



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF JUNE, 1993 AT 9:30 A.M.

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

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

Agenda Nos. 964 and 952 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

946 Cash investment balances for May 6 through June 2, 1993 (Report; Treasurer)

Disposition: Placed on File.

947 Accept bid of Optec, Inc., for furnishing a fiber optic backbone for \$104,366 (Purchasing Report - Bid RFP 157)

Disposition: Accepted; prepare contract.

948 Reject bid of Larson, Inc., for Alder Basin Relief, Phase I, Unit I for \$2,789,346 (Purchasing Report - Bid 174)

Disposition: Accepted.

949 Accept bid of Wildish Paving Co., dba Wildish Building Company, for Columbia Boulevard Wastewater Treatment Plant primary clarifier renovation for \$782,000 (Purchasing Report - Bid 181)

Disposition: Accepted; prepare contract.

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950 Accept bid of Oregon Pacific Corporation for janitorial services at the Columbia Wastewater Treatment Plant through June 30, 1996 for \$39,420 annually (Purchasing Report - Bid 191-A)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

***951** Authorize appointment of Kirk Berger to the position of interim Personnel Director at a rate of pay above entry and at the 17-year vacation accrual rate (Ordinance)

Disposition: Ordinance No. 166644. (Y-4)

***953** Amend City Code to allow for wearing of cloth patch badges on certain items of police uniform clothing (Ordinance; amend Code Section 3.20.250)

Disposition: Ordinance No. 166645. (Y-4)

***954** Amend agreement with Campbell Delong Resources, Inc., to extend the ending date, add services and add \$14,900 (Ordinance; amend Contract No. 28542)

Disposition: Ordinance No. 166646. (Y-4)

***955** Accept a grant from Metro of \$30,000 for FY 1992-93 for conservation work in Forest Park (Ordinance)

Disposition: Ordinance No. 166647. (Y-4)

***956** Grant a revocable permit to Art Celebration, Inc., to close certain streets to hold their Artquake Festival from September 3 to 7, 1993; waive fees for permits and inspections (Ordinance)

Disposition: Ordinance No. 166648. (Y-4)

957 Amend Subsections of the City Code regarding economic development revenue bonds (Ordinance; amend Subsections 5.72.080 (a) and 5.72.020 (2))

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

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***958** Pay claim of Steve A. Miles and Specialized Machinery Erectors, Inc.
(Ordinance)

Disposition: Ordinance No. 166649. (Y-4)

Commissioner Earl Blumenauer

959 Accept the street and storm sewer improvements on SW Carson Street from the east line of SW 35th Avenue to approximately 305 feet east, approve Change Order Nos. 1, 2 and 3, make final payment and release retainage (Report; C-9800)

Disposition: Accepted.

***960** Accept quitclaim deeds from utility companies for release of utility easements within previously vacated streets lying within the Blazer Arena site (Ordinance)

Disposition: Ordinance No. 166650. (Y-4)

***961** Release utility easements located within portions of vacated streets at the future Blazer Arena site (Ordinance)

Disposition: Ordinance No. 166651. (Y-4)

***962** Authorize the sale of property to the Tri-County Metropolitan Transportation District of Oregon for the Westside Light Rail Project, authorize the execution of a real estate option and deed by the Commissioner of Public Works and Auditor, and accept payment (Ordinance)

Disposition: Ordinance No. 166652. (Y-4)

***963** Amend contract with CH2M Hill Northwest for computer services to develop a decentralized financial projection system and waive Code Section 5.68 (Ordinance; amend Contract No. 28566)

Disposition: Ordinance No. 166653. (Y-4)

Commissioner Charlie Hales

***965** Authorize conveyance of property to Tri-Met by warranty deed (Ordinance)

Disposition: Ordinance No. 166654. (Y-4)

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***966** Authorize an agreement with Christie R. Larson to provide staff support for special projects (Ordinance)

Disposition: Ordinance No. 166655. (Y-4)

Commissioner Gretchen Kafoury

***967** Amend agreement with REACH Community Development to increase amount of compensation, revise the scope of work and extend the termination date (Ordinance; amend Contract No. 28208)

Disposition: Ordinance No. 166656. (Y-4)

