



CITY OF

**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF MAY, 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, Senior Deputy City Attorney; and Officer Sheridan Grippen, Sergeant at Arms.

Agenda Nos. 753 and 754 were pulled from Consent. On a Y-were roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 746** Accept bid of John Arnold for 6 inch and 8 inch water mains in SE 40th, 65th, 75th and 77th Avenues for \$212,477 (Purchasing Report - Bid 142)

**Disposition:** Accepted; prepare contract.

- 747** Accept bid of CH2A and Associates for decorative fountains maintenance service for \$110,420 (Purchasing Report - Bid 154-A)

**Disposition:** Accepted; prepare contract.

- 748** Reject bid of Gelco Construction for sewer diversion manhole modification project (Purchasing Report - Bid 159)

**Disposition:** Accepted.

- 749** Accept bid of Tirad Mechanical, Inc., for flowmeters for Airport Way and Force Avenue pump stations for \$77,076 (Purchasing Report - Bid 162)

**Disposition:** Accepted; prepare contract.

- 750** Accept bid of S-2 Contractors, Inc., for Wheeler Basin Relief Phase 2 - Unit 1 sewer reconstruction for \$1,448,000 (Purchasing Report - Bid 167)

**Disposition:** Accepted; prepare contract.

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**751** Accept bid of Robertson Utilities, Inc., for NE 25th Avenue from NE Fremont Street to NE Regents Drive sewer reconstruction for \$77,700 (Purchasing Report - Bid 169)

**Disposition:** Accepted; prepare contract.

**752** Vacate NW 20th Place, north of NW York Street, under certain conditions (Second Reading Agenda 712; C-9811)

**Disposition:** Ordinance No. 166554. (Y-5)

**Mayor Vera Katz**

**\*755** Authorize a contract with Pitarresi Motorsports, Inc., not to exceed \$57,450, to provide for one new and one used skid car platforms to the Bureau of Police (Ordinance)

**Disposition:** Ordinance No. 166555. (Y-5)

**756** Amend Section 5.68.020 of the City Code to eliminate language which provides for the extension of an existing contract (Ordinance; amend Code Section 5.68.020)

**Disposition:** Passed to Second Reading June 2, 1993 at 9:30 a.m.

**\*757** Amend the Northeast Portland Economic Development Special Purpose Grant Agreement between the City of Portland and the US Department of Housing and Urban Development for language housekeeping purposes (Ordinance)

**Disposition:** Ordinance No. 166556. (Y-5)

**\*758** Authorize Special Assessment Improvement Bond (Ordinance)

**Disposition:** Ordinance No. 166557. (Y-5)

**Commissioner Earl Blumenauer**

**759** Set hearing date, 9:30 a.m., Wednesday, June 16, 1993, to vacate portions of N Burr Avenue, N Bellingham Street, N Moltzen Street and an alleyway (Report; C-9824)

**Disposition:** Adopted.

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**760** Set hearing date, 9:30 a.m., Wednesday, June 30, 1993, to vacate portions of NE 15th Avenue, NE 16th Avenue, NE Wasco Street, NE Clackamas Street and NE Halsey Street in connection with the 15th/16th Avenue Decoupling Project (Resolution; C-9844)

**Disposition:** Resolution No. 35142. (Y-5)

**761** Approve appointment of a Director to the Vintage Trolley, Inc. Board of Directors (Resolution)

**Disposition:** Resolution No. 35143. (Y-5)

**\*762** Authorize renaming of N Ramsey Boulevard in the North Rivergate Area to N Pacific Gateway Boulevard (Ordinance)

**Disposition:** Ordinance No. 166558. (Y-5)

**Commissioner Charlie Hales**

**\*763** Call for bids for two ladder trucks with the option to purchase a third truck should funds become available, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166559. (Y-5)

**Commissioner Gretchen Kafoury**

**764** Accept tenant improvements in 3rd and Alder Parking Garage facility as complete, authorize Change Order Nos. 1 and 2 and make final payment (Report; Contract No. 28513)

**Disposition:** Accepted; prepare contract.

**\*765** Contract with Hacienda Community Development Corporation for \$20,000 to provide support for organizational development relating to the Cully/Killingsworth apartment projects and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166560. (Y-5)

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**Commissioner Mike Lindberg**

**766** Accept completion of the Columbia Boulevard Wastewater Treatment Plant Aeration Blower Installation Phase II, and make final payment to Fuiten's Plumbing and Heating Company (Report; Contract No. 28481)

**Disposition:** Accepted.

**767** Accept completion for the NE 162nd Avenue, NE Wygant Street to NE Bennett Street Sanitary Sewer Minor Extension, approve Change Order No. 1 and make final payment to Moore Excavation (Report; Contract No. 28590)

**Disposition:** Accepted.

**768** Partially release retainage withheld on the Tryon Creek Wastewater Treatment Plant Automation Improvements project (Report; Contract No. 28040)

**Disposition:** Accepted.

**\*769** Amend Chapter 17.102 of the City Code to revise regulations for collection of residential solid waste and recyclables (Ordinance; amend Chapter 17.102)

**Disposition:** Ordinance No. 166561. (Y-5)

**\*770** Amend Chapter 17.102 of the City Code to provide for reimbursement of City costs of recycling bins (Ordinance; amend Chapter 17.102)

**Disposition:** Ordinance No. 166562. (Y-5)

**\*771** Authorize agreements with Tualatin Valley Water District, the Archdiocese of Portland and the Foster Group for real property and easement conveyances required by the Bureau of Water Works for the "Calvary Pump Station", on NW Burnside Street at NW Skyline Road, at a total cost of approximately \$15,857, authorize acceptance of deeds and easements and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166563. (Y-5)

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**\*772** Contract with Intergraph Corporation for CAD equipment for the Bureau of Water Works without advertising for bids, and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166564. (Y-5)

