Tomahawk Dr., 97217

Opponents expressed concern about parking and attracting additional traffic to a congested area, problems which will be exacerbated if Winmar turns the adjoining lot into a parking lot as it intends. Many opposed allowing commercial use of the easement and charged that Winmar is self-serving as without the easement to the parking lot, it would not be interested in this proposal.

Lawretta Morris, 169 N. Lotus Isle Drive, supported the proposal in order to get a public park and preserve open space at this site. She said misinformation about this proposal has spread like wildfire, noting that she was one of the High Noon board members replaced after the initial tie vote. She said Winmar has done quality projects and believes they will do a good job of maintenance in exchange for the easement.

Other individuals speaking in favor of the proposal included:

Jan Wilson, 217 N. Hayden Bay Dr., 97217

Catherine Rich-Daniels, reading a letter of support from Frank Howatt

April 29, 1993

John Bake, Hayden Island
Jon Morris, 169 N. Lotus Isle Drive
Dan Haynes, Jantzen Beach Marina resident

Proponents said the current park is inadequate and they would like a well maintained park assessable to all residents. Many commented that they did not believe providing access to Winmar across the site would be a problem.

David Beem, 9106 SE Flavel, #8, 97266, asked for a bus route to serve more people and make it assessable to the handicapped. He asked for a two cent tax to build parks.

Amy Welch, High Noon Representative, 505 N. Tomahawk Island Dr., 97217, said they favor a land trust to continue the park in private use and oppose a permanent commercial easement and parking lot on the adjoining property. She said funds have been pledged for ownership and maintenance and they have met with the Division of State Lands who are more than willing to work with them and are in the process of forming a trust.

Mayor Katz asked if they had the funds to purchase the park now.

Ms. Welch said they do Her group would like to see the parking lot developed as single family homes. and are hoping to get the property downzoned.

Jane Van Dyke, President, Columbia Land Trust, said there are land trusts available which would be interested in helping residents establish a land trust on the property in order to preserve it as open space. Benefits of land trust are that they can work out the details themselves and there would be no responsibility by the City to maintain it. Traditionally, trust land is open to the general public.

Commissioner Hales asked Winmar representatives about the three-story parking facility or paved parking lot cited by opponents. He asked if they intended the site to serve existing or additional development, if parking facilities were proposed.

Ms. Wilson said it would serve existing floating homes only. She said they have never planned a three-story facility.

Commissioner Hales asked if, under the industrial zone, either a multi-parking or surface parking lots would be a permitted use and subject to design review.

April 29, 1993

Linda Meng, Chief Deputy City Attorney, said City approval would be required in order to use the adjoining lot for parking unless it was a listed use in an industrial zone. She said she did not know if parking was listed.

John Schaffer, attorney for Winmar, said under the current industrial zoning neither parking or residents would be allowed except as a conditional use and design conditions could be imposed as part of such use. A zone change to R7 is another option but would require the same Type 3 land use process. He stressed that Winmar does not have a proposal for the parking lot before the City now so it is hard to respond to concerns by changing the conditions, etc. He said they expect to have a public process during any-development.

Mayor Katz asked what Winmar would do if it did not receive City support for the parking lot.

Ms. Wilson said Winmar is accepting this agreement for the park without knowing if have support for the parking lot and will have to maintain the property whether or not a parking lot is ever built.

Ms. Meng said the agreement also states that the City will give Winmar an easement contingent upon City land-use approvals for the development of the "sand lot"

Mayor Katz asked those favoring a private park if Hillman Properties was agreeable to turning the property over to a land trust.

Ms. Welch said yes and that they had the finances to pay for it.

Commissioner Hales asked about traffic and whether any additional parking was proposed for the site.

Mr. Sewell said the original proposal would have required Winmar to provide six parking spaces but after hearing opposition from the neighbors, who want it to be a walk-in park, that was dropped to discourage outside traffic except for a drop off zone for the disabled. If Winmar increases traffic on Tomahawk due to additional development, a full traffic analysis would be needed. If the issue of the lot comes before Council, he would be very concerned with the adjoining use and sensitive to traffic and parking issues as well as to how it is screened and buffered.

April 29, 1993

Mayor Katz asked if he supported the concept of a parking lot.

Mr. Sewall said he would need to see what it looked like and how it worked there.

Commissioner Lindberg asked if citizens had ever come to the Parks Bureau with a proposal for a private park.

Mr. Sewell said he discussed that with Ms. Welch but was concerned that it would be fenced off and made into a private park. However, all details have not been worked out yet and private trust advocates are not in a position to make a proposal to the City.

Commissioner Katz asked Ms. Welch when she could make such a proposal.

Ms. Welch said they first need to find out if the option is available, noting that it would not be available until May 28.

Mayor Katz asked why this is an emergency.

Commissioner Hales said it is because the option needs to be exercised now before the option runs out as there is a subsequent option behind it and the City must either act now or let it go.

Commissioner Hales said this public/private partnership proposal seems to him to be a good deal for the public, despite the neighborhood opposition. He said he thinks the easement, allowing Winmar access from one lot to another, is reasonable and is not assuming approval of any specific use. He noted that this is privately owned land, as is the industrial zoned "sand lot". He said he would expect to apply tough conditions to any proposal for a parking lot to make it unobtrusive.

Commissioner Lindberg noted increasing opposition to the establishment of parks based upon neighborhood liveability issues. He said while these concerns are valid, in this case, the City needs to look at the larger picture and consider the public interest. He said he believes that with the proper restrictions this will be a good partnership and is overall a positive step. He added that he will take a hard look at the zoning if a parking lot is proposed.

April 29, 1993

Mayor Katz said she is not a fan of the automobile and does not want to see it jeopardize a neighborhood park. She said she heard a lot of nervousness about the intention of Winmar regarding the adjacent property and it not a given that she would support a 120-space parking lot.

Disposition: Ordinance No. 166478. (Y-4)

At 3:40 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council