***968** Amend intergovernmental agreement with Portland School District No. 1 and Multnomah County to decrease the amount of funds available for disbursement (Ordinance; amend Agreement No. 500453)

Disposition: Ordinance No. 166657. (Y-4)

***969** Authorize sublease with Tri-County Metropolitan Transportation District of Oregon for sublease of communications tower on Mt. Scott (Ordinance)

Disposition: Ordinance No. 166658. (Y-4)

***970** Accept intergovernmental agreement with Multnomah County to provide copy machines to the County (Ordinance)

Disposition: Ordinance No. 166659. (Y-4)

Commissioner Mike Lindberg

971 Approve Change Order Nos. 21 and 22 applicable to contract for the Sullivan Pump Station revisions and modifications (Report; amend Contract No. 26796)

Disposition: Approved.

***972** Authorize contract with the Private Industry Council to hire 30 youth in work experience positions in the Water Bureau and provide for payment of \$67,000 (Ordinance)

Disposition: Ordinance No. 166660. (Y-4)

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***973** Authorize and approve an assessment deferral loan from the Department of Environmental Quality (Ordinance)

Disposition: Ordinance No. 166661. (Y-4)

City Auditor Barbara Clark

974 Assess property for sidewalk maintenance through March 31, 1993 (Ordinance)

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

REGULAR AGENDA

939 **TIME CERTAIN: 9:30 AM** - Report on Ordinance amending Development Agreement and related agreements with Oregon Arena Corporation and related ordinances and resolutions for the Oregon Arena Project (Report introduced by Mayor Katz)

Discussion: Larry Dully, Portland Development Commission, summarized the actions before Council regarding the Arena project.

Disposition: Placed on File.

***940** Authorize Third Amendment to the Development Agreement and modify other agreements as provided for therein, regarding the Oregon Arena Project (Ordinance)

Discussion: Commissioner Blumenauer said this is symbolic of the type of public/private partnerships that will be necessary in the wake of Ballot Measure 5 and speaks to the role of the Blazers and the importance of maintaining the vitality of the central City. He said this is a very good deal for the City, done in a way that has the private sector step up and not put a strain on the taxpayers. He said this will enhance the vitality of the City and the region.

Commisisoner Hales said this process has been collaborative, not adversarial, which speaks well for both parties. He thanked the Blazers for their commitments to employing more minority contractors and in offering more housing opportunities to residents of the neighborhood.

Commissioner Kafoury said she wanted to state on the record that costs incurred by the City in putting this project together would be covered out of long term revenues.

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Mayor Katz said this is a wonderful opportunity for the inner city, adding that the partnership has extended itself to a minority contractor commitment that exceeds what the City itself can do. It also provides for a team approach for monitoring this project throughout. She thanked all parties involved in this sometimes difficult but positive process.

Disposition: Ordinance No. 166662. (Y-4)

941 Adopt the Traffic Management/Site Operations Plan for the Oregon Arena Project (Resolution)

Discussion: Steve Rogers, Chair, Eliot Neighborhood Association, said the Association supports this transportation plan but hopes that the oversight committee will be able to address some concerns which have still not been resolved.

Disposition: Resolution No. 35158. (Y-4)

***942** Conditionally ratify the Portland Development Commission's execution for the agreement among the City of Portland, the Tri-County Metropolitan Transportation District of Oregon and Oregon Arena Corporation, dated May 27, 1993, for construction of Oregon Arena transit-related improvements projects, subject to the closing of the transaction between the City and Oregon Arena Corporation contemplated by the Development Agreement (Ordinance)

Disposition: Ordinance No. 166663. (Y-4)

***943** Authorize the Mayor or her designee to execute the Certificate of Closing and to approve, execute and deliver other documents reasonably necessary or desirable to close the transaction with Oregon Arena Corporation for the development of the Oregon Arena Project (Ordinance)

Disposition: Ordinance No. 166664. (Y-4)

***944** Authorize the Executive Director of the Portland Development Commission or his designee to act as the City's agent for construction and property management for the development and operations of the Oregon Arena Project until project completion (Ordinance)

Disposition: Ordinance No. 166665. (Y-4)

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***945** Authorize the Executive Director of the Portland Development Commission or his designee to enter into amendments to the Development Agreement dated November 4, 1992, with the Oregon Arena Corporation and to enter into amendments to the related agreements, for technical corrections and clarifications (Ordinance)

Disposition: Ordinance No. 166666. (Y-4)

***952** Appoint three Senior Deputy City Attorneys to specified rates in the Office of City Attorney (Ordinance)

Disposition: Referred to Commissioner of Finance and Administration.