**\*773** Authorize the appropriation of additional funds for fiscal year 1992/93 for construction services provided by Construction Management Inspection, Inc., per Ordinance No. 164371 and allow waiver of Section 27 (a) "Prohibited Interest" (Ordinance; amend Contract No. 27226)

**Disposition:** Ordinance No. 166565. (Y-5)

**774** Authorize the appropriation for funds for fiscal year 1993/94 for engineering services provided by O'Brien-Kreitzberg & Associates, Inc., per Ordinance No. 165754 (Ordinance; amend Contract No. 28187)

**Disposition:** Passed to Second Reading June 2, 1993 at 9:30 a.m.

**\*775** Increase the Bureau of Environmental Services change order authority by \$10,083 for additional work on the Alder Pump Station Remodel (Ordinance; amend Contract No. 27642)

**Disposition:** Ordinance No. 166566. (Y-5)

## **REGULAR AGENDA**

### **Mayor Vera Katz**

**753** Authorize a 90-day Gang Interdiction Pilot Project with Multnomah County and the Urban League of Portland (Resolution)

**Discussion:** Hank Miggins, Acting Chair, Multnomah County, said this is a preemptive program to keep young people out of the justice system by connecting them up with the services provided by the County in conjunction with the Urban League and other providers.

Mayor Katz said she made a commitment to the late Gladys McCoy that the City would do this.

Greg Park, Portland Police Bureau, said the Police are very excited about this program which will remove youth from a gang environment and place them into a variety of activities which are positive alternatives to gang membership.

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Officers from three patrol precincts and the Gang Enforcement Team will be the primary intake source. The Urban League will provide the intake staff and from that point the youth will be tracked and referred by the League.

Mr. Miggins said there will be weekly meetings to evaluate the program and allow midcourse corrections if necessary. It is a pilot project and continuation will be sought if it is successful and still needed.

Mayor Katz said the \$11,000 cost to the City for the 90-day program is a very good investment.

**Disposition:** Resolution No. 35144. (Y-5)

**754** Authorize submission of FY 1992/93 Spring Supplemental Budget to the Multnomah County Tax Supervising and Conservation Commission (Resolution)

**Discussion:** Mayor Katz said a separate vote was needed on this, rather than having it be part of the Consent Agenda.

**Disposition:** Resolution No. 35145. (Y-5)

**745** **TIME CERTAIN: 9:30 AM** - Amend Title 17 of the City Code to revise solid waste and recycling rates and charges in accordance with the first year solid waste and recycling rate review and to amend the definition of Recyclable material (Second Reading Agenda S-706; amend Chapter 17.102)

**Discussion:** Commissioner Lindberg said staff has prepared responses to the issues which were raised last week.

Susan Keil, Bureau of Environmental Services (BES), explained the changes in rates which were made since last week. She said a full rate review by an outside CPA has now been completed which was not available when the original ordinance was filed. The review of the cost information found that the general and administrative costs had been improperly allocated on a customer-count basis and that a better way to reflect the real cost for the residential customer would be to take a blended approach, with some costs allocated on a revenue basis and some on a customer-count basis. She said they received a legal determination that it was all right to allocate these expenses differently so a switch was made in the eleventh hour. Without the change, the 32 gallon can would cost \$18.05 instead of the proposed \$17.60. The substitute ordinance shows a 15 cent change based on not including the general and administrative costs for the two new programs -- increased yard debris and scrap paper recycling. Also, the management expense appear mto have been improperly allocated on a revenue basis and should instead be based on driver hours. That had the effect of moving the rate up 20 cents.

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Ms. Keil said while this is not the way she likes to do business, it is better than locking into an inaccurate rate.

Commissioner Lindberg said Council has the option to ask for further review or go ahead and vote today. A third option is to take more public testimony because of the change in rates. He said he is personally comfortable with what is proposed.

Mayor Katz asked if the budget office had reviewed the new rates.

Ms. Keil said the rates were submitted for early review and they were also asked to look at the rate review process.

Lee Barrett, BES, reviewed the factors considered in recommending biweekly yard debris pickup. He said they had hoped to initiate a modified-user pay yard debris pilot program but the DEQ does not allow jurisdictions to charge more to those who recycle than those who do not. They also reviewed decreasing service during the winter and studied several cities with such programs and found that it works best in smaller communities with one hauler. The problem in Portland is that with 60 individual haulers, workers would have to be laid off during the winter. The City of Tualatin tried going from weekly to monthly during the winter but after complaints by citizens it moved to weekly collection throughout the year.

Mr. Barrett said their studies show yard debris drops to about 70 per cent of normal levels in the winter, indicating that there is still a need for service. He noted that 55 per cent of those who responded to a post card survey believe that a monthly yard debris pickup program is inadequate. He said one estimate is that savings would only be 9 cents a month to decrease service in the winter. The City is proposing a biweekly rather than weekly program in hopes that this is the middle ground between expense and the level of service the public needs. They plan aggressive education efforts regarding the recycling of grass clippings and composting.

Regarding an exemption for home composters, Mr. Barrett reviewed the experience of Clackamas County, Gresham and Lake Oswego. All three indicated that it was a lot of administrative bother and cost for relatively few exemptions, with Gresham characterizing their program as a nightmare.

Regarding terrain adjustments, Mr. Barrett said he could not find any areas of significant size on the West side where he could exempt customers. He said in the very hilly areas, instead of the 16 per cent differential they had expected, they found a 40 per cent difference. This would translate into a \$3.00 surcharge instead of the proposed \$1.70. On the East side they found only 1.1 percent of customers live in a hilly terrain.

Bruce Walker, BES, reviewed the municipal recycling survey, which shows the costs of recycling in other cities. He said a city-by-city analysis is

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difficult because Portland collects more recyclable material than other cities and because of the difficulty in pinpointing some costs. They believe their costs, \$3.15 per month for the expanded service, is very fair.

Commissioner Blumenauer said the City decided to have 17 providers and Council rejected having fewer even though that might have lowered costs. He noted that most cities have only one or two providers.

Mr. Walker said there are 60 haulers but only 17 recycling providers, since the City has specified that every hauler with less than 3,000 customers jointly provide recycling service through two recycling districts in order to add efficiency.

Mayor Katz asked for a similar analysis for garbage collections so that the City can tell whether the choice to go with multiple haulers means customers are paying a premium charge. She said Council must put to rest the issue of cost as it keeps hearing that there are jurisdictions that do it for much less.

Commissioner Blumenauer said the Bureau should also identify how those cheaper rates are arrived at, whether by municipal subsidy or by subsidies on the commercial side.

Mayor Katz said an analysis of management costs is also needed.

Regarding garbage-by-the-pound rates, Ms. Keil said basically any measurement used has to be accurate to 1/10th of a per cent and there are no scales currently available at that level of accuracy. A pilot program in Seattle found there was a lowering of weight that went into the can when customers got information about their specific usage. They also found it greatly decreased productivity on the routes and was costly to refit the trucks. She reviewed a study of the weights typically going into cans of various sizes. The City is currently dealing with the weight issue by monitoring the weight in the can and adjusting downwards.

Mayor Katz asked if there would not be a substantial benefit to the haulers if the estimates on how much paper will be recycled are too conservative.

Ms. Keil said this would be true of both yard debris and scrap paper recycling. She said scrap paper will clearly have some impact and the haulers believes costs have been underestimated for scrap paper collection. She said if they have underprojected the weight out of the can, they should know by January if costs are higher or weights are lower and can report back then.

Mayor Katz said there is no way the consumer can reap any benefits during that time if the City has been too conservative.



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Ms. Keil said if they did not have scrap paper and yard debris they estimate there would be 18 pounds in the mini can and 28 pounds in the 32 gallon can, at a cost of 3.08 cents a pound. She said she believes there will be accelerated weights coming out of the cans with scrap paper recycling.

Regarding further subsidy of the minican, Ms. Keil said they found that \$80,000 is going towards it this year from the franchise fees and they are projecting a \$50,000 subsidy for the coming year. She said staff believes that is about as far as they can go with the franchise fee. They also looked at other ways of subsidization, including higher rates for those who use larger cans.

Commissioner Kafoury said she thought Option 3, which increases the charge for the 32-gallon can customer, was a good one.

Ms. Keil reviewed what might happen to the minican market share if the subsidy was decreased. In Portland 19 per cent use the minican and another 8 percent are in monthly service. Staff does not think the 10 cent raise in the minican is significant as they believe most people use it because it is the right size container for them and the right thing to do.

Commissioner Kafoury said the issue is one of public policy and whether rates are structured to give preference to those who do more recycling. She said she is interested in providing incentives.

Ms. Keil said there is still a subsidy of \$1.32 on the minican and none for the 32 gallon can. She said they will continue their reviews and if there is a big change they come back next year.

Commissioner Hales said staff research has clarified the basis for the hilly terrain rate. He asked about the request for disclosure on the bill of the hilly terrain surcharge.

Ms. Keil said that can be done.

Estle Harlan, Tri-County Council, said some of the recycling data is outdated. She said the only variable in the cost of the minican is the disposal portion as it costs just as much to go by the can, no matter what size it is. She said they are quickly arriving at the point of having to charge a systems fee. Also, any excess profit that might have occurred for haulers last year flowed to the bottom line and was reflected in lower increases this year.

Jim Cozzeto, Jr., Metropolitan Disposal and Recycling Corporation, and participant in the scrap paper pilot project, expressed concern that the proposed rate may not cover all the additional costs that will be incurred. He said they believe the rates to cover the yard debris program do not allow for the additional equipment that will be required. He said that despite

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some reservations, they will go along with the rates proposed. Regarding additional weight out of the can because of scrap paper, he said he fears that if more weight comes out, program costs will increase. He said this does not show what happens if people reduce service and go down to the minimum.

Ms. Harlan said that is why they need to look at a system fee. She also noted a critical difference between Portland, which chose to do a high quality program, and other cities whose programs do not compare.

Mayor Katz said if there is a differential, Council needs to know why.

Commissioner Hales asked about itemization of the hilly terrain charges.

Ms. Harlan said it can be done but every line added cuts back on the recycling information that can be included.

Tom O'Keefe, United Community Action Network, said since 1990 garbage rates have gone up 30 per cent which is of great concern. He asked for formation of a citizens committee to look at rates overall.

Commissioner Hales proposed an amendment to identify the hilly terrain charge on those who pay bills. He said in a franchise situation disclosure is warranted and reasonable.

Ms. Keil said they can do that through an administrative rules change, which does not require amending the ordinance.

Mayor Katz asked if Council had any objection to such a change. Hearing none, she ordered that the administrative rules be amended.

Commissioner Blumenauer said significant progress has been made in having a solid waste management system that is more efficient and better meets the needs of citizens. It is clear there is a need for further refinement to make sure costs are appropriate and there is accountability, as well as incentives.

Commissioner Hales said adding scrap paper and yard debris pickup are large pluses for the program.

Commissioner Lindberg said using the franchise method was quite innovative and a radical change. He noted the City is adding two major service improvements but increasing costs for average customers by less than two per cent

Mayor Katz said she still has concerns about the rate structure and some policy issues that need further study but for now is very interested in watching how accurately the City has predicted patterns of citizen behavior.