975 Vacate N St. Louis Avenue west of N Bradford Street, under certain conditions (Second Reading Agenda 878; C-9817)

Disposition: Ordinance No. 166667. (Y-4)

***964** Contract with Neighborhood Association District Coalition Boards for the operation of four neighborhood office programs, including citizen participation and crime prevention, for the period July 1, 1993 through June 30, 1994, and provide for payment (Ordinance)

Discussion: Commissioner Hales said this year a decision was made that the City would be somewhat less directive in its contracts with the district coalitions, setting goals and performance measurements but not specifying how each function would be accomplished. He noted Police Bureau concern about any change in the level of commitment to crime prevention efforts and cuts in the number of positions assigned to crime prevention duties. He said he is satisfied that crime prevention has not slipped as a key priority. He said he regards reduction of a position or two citywide as a matter of degree and said it comes down to the fact that neighborhoods must be empowered and given real responsibility. However, regarding the North Portland coalition, where there is a breakdown in the structure, a way will be found to maintain the current level of staffing for a neighborhood crime prevention specialist while this dispute is being resolved. He called for approval of the contracts.

Rachel Jacky, Director, Office of Neighborhood Associations, said three principle changes have been made to these contracts since last year. Salary ranges have been eliminated for employees and billing and payment procedures have been simplified. Work plan specifications have also been

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increased. Regarding crime prevention programs, the language is essentially unchanged from what it has been in past years. Crime prevention services are now to be offered to individuals and business districts as well as neighborhood associations.

Commissioner Blumenauer asked what prompted Chief Tom Potter's concern about what were described as drastic cuts in crime prevention services.

Commissioner Hales said there were 17-1/2 crime prevention positions in all the coalitions last year and so far there has been a net reduction of one full time position.

Ms. Jacky said the reduction is in West/Northwest where they are planning to distribute the crime prevention specialist's duties across several staff positions.

Commissioner Hales said he does not agree that this is a drastic change.

Commissioner Kafoury asked if there could not be more in the future.

Commissioner Hales said the contract goals speak very specifically about crime prevention and the work plans submitted by West/Northwest speak at great length about what they will do in this area. He said this is an area of work that is fairly easily measured.

Commissioner Kafoury asked if these contracts would allow cutting the specialists in half, as long as they were meeting the goals in terms of how many block watches and how many meetings were held.

Commissioner Hales said in theory they could make an even more dramatic shift in personnel as long as they found a way to accomplish that goal.

Mayor Katz noted that there were not four votes to pass this today so the emergency clause would be removed and this would be continued to next week.

Ms. Jacky said she believes there has been too much of a parental relationship between the City and the coalitions for too long. This contract reduces administrative oversight and increases the accountability of the coalitions for delivering the services identified. She said this contract is based on the notion that City will tell its contractors what the City expects to buy, not how they will deliver it. She said as long as crime prevention services are delivered she does not care what the coalition calls the positions.

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Ike Bay, immediate Past President, West/Northwest Neighborhood Coalition, said there is no reduction in crime prevention services in Northwest. He said this is talk about job titles and semantics, not programs, and he thought their plan had been cleared with City staff. He noted that one of the coalition's star events was the foot patrol in Washington Park which was put together by an office manager who was doing crime prevention work part time. He said he is very concerned about the time line as if it is changed, every coalition will have to call an emergency meeting to consider an amended contract.

Mayor Katz said this is a major policy issue that needs Council discussion.

Mr. Bay said it should have been raised in earlier in the process.

Rosanne Lee, 1814 SE 59th, said crime prevention specialists are extremely overworked and more are needed. They should concentrate on what they do best, crime prevention, not land use or other issues. She suggested that crime prevention services be separated from the neighborhood associations and either become an entity of their own or restored under the umbrella of the Police Bureau.