**Disposition:** Ordinance No. 166567. (Y-5)

**776** Update by the Government Relations Office on the State legislative session (Report)

**Disposition:** Continued to May 27, 1993 at 2:00 p.m.

**777** Authorize the Commissioner-in-Charge of the Police Bureau and the Chief of Police to enter into Memoranda of Understanding with the State, Federal, and/or local law enforcement agencies to coordinate the planning and deployment of resources needed for joint investigations of specified criminal activity (Second Reading Agenda 744)

**Disposition:** Ordinance No. 166568. (Y-5)

**Commissioner Earl Blumenauer**

**\*778** Interagency agreement with Portland Development Commission for preparation of a Secondary Infrastructure Plan for the Columbia South Shore Area (Ordinance)

**Disposition:** Ordinance No. 166569. (Y-5)

**\*779** Authorize a contract with Portland Cable Access (Ordinance)

**Discussion:** Mary Beth Henry, Office of Cable & Franchise Management, said the contract has been reviewed and approved by the Cable Commission and the Portland Cable Access Board of Directors.

**Disposition:** Ordinance No. 166570. (Y-5)

**Commissioner Charlie Hales**

**780** Request transfer of title of tax-foreclosed property from Multnomah County to City of Portland Bureau of Parks and Recreation (Resolution)

**Discussion:** Commissioner Hales said this is the last piece put together by Commissioner Lindberg for the community gardens and this is the formal request to Multnomah County to get on with it.

**Disposition:** Resolution No. 35146. (Y-5)

**781** Appoint a Citizens Advisory Committee to advise on the design of the NW 23rd/Burnside Improvement Project (Resolution)

**Discussion:** Steve Fossler, NWDA Transportation committee, said NWDA strongly supports this resolution which is very important to the neighborhood and businesses. He said this is before Council again because in 1986 a compromise was reached in how to configure the streets at 23rd and Burnside and the Uptown shopping center. He said no one was totally

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satisfied and in 1991 tenants of the shopping center asked that it be reconsidered. A new round of meetings have been held with neighbors and business people involving extensive notifications. This resolution takes the next step by officially appointing a citizens advisory committee. He noted 90 per cent of the design issues are resolved and he is confident there is now consensus for a more pedestrian oriented design.

Vic Rhodes, Transportation Engineering, said they put together a package in 1991 with the owners and the NWDA. Subsequent to that adjustments were requested and a new agreement was reached. George Killian, a major property owner, does have some objections about the process and Transportation expects to be able to respond to these within 90 days.

Commissioner Blumenauer said his concern is about how this matter, which has a 20-year history, can be brought to closure. He said they tried to do that in 1991 and, while not disagreeing with the current efforts, he declined to introduce this resolution because he does not want to give people an incentive for holding back and ending up with a solution that again unravels.

Mayor Katz asked if Mr. Killian had been notified of all the meetings.

Roger Shiels, Consultant, Shiels & Obletz, said Mr. Killian was notified and his representatives were often at the meetings although they did not ever participate. He understood the concern was about exiting on Burnside which this design does not accommodate, but most of the design changes do not impact his property.

Ann Weaver, Elephants' Deli and representative of Uptown Merchants Association, said they were very happy with the new design and with formation of the committee. She said the review process has been very complete and the basic plan endorsed by the NWDA has the support of the long-time merchants in the Center.

Commissioner Hales said the details do matter and that is why creation of this committee is needed. He requested setting this over for two weeks to work with Transportation staff to discuss funding of the project and to review the scope of work of the committee.

**Disposition:** Continued to June 9, 1993 at 9:30 a.m.

**\*782**

Contract with Lloyd H. Kessler, Inc., to do construction of Argay Park Improvements for the Bureau of Parks and Recreation (Ordinance)

**Disposition:** Ordinance No. 166571. (Y-5)

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Commissioner Gretchen Kafoury

783 Approve changes in methods for providing services of the Printing and Distribution Services of the Bureau of General Services (Report)

**Discussion:** David Kish, Director, Bureau of General Services, said during the budget process it was determined that a substantial amount of money could be saved by changing the mail pick up times. They also found that money can be saved by standardizing quality printing jobs. Although the Bureau does not intend to be the regulatory agency and the Commissioner in Charge can delegate approval of such printing projects back to the Bureau Manager, standards are being set for gaining such approval.

Commissioner Hales asked for clarification of the policy that calls for printing work to be done in house and what that does to competition.

Mr. Kish said 99 per cent of the quality printing jobs they do now are bid out. He said they contract about half a million a year.

**Disposition:** Approved. (Y-5)

784 Approve changes in methods for providing services of the Facilities Services Division of the Bureau of General Services (Report)

**Discussion:** David Kish, Director, Bureau of General Services, said these changes were also discussed as part of the budget process. He said to make sure this is fair, rent payments will be reduced for all City offices. He noted that this report calls for changing janitorial services from every day in most facilities to every other day in the Portland Building and Justice Center. Extra service will be provided to some buildings, such as the Wastewater Treatment Center, if they have the money to pay for it and the Commissioner in Charge or designee approves.

Regarding utility bills, he noted the considerable energy savings that have occurred, resulting in flat bills for the last eight years. Now General Services proposes to change the thermostats in the Portland Building and Justice Center to 68 degrees for heat and 78 degrees for cooling. He noted that this had been done in past years. In City Hall General Services will control the thermostat in the main steam system but will ask employees to watch their use of air conditioners and space heaters.

Commissioner Hales asked how much would be saved in energy costs.

Mr. Kish said about \$115,000 for all facilities.

Commissioner Hales questioned whether a 78 degrees summer temperature in the Portland Building would not be a false economy, suggesting that more could be lost in temper and temperament than would be gained in

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temperature. He also said having the air conditioning turned off during evening meetings with citizens in the Portland Building creates a very unpleasant work environment.

Commissioner Blumenauer suggested that siestas on summer afternoons could add a liveability component. He added that these changes should be discussed with employees, looking at the total cost and benefits. He said he has also received feedback from employees coming into work on weekends in City Hall about the lack of heat and ventilation.

Mr. Kish said General Services is considering leaving the system in the Portland Building on 24 hours a day as that may be more economical than turning it on and off. He said since the goal is to save \$115,000, there are lots of ways to do that and he would be happy to return with some employee comments.

Mayor Katz asked about the weekend policy.

Mr. Kish said the system is not on during the weekend although if they know that people are working, such as during the budget season, they will turn it on.

Fred Venske, Facilities Manager, said the policy now is that when requested heat is provided, either to offices or meeting rooms.

Commissioner Blumenauer said the people he talked to did not understand that it was HVAC on demand.

Mr. Kish said they sent a letter about it to the Bureaus several weeks ago.

Commissioner Lindberg asked what the usual temperature standard was.

Mr. Kish said 72 degrees.

Commissioner Lindberg said he would hate to say if you work in government you are a second class citizen.

Mr. Kish said it depends on who pays the bills. In the private sector, it depends on what the landlord wants to provide.

Commissioner Lindberg asked if the catalyst for these measures was to cut a certain amount of money from the budget.

Mayor Katz said the catalyst was to rethink internal services. She said a whole list came from General Services and these are the ones that have come forward.

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Mr. Kish said it may be true that you lose a little efficiency when it gets real hot.

Commissioner Blumenauer said he is concerned that employees feel they are part of the decision process.

Mayor Katz said General Services has the assignment to find savings within these guidelines.

Mr. Kish said he will pray for cool weather in the summer. He said one option they are looking at is changes in the lighting system which will bring in additional savings.

Commissioner Kafoury said she is unclear about what General Services is supposed to do. She said these changes do not have to be made if Council does not agree.

Mayor Katz said if this is not done, savings will have to be found somewhere else.

Mr. Kish said everyone's budget will be reduced by about 30 cents a square foot in City Hall and 40 to 50 cents in the Portland Building. He said they will go back and see if savings can be found elsewhere.

Mayor Katz asked him to bring this back in two weeks in order to deal with the issue of the cool and warm temperatures.

**Disposition:** Continued to June 9, 1993 at 9:30 a.m.

**City Auditor Barbara Clark**

**785** Assess property for large lot deferral contracts through April, 1993 (Hearing; Ordinance; L0003, L0011 through L0017)

**Discussion:** Dan Vizzini, Auditor's Office, said these are deferral contracts done under the Mid-county sewer project. No written remonstrances were received.

**Disposition:** Passed to Second Reading June 2, 1993 at 9:30 a.m.

At 12:00 noon, Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF MAY, 1993 AT 2:00 P.M.

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

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

## REGULAR AGENDA

### Commissioner Charlie Hales

- 789** Adopt Natural Resource Inventory, ESEE Analysis and East Buttes, Terraces and Wetlands Conservation Plan; amend Comprehensive Plan and Title 33 of the City Code; amend Official Zoning Maps of the City of Portland (Second Reading Agenda 740; as amended)

**Disposition:** Ordinance No. 166572. (Y-5)

- 790** Tentatively grant 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 (Findings; Previous Agenda 604; 92-00809 PU AD)

**Discussion:** Cay Kershner, Clerk the Council, said the findings had not been completed.

**Disposition:** Continued to June 2, 1993 at 2:00 p.m.

- 786** Consider request for Comprehensive Plan Map amendment and zone change from R2 to CG to build an office building on property at SW 24th and Spring Garden Road and to amend ordinance to allow modification of development on property at SW 24th Avenue and Hume Court (Hearing; amend Ordinance No. 154620)

**Discussion:** Pete Kasting, Senior Deputy City Attorney, read the rules of procedure and for appeal.

Susan Feldman, Planning Bureau staff, said removal of the previous zone change has to come to Council because it was originally approved by ordinance. She said the appeal has two issues. The first is a Comprehensive Plan amendment to allow construction of a small office building. She noted that Planning added a condition for a buffer along the north side of the property. The second issue concerns a staff recommendation to amend the



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condition of the previous zone change to allow full development of the entire site because of a change in traffic patterns. This would remove the 24 unit limitation and allow 48 multi-housing units on the new site. This would also satisfy the no-net loss housing condition. She said they believe transportation services, which now allow access onto Hume Court and SW 24th, are adequate. She clarified the wording of Condition A as to exactly where the buffer is applied on the zone change site.

Tom Dixon, Planning Bureau staff, showed slides of the site proposed for a change to commercial zoning.

Alison Santos, representing the Multnomah Neighborhood, expressed concern about traffic and public safety problems, including prostitution, burglaries and other crimes.

Charles Colbin, 610 SW Alder, attorney for Marta and James Frank, said the development plan will have a positive effect on the neighborhood, citing Condition H which deals with traffic issues. He said his concern is with Condition B, imposed by the Hearings Officer, which deals with a culvert on property adjacent to this parcel. While it is also owned by Mr. Frank, from a they believe it is extraneous to this application from a legal standpoint. Condition D may also apply to that adjacent property and to the extent that it might apply, it should not be imposed.

Ric Givens, Planning Resources, 6564 SE Lake Road, Milwaukie, also speaking for the Franks, said it is very difficult to sort this out because they are also dealing with storm water drainage issues related to Shurgard and the amount of water being discharged onto this property and how it will be handled due to some restrictions downstream. He said he would like the conditions requiring a 30-foot stream corridor easement modified to allow more flexibility as it may be desirable to create a detention basin on a portion of Mr. Frank's property. He requested deletion of Condition A requiring a 10 foot buffer zone along the commercial side because it is also the area the stream corridor affects and natural buffering occurs there.

Commissioner Hales asked for clarification of Conditions B and D.

Mr. Dixon said both of those conditions were recommended by the Bureau of Environmental Services (BES). He said he understands Shurgard and the Franks are in negotiations with BES regarding the drainage way and that BES is also considering condemnation of a portion of the Frank property if an agreement can not be worked out. He said the limitation on B was not a big issue at the time of the Hearing so he is not in a position to discuss it.

Commissioner Hales said he did not understand the requirement for an additional five-foot dedication to the 10-foot wide easement for the existing 10-inch culvert. He asked if the 10-inch culvert was not on the site.

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Mr. Dixon said BES has a standard to go no less than 15 feet on any easement.

Mr. Givens said Shurgard is proposing, for its development, a 36-inch culvert which concerns the Franks because of the impact on their property. They believe construction of a detention basin on the lower part of Mr. Frank's property will resolve the problem with the least impact on his property and also take care of the easement issues. He said all of these discussions have taken place since the Hearing and they want to be sure the conditions of approval allow for flexibility in order to implement that plan.

Mr. Dixon said this is basically an issue between private property owners with BES intervening because of their interest in the drainage pattern due to the Shurgard development and this one.

Commissioner Blumenauer said Council could state its intent that the potential drainage problems are resolved consistent with City requirements and encourage the two parties to flexibly resolve this and return with appropriate language. He said Council could state its intent without going into detail.

Mayor Katz said the issue is whether the second sentence ( Condition B) actually allows that to occur.

Mr. Kasting said Council could modify the Hearings Officer decision, noting that Planning has proposed one change which would constitute an amendment if approved and require a carryover. He suggested adding language to Condition B which would state that an additional five feet dedication to the 10-foot wide easement for the existing 10-inch culvert will be required by BES unless an alternative method of storm water disposal is approved.

Mr. Colvin said it is not clear that the first sentence in Condition B relates to something offsite also.

Mayor Katz said the language can be corrected when the parties return.

Commissioner Hales said this is a zone change, not a development approval, and specific solutions would be attached to the development proposal when it is applied for. The intent is to ensure that there is adequate drainage to accommodate the intensity of use allowed under the rezoning.

Mr. Kasting said what is required for approving a zone change is that Council finds that the applicant has shown that the disposal systems are or will be made acceptable to BES.

Commissioner Hales asked about the alternative buffer zone proposed by the applicant.

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Ms. Feldman said this specifically adds a vegetative screen.

Commissioner Hales moved to adopt the language in Condition A as proposed by the Planning Bureau. (Y-4)

Commissioner Hales said he will instruct staff to rewrite the conditions regarding the drainage to meet Code requirements.

Commissioner Blumenauer asked for clarification regarding the condition imposed on property outside this application.

Mr. Kasting said that is not unusual. He said one of the approval criteria is that the applicant convince Council and BES that the requirements can be met. If that means doing an offsite improvement, then that is what is required.

Commissioner Hales said there seem to be a number of design options that could satisfy BES.

Mr. Givens said the easement being requested is to take care of water from the Shurgard property and is not directly related to this property.

Ms. Feldman said the Hearings Officer, in allowing continued drainage for the area, made findings regarding preservation of the stream and vegetation and for drainage on-site. She said she would like to meet with BES to come up with conditions that satisfy the standards.

**Disposition:** Continued to June 16, 1993 at 2:00 p.m.

**\*787** Amend the Comprehensive Plan Map and change the zone of property at SW 24th Avenue and SW Spring Garden Road, from R2, Residential, to CG, Commercial, with conditions (Previous Agenda 509; 92-00853 CP ZC)

**Disposition:** Continued to June 16, 1993 at 2:00 p.m.

**\*788** Amend Ordinance No. 154620, which granted a Zone Change on property located on SW Hume Court at SW 26th Avenue, from R7 to R2, to modify Condition 1, and add conditions (Previous Agenda 510; 92-00853 CP ZC)

**Disposition:** Continued to June 16, 1993 at 2:00 p.m.

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

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF MAY, 1993 AT 2:00 P.M.

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

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

### REGULAR AGENDA

**776** Update by the Government Relations Office on the State legislative session (Report)

**Disposition:** Mayor Katz noted that Marge Kafoury, Director of Government Relations, was in Salem and asked that this be continued to next week.

**Disposition:** Continued to June 2, 1993 at 2:00 p.m.

Mayor Katz asked Council to suspend the rules to consider the following resolution. She said she has instructed all her bureaus not to come in with emergency items as that does not allow time for public testimony. However, this item is plain and simple and transfers the responsibility for asbestos removal in the Coliseum from MERC to the City. Hearing no objections, Suspension was ordered.

### Suspension of the Rules

**790-1** Authorize the Portland Development Commission or its designee to act as the City's construction agent for the removal of asbestos in the Memorial Coliseum Exhibit Hall complex in conjunction with the Oregon Arena Project (Resolution)

**Discussion:** Chris Kopca, Portland Development Commission, said they want to begin this work now in order to gain additional time and meet the very tight construction schedule. He said the Blazers will advance fund this and in the event the project does not go forward, they will end up eating these costs.

He noted that an amendment should be made to change the language in the title from "Assembly Hall" to "Exhibit Hall complex".

Commissioner Hales moved the amendment which passed by voice vote. (Y-4)

**Disposition:** Resolution No. 35157 as amended. (Y-4)

**Commissioner Mike Lindberg**

792

Prescribe the rates and charges for water and water-related services by the City of Portland during the fiscal year July 1, 1993 to June 30, 1994, and fix an effective date (Second Reading Agenda 741)

**Discussion:** Linda Dobson, Commissioner Lindberg's Assistant, described the public information efforts that will be made in connection with the new metered billing system for both water and sewer rates and for the storm water discount program.

Mary Nolan, Bureau of Environmental Services Director, said they wanted to make sure the Mayor's concerns were satisfied.

Mayor Katz said she appreciates that now there is a plan where there wasn't one before.

Ms. Nolan said a fact sheet has been distributed about the senior sewer rate and she wanted to make Council aware of how that program was structured and how it would affect customers.

Commissioner Hales said he understood that the old approach assumed a lower volume for a typical senior household and adjusted the flat rate to reflect that. Under the new program, rates are based on consumption and seniors would likely see a lower than average bill because their actual use is less.

Ms. Nolan said previously it was not an assumed rate but an actual rate based on actual measurements of specific classes of users. One of the classes was of qualified seniors.

Mayor Katz asked what the impact of the new system will be on the class.

Ms. Nolan said metered billing will reduce bills for about half the seniors, while about 80 per cent will be paying less than the average of all single family customers.

Mayor Katz asked about establishment of a low income assistance program as a policy for all classes.

Ms. Nolan said that is included in their approved budget and they plan to implement it next fiscal year after first coming to Council with a recommendation. They are hoping to do that cooperatively with the Water Bureau and work with other utilities as well.

Mayor Katz said Council will have some options for a public policy discussion

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with a financing mechanism tied to it.

Commissioner Blumenauer said he believes the escalating utility franchise fees should be capped to help out low-income seniors and disabled customers who may see their bills doubled or more in some cases. He said it would have been far better to implement a modest program to make sure that the 1400 households in this class could continue the discount for at least the next year. He said he plans to bring a proposal next month to do precisely that. He said he does not support this increase. He said utility franchise fees have the potential of providing a windfall to the Council as a result of rapidly escalating sewer prices and perhaps water prices too.

Commissioner Kafoury said she looked forward to discussing a rate structure to help all low income seniors and families.

Mayor Katz agreed but said a policy needs to be thought out that is not just done by age. She noted that the rate increase is less now than the one initially proposed by Commissioner Blumenauer.

Commissioner Blumenauer asked how this would affect people with dialysis.

Ms. Nolan said they were told that in most cases dialysis involves only a gallon or two of water a day.

**Disposition:** Ordinance No. 166573. (Y-4)

**793** Amend Title 17, Chapter 17.36 of the City Code to revise sewer user rates and charges in accordance with the biennial sewer user rate study (Second Reading Agenda 742; amend Code Chapter 17.36)

**Disposition:** Ordinance No. 166574. (Y-4)

**791** **TIME CERTAIN: 2:00 PM** - Amend Development Standards and Zoning Maps for Columbia South Shore (Previous Agenda 283; amend Code Title 33)

**Discussion:** Mayor Katz explained the procedures to be followed today.

Robert Glascock, Planning Bureau staff, reviewed the non-Goal 5 development issues raised previously. The Goal-5 issues will be addressed on June 23, after further work on findings with the City Attorney.

Regarding the development standards, he noted the need for high quality standards in this area as well as the development community's interest in making sure these standards did not deter industries from locating in the district. Issues 1 through 3 deal with requirements proposed by the Planning Bureau which have been now been moderated. Staff is now willing to delete the requirements for: 1) setbacks along Airport Way for loading

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docks, work activities and exterior development and; 2) limits on metal siding and street facades. On the issue of signs, staff recommends that standards be moderated to allow signs on awnings except for backlit ones.

The Planning Commission deferred the issue of building setbacks along Airport Way as a means to encourage transit, believing it best dealt with Citywide. Regarding pedestrian connections along Airport Way, the Commission recommended a 300-foot depth pedestrian zone. He said there are requests from the development community to reduce the depth of that zone, possibly to 150 feet or to drop it all. The Commission and Planning Bureau felt that the City should not wait for a Citywide effort and there should be places for people to walk in this district. Mr. Glascock said Commissioner Hales will be offering an amendment to use the EG2 zone standards for pedestrians and drop the requirement for contrasting materials in the employment area as well as to add some language to meet ADA requirements. Amendment language would be prepared between now and June 23.

Commissioner Hales said this is a planned district and needs consistent themes throughout despite the patchwork of zones. The idea here is to pick up a tool the City already has, EG2 zoning, and apply it districtwide.

Regarding professional technical facilities, Mr. Glascock said staff supports adding language to streamline the review process for such facilities.

Ann Nichol, Columbia Corridor Assoc., endorsed the changes presented today as well as Commissioner Hales's amendment. Regarding issue 1.2, she said it is not clear whether an adjustment can be requested.

Mr. Glascock said a new issue relating to noise zone standards has also been raised. A proposed house boat moorage on Marine Drive, now going through the permitting process, has been hung up on a glitch in the Code regarding the noise zone. He proposed to work with the affected parties, including the Port of Portland and property owners, on a Code amendment that would be heard on June 23.

Regarding Goal 5 and the need to address archeological resources, Mr. Glascock noted that Council directed staff to present options with pros and cons for each. Three options have been presented and stakeholders have been encouraged to submit others at this hearing. He said at the stakeholders meeting this week, most came away with a better understanding about the meeting of cultures but a continuing dialogue will be essential to understanding the significance of the artifacts to the indigenous peoples. Three native American communities have asked for establishment of a Task Force as another option. He said the Task Force option would not be mutually exclusive with the other options.

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The first option would be to initiate a new Goal 5 Project at the earliest possible date (July 1) using existing inventories and then go through the Goal 5 process to develop a protection program.

The second option would initiate a more expansive Goal 5 Project with additional inventory work and assumes that the existing 20 per cent scan of the district is inadequate. It would then go through the same Goal 5 process.

The third option would be to retain existing protections on known sites and defer additional work to the community planning process although when that would occur is uncertain. The best guess is 1998.

The fourth option, a new option which responds in part to discussions with stakeholders, would use the existing inventory to come up with partial protection for known sites and defer the protection of other areas where sites have not been found to the community planning process.

Tim Simmons, representing Federated Tribes of The Grand Ronde, said the tribe is interested in preserving the cultural resources. They request: 1) an archeological inventory of the entire area as only 20 per cent has been inventoried to date; 2) establishment of appropriate standards; 3) that the City work with the Grand Ronde and other tribes on a government-to-government basis.

Louis Pitt, Jr., director of Governmental Affairs for Warm Springs Confederated Tribe, said the tribes have significant off-reservation rights. He said they too are willing to try to work out a reasonable solution and asked for additional time to work on these issues. He said they are not here to stop development but to protect their interests even though they do not know exactly what they are since only 20 per cent have been identified. He stressed the need to help design good solid protections for these resources.

Scott Stuenke, Archivist and Program Manager for Cultural Resources, Confederated Tribes of Warm Springs, described earlier destruction of burial grounds by farmers. He said Indian graves are protected under State statute, whether or not the remains are still there. He said it is important to inventory 100 percent of the area and to involve professionals as well as the tribes. Mitigation of such sites also needs to be addressed in consultation with the tribes.

Ann Nichol, Columbia Corridor Association, said protection should not be deferred for several years. She called for a balance between such protection with other Statewide planning goals, including Goal 9 regarding jobs. She said any restrictions on development should state clearly how long a project can be halted if an archeological resource is found. Private rights of property owners should also be protected. She noted that one property owner in the area, Winmar, did an additional inventory at a cost of \$100,000 and found nothing more significant. She endorsed Option 4.



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Lyn Mattei, representing the Oregon Natural Resources Council, 522 SW 5th Ave., Suite 1050, as well as the Sierra Club and Northwest Environmental Defense Center, noted that she had submitted extensive comments which she believes would answer many of Council's questions. Cultural resources have been a known resource for a long time and the City has a responsibility, both under its land use laws, its Comprehensive Plan and federal law, to protect them. She said protecting these resources is not an option.

She presented a suggested rewrite of archeological requirements based on what the City had done for the new Natural Resources Management Plan. She also submitted information from John Fagan, archeologist for the South Shore in 1988, recommending a comprehensive survey and a joint effort between the Corps of Engineers, the City and the State. She objected to Option 1 because it is too limited and would not be in compliance either with federal regulations or moral obligations. She also objected to Option 3 because, even though comprehensive, it would take place so late that all the resources would be destroyed.

She recommended strong interim protection and presented language amending part of the Management Plan to include tribal entities in the consulting process and to survey areas with cultural resources as well as natural resources. She said there are funding mechanisms that can be worked on so that it would not be a terrible burden.

Commissioner Hales asked if Options 2 and 4 were closer to the mark for her.

Ms. Mattei said the problem is that no one has the money to do a comprehensive review so resources are ruined in the meantime. She said the best approach would be interim protection now while working on a comprehensive inventory of known sites

David Coupe, 1332 SE 44th, 97215, archeologist, said the City has a moral obligation to protect cultural resources.

Liz Callison, 6039 SW Knightsbridge Dr., 97219, said the development proposed for Columbia South Shore will have a detrimental effect. She said development will violate the traditions of Native Americans and also cited major problems with toxic pollutants that have not been adequately dealt with.

Judith Basehore Alef, planning consultant, 5022 NE 23rd, 97211, and author of the Task Force proposal, said this proposal grew out of Mayor Katz' request for ideas from people who attended the last hearing.

Commissioner Hales said he believes the Task Force tool could be used with any of the other options chosen.

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Ms. Alef said Options 1 and 3 are out of the question as they do not address the immediacy of the issue in a comprehensive manner. Option 2 is a working beginning, with the assistance of the tribes and perhaps a task force. She said the proposal is based on the need for a Citywide inventory but stressed the need for immediate interim protection of the Columbia South Shore.

Kenneth Ames, Department of Anthropology at Portland State University, said only Option 2 is a workable beginning and acceptable from an archeological view. He said a 100 per cent inventory is needed as the 20 per cent that has been done to date is only a preliminary review. Interim management procedures are crucial until the inventory is completed as is the involvement of the Indian tribes. He said heritage resources must not be dealt with on a piecemeal basis or the result will be a nightmare. He said the Indian population in this area was very high and these sites are irreplaceable.

Stephen Hamilton, 1332 SE 44th, 97215, archeology graduate student at Portland State University, called for a 100 per cent survey because of the number of high density sites found during the initial 20 per cent inventory. He stressed the importance of preserving prehistory and consulting with Native Americans about the significance of such sites.

Gary Villa, 7347 SE Henry, #7, American Indian Association, said Portland should not bury the last remnants of the river people. He said this is a sacred area and he hopes the tribes and Council can find the logical thing to do with this area.

Jean Riding, 21510 NE Blue Lake Rd., Troutdale, 97060, said her dream was for an Indian museum at Blue Lake Park. She said the task force should look at this as a regional effort and include Troutdale and Gresham as well.

Scharlene O'Muhundro, Sacred Earth Coalition, PO Box 8453, 97207, read a definition of the word sacred. She said no one owns the land but are only here to take care of it.

Erik Merrill, 3241 SE Taylor, 97214, emphasized paying special attention to the quality of the inventory, including not disclosing site locations in order to avoid looting of the artifacts.

Paul Richmond, no address given, said the Indian tribes are sovereign nations and he did not know if it was within the jurisdiction of the City to deal with sovereign nations.

Trudy Multine, Portland resident and member of Navaho Tribe, asked Council to consider the need of children to learn the history of the community.

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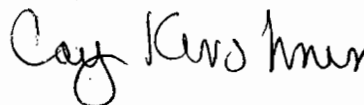
Commissioner Hales said a responsible balance is needed between cultural resource protection and development opportunity. On the regulatory side, the balance sought is between the competitiveness of this area as an industrial location and the level of quality that makes it an asset to the community. He suggested that efforts continue to explore the options on the Goal 5 issues and work toward consensus with the tribes and other parties so that Council can make a choice on June 23 as to how to address cultural resources. On the regulatory side, he said he plans to move the amendments proposed today at the next meeting as well as dealing with the deferred issues of the scenic resources, final determination about the pedestrian and excavation issues and the noise overlay zone in relation to houseboat development.

Mayor Katz asked if Council needed clarification about any of the amendments or had any objections to them. She said she hopes some consensus can be reached on the Goal 5 issues so this can be brought to closure on June 23.

**Disposition:** Continued to June 23, 1993 at 2:00 p.m.

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

BARBARA CLARK  
Auditor of the City of Portland



By Cay Kershner  
Clerk of the Council