Kay Durtschi, Southwest Neighborhoods, referred to the current contract, noting that it calls for the coalitions to hire and fire its own staff. She said there is a direct link between crime prevention and land use which is a consistent, persistent concern in her neighborhood. She said she feels threatened that the police are able to distort this situation. Crime prevention is needed in a calm, direct way.

Steve Rogers, Treasurer, Northeast Coalition of Neighborhoods, said while his coalition strongly supports crime prevention services, other coalitions should be able to determine their own priorities. He said in his neighborhood, land use issues are closely linked to crime prevention, adding that Police opposition to this minor change shows a lack of trust by the Police in the ability of citizens to do the right thing.

Diane Raglione, 5908 NE Simpson, Board Chair, Central Northeast Neighbors, said they believe strongly that this is a good contract, a lot less restrictive than those in the past. She said they have been working on their contract, which was late getting to them, for months and have tried to respond in a timely manner. She asserted that the neighborhood coalition people are committed and ethical.

M'Lou Christ, 904 NE 13th, Executive Director, Southeast Uplift, said nothing important has been deleted from the contract that jeopardizes the

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crime prevention program, noting that the scope of work for crime prevention remains the same. She said there was no required number of crime prevention specialists in past contracts and the money for them was lumped together and handed to the coalitions without any prescription for a certain percentage to be spent on crime prevention staff. Ms. Christ described the work priorities of the four crime prevention organizers SE Uplift employs.

Roy Kindrick, Commander of Central Precinct, said the Chief's Forum very strongly agrees with the Police Bureau that maintenance of crime prevention specialist program Citywide is very important and believes that the number one issue in the neighborhoods is crime prevention. If one coalition eliminates its crime prevention specialists, other coalitions will have to pick up the slack. He said while at first the Police resisted working with citizens, now they rely on them.

Frank Dixon, Chair of Neighbors West/Northwest Public Safety Committee, said he thinks there has been a communications breakdown between the Police and the Coalition over this. He said he does not envision any diminution of crime prevention activity in West/Northwest based on this contract. Rather, the coalition has tried to look at its problems in new ways, blending in crime prevention with other issues. He urged Council to accept the contract.

Mayor Katz raised the issue that although the final budget presented to the Tax Supervising Commission does not specifically identify a line item for crime prevention specialists or FTEs (Full Time Equivalency), the intent of the budget clearly did identify a dollar amount for crime prevention that used to be reflected in the contracts and in the FTE.

Tim Grewe, Director of Financial Planning, said his review of the budget submitted to the Tax Supervising and Conservation Commission has a designation for the total program requirement for crime prevention. He said the Office of Neighborhood Association budget identified funds for crime prevention as well as referencing FTE positions within the coalition contracts. He emphasized that it is the line items are that are adopted, not necessarily the programs.

Mayor Katz asked if changes would need to be made in the budget if this passes.

Mr. Grewe said legally Council would not be required to make a change. It would be a change in the program, however, from what Council assumed

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when it adopted the budget. He said the Commissioner in Charge would have the authority to reallocate dollars among programs. Traditionally, however, it has been a collaborative decision among the Commissioners.

Commissioner Kafoury said this is an issue of autonomy for the coalition offices versus protecting a program Council is really committed to. She said she does believe in giving the coalitions some flexibility in providing services but is nervous about this.

Sharon McCormack, Office of Neighborhood Associations, said the area of setting up work plans versus who is delivering the services is a tricky one. When citizens call with a concern it is extremely important that the person responding has a thorough grounding in crime prevention so that citizens are not more frustrated than they were to begin with. Another concern is confidentiality.

Commissioner Blumenauer moved to remove the emergency clause. (Y-4)

He said the coalition offices need to take a reality check because neighbors are confused about what is happening even though they are not involved in the inner circle. He said there is a need to nail this down so people's expectations about the money allotted to crime prevention will not be frustrated.

Commissioner Hales said given the overreaction of the Police Bureau and Chief's Forum to this small change, he is not surprised that people are confused and apprehensive. He said even if the coalitions are not as representative as they might be, what substitute is there for giving them real responsibility. He said what matters is that a real effort has been put into crime prevention, not the specific number of FTEs.

Commissioner Kafoury asked him to respond to some of the issues Ms. McCormack raised about training, confidentiality and having a regular contact.

Mayor Katz said the neighborhood associations do not represent everyone in the neighborhood and she does not want those people to feel that there is no crime prevention specialist to turn to. At first she thought it would be a good idea to separate out the specialists from the control of the neighborhood associations but has decided that is too major a change right now. She said she did not expect, however that the nature of the position would be changed

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and has some of the same questions Commissioner Kafoury has. She said the City does not yet have the foundation to hold the neighborhood associations accountable in this area.

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

Commissioner Charlie Hales

S-976 Instruct the Bureau of Fire, Rescue and Emergency Services to participate in the Multnomah County Ambulance Service Area planning process and to advocate for a public/private partnership system for emergency patient transport (Previous Agenda 873)

Discussion: Cay Kershner, Clerk of the Council noted that a Substitute had been filed. Commissioner Hales moved that it be accepted. The motion was seconded and carried. (Y-4)

Commissioner Hales said he believes a tiered approach is preferable but the Substitute incorporates both the tiered and the single-provider options. Once the draft plan is prepared, the City has an opportunity to examine the role assigned by the County to the Fire Bureau so there will be another opportunity for Council input.

Mayor Katz said she has been somewhat disturbed about this process. She said the question is what is the best way to provide medical services to community, not what kind of political accommodation can be made to move this off the County's agenda. She said she prefers having a single provider for medical services and whether it is a private or public provider is a decision for the County to make. She said she appreciates the change in the resolution to allow both options to be a part of the City's presentation.

Commissioner Kafoury moved an amendment to remove the City's support for the tiered system and allow the Fire Bureau to make a single system bid to the County. Commissioner Blumenauer seconded. She said people who have studied this for years continue to believe that a single system is the best way to assure quality of care and reasonable costs.

Commissioner Blumenauer asked if the amendment would permit the alternative submission of the tiered system.

Commissioner Kafoury said no, her resolution removes the option of the tiered system and that is why Council might prefer the broader resolution. Her concern is making it clear that it is Council's opinion that the single system is better.

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Commissioner Blumenauer said he too believes a single provider is preferable. He suggested that Council agree to adopt the Substitute resolution allowing the Fire Bureau to submit proposals for both options but add a cover letter from Commissioner Hales clearly stating that the consensus of the Council was that a single provider system was best.

Commissioner Hales said he thinks a tiered system has advantages other than the political ones. It provides more options down the line and is less disruptive to the employment market for private paramedics. There are financial and even medical advantages to a single provider but other considerations mitigate against it. He said he thinks the current resolution is a better balance.

Commissioner Kafoury said she would withdraw her amendment if there was a clear statement to the County that a majority of the Council strongly favors a single provider.

Mayor Katz asked Fire Bureau staff to prepare such a letter to the County Chair and Commissioners.

Commissioner Kafoury withdrew her amendment.

Disposition: Substitute Resolution No. 35159. (Y-4)

977

Recommend smaller, decentralized Mt. Tabor stores operation be established and managed by the Bureau of Parks and Recreation for parks maintenance and program needs, and FY 1993-94 Parks and Recreation budget be increased by \$116,026 (Previous Agenda 925)

Discussion: Commissioner Hales asked that this be referred back to his office as the Parks Bureau wants to see if it can further reduce the cost.

Disposition: Referred to the Commissioner of Public Safety.

Commissioner Gretchen Kafoury

***978**

Authorize intergovernmental agreement with Tri-Met for access to City's 800 Mhz trunking radio system (Ordinance)

Disposition: Ordinance No. 166668. (Y-4)

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***979** Authorize intergovernmental agreement with City of Milwaukie for access to City's 800 Mhz trunking radio system (Ordinance)

Disposition: Ordinance No. 166669. (Y-4)

***980** Authorize intergovernmental agreement with Portland Public Schools Police Department for access to City's 800 Mhz trunking radio system (Ordinance)

Disposition: Ordinance No. 166670. (Y-4)

***981** Authorize agreement with Rooftops, Inc., to provide supplemental services in City owned parking garages (Ordinance)

Discussion: Commissioner Hales said this sounds like an innovative idea, noting that the City has to approve any business operation that results from the agreement. He asked if there were planning or zoning considerations.

Steve Goodrich, Bureau of General Services, said the contractor has been in touch with the Planning Bureau on both planning and design review issues. He said the contract specifically requires that the contractor get planning and zoning approval every single time.

Mayor Katz asked if the contract had gone out to bid and questioned its 10 year length.

Mr. Goodrich said the contractor believes that he needs that amount of time in order to attract the services and kind of subcontractors the City wants. The contract allows the City to renegotiate if there are problems after five years. He said he would be happy to keep Council up to date about issues of concern.

Mayor Katz said the length was her concern.

Commissioner Kafoury said she is convinced that to break even the contract has to be several years in length. She said if problems come up they will bring it back to Council.

Disposition: Ordinance No. 166671. (Y-4)

***982** Contracts for towing and storage of vehicles ordered by the City (Ordinance)

Discussion: Dennis Nelson, Chairman of City Towing Board of Review, said these are contracts for the next two years with private towing companies.

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There are 35 companies involved. He said overall the towing companies have done an excellent job of responding professionally, noting the stress caused by the addition of the towing of uninsured vehicles as well as the breakdown in the billing system. He said the new contracts are better all around but do include an increase in charges.

Commissioner Kafoury said the follow up with the Police Bureau has been the biggest complaint.

Mr. Nelson said he supports the procedures outlined in the letter which would correct the current methods used by the Police Bureau.

Cal Collins, attorney representing towing companies, recommended changes which were presented but rejected by the Towing Board of Review. He said the contract does not specify a due date for payments, i.e. 10 days from billing or a year, and asked that this section be amended to require one, noting that the tow operators are required to pay the dispatcher within 10 days of billing. He said many invoices for early 1992 have not yet been paid which hurts tow operators because they are small businesses and operate on a small margin.

Mr. Collins said a second issue is failure of the contract to clarify that City does not have the right to increase the burdens of tow operators once the contract is approved.

Regarding the request for payment by the tenth of the following month, Mr. Nelson said this is an administrative issue, not a contractual one. The City is a slow payer because it has to match every invoice against Police citations.

Commissioner Blumenauer noted that Council has dramatically increased the amount of towing that is being done.

Mr. Nelson said there had been an increase in tows of over 5,000 in a five month period and they are looking at a 35 per cent increase in volume from one year to the next. He said the Bureau will be conducting a review to work out some of the bugs in the current system. Because of the increase in tows of abandoned and hazardly parked vehicles, the industry is having more problems too with angry drivers. Mr. Nelson admitted that things got fouled up with the billing system but said he does not believe that there are any invoices left over from 1992. He noted steps the Police Bureau has taken to improve their billing system and said he is uncomfortable with adding a payment date as there are a lot of bad invoices and he believes it is best to handle this administratively.

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Harry Auerbach, Deputy City Attorney, said the City might add a statement that bills would be paid within 30 days after approval of the invoice which would allow the City to make sure the work has been performed.

Commissioner Hales asked what remedies the City would have if it erred and overpaid the towing company.

Mr. Nelson said such cases are usually worked out informally on a month to month basis and adjustments are made all the time.

Commissioner Hales asked why payment could not be done on a reasonably prompt basis and the paperwork worked out later.

Mr. Nelson said he believes City has pretty stringent procedures because it is spending public funds. He said he believes the breakdown has been corrected and if there continue to be problems they can correct them outside the confines of the contract.

Ben Walters, Deputy City Attorney, said in the past the Bureau was able to handle the flow of invoices but it has been overwhelmed with the recent increase in the number of vehicles towed. He said the City may need to standardize the invoices in terms of where the tower puts a specific charge but that each invoice must be individually examined.

Commissioner Blumenauer asked if it were possible for Council to express interest in getting the booking process streamlined and request a report back later as to how that is being accomplished.

Mr. Collins said his invoices are not disputed, the City is simply unwilling to pay them. He said small businesses do not have many remedies and do not want to sue anyone. Finally, if staff investigates they will find this is not a new problem but one that has been ongoing for years and is widespread.

Mr. Nelson said perhaps the Police Bureau and the accounting divisions should speak to some of these issues. He said the Towing Board shares the concerns raised by the towers but does not have the authority to make changes in the billing system.

Commissioner Kafoury said she would be happy to take that responsibility and report back.

Mayor Katz said Council would vote on the ordinance today and the Bureau could report back in two weeks.

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Commissioner Hales asked if an amendment to the contract might be a part of that.

Mr. Walters said Police could internally adopt a time line. He said it would be difficult to get the signatures from 30 separate towing contractors on any amendment.

Commissioner Hales said the City needs to write something down, adopt it and stick to it so that the agreement does not erode.

David Evans, Downtown Towing, said there has been a great increase in towing business but as a result of the no-insurance tows, more and more towed cars are being abandoned, adding greatly to tow operators' costs. He said towers have consistently been told by the City that checks were in the mail when they were not. He asked for fairness, noting that the City requires that the tower pay their fees on time and the City should do likewise.

Mayor Katz left the meeting at this point.

Commissioner Kafoury said Council is committed to resolving these problems. She said the long term storage issue will be considered when the uninsured motorists ordinance is reviewed.

Dan Clausser, Portland Autocare Towing, said their problems with the City predate problems with the uninsured motorists program.

Commissioner Hales, as President of Council, announced that the vote would be taken at the 2:00 p.m. session as four votes were needed for passage of this emergency ordinance.

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

Items 983 and 987, also emergency ordinances, were continued to 2:00 p.m. June 23.

***983** One-year renewal of contract with Retriever Towing, Inc., for towing, storage and disposal of abandoned vehicles (Ordinance)

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

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984 Amend City Code to increase plumbing permit fees (Ordinance; amend Code Section 25.05.060)

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

Commissioner Mike Lindberg

985 Accept completion of the Willamette Basin, Eastside Test Sumps, Units 1 - 2, and make final payment to Moore Excavation, Inc. (Report; Contract No. 28615)

Disposition: Accepted.

986 Accept completion of the Willamette Basin, Eastside Test Sumps, Unit 3, and make final payment to Moore Excavation, Inc. (Report; Contract No. 28653)

Disposition: Accepted.

***987** Amend Title 17.35 (Septage Discharge) of the City Code, revising the basis for the fee structure in accordance with the annual study on sewer user charges and clarify the wording to reflect the practical application of the septage receiving program at the Columbia Boulevard Wastewater Treatment Plant (Ordinance; amend Code Title 17.35)

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

At 11:50 a.m. Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 23RD DAY OF JUNE, 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; Kathryn Imperati, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

***982** Contracts for towing and storage of vehicles ordered by the City (Ordinance)

Disposition: Ordinance No. 166672. (Y-4)

***983** One-year renewal of contract with Retriever Towing, Inc., for towing, storage and disposal of abandoned vehicles (Ordinance)

Disposition: Ordinance No. 166673. (Y-4)

***987** Amend Title 17.35 (Septage Discharge) of the City Code, revising the basis for the fee structure in accordance with the annual study on sewer user charges and clarify the wording to reflect the practical application of the septage receiving program at the Columbia Boulevard Wastewater Treatment Plant (Ordinance; amend Code Title 17.35)

Disposition: Ordinance No. 166674. (Y-4)

988 **TIME CERTAIN: 2:00 PM** - Amend development standards and zoning maps for Columbia South Shore (Previous Agenda 791; amend Title 33)

Discussion: Bob Glascock, Planning staff, said staff would like to do some more work to narrow down the options regarding the cultural resource issues, rather than adopting an option today. He suggested July 14 as an appropriate date.

Robert Stacey, Planning Bureau Director, said further legal analysis needs to be done as well as obtaining a cost estimate on the inventory work.

Mr. Glascock said only one of the issues being considered today relates to cultural resources. The first four issues relate to scenic protections and staff

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is recommending some modifications to them based on the testimony received. A fifth issue concerns noise standards both in the Plan district and Citywide. Staff agrees that there is a need for more specific language.

Regarding the first issue, rooftop screening, staff recommends that the distance from Marine Drive where rooftop screening would be required, be reduced to 200 feet. The section regarding partial screening has also been modified and staff has indicated that they will be measuring individual pieces of machinery.

On the second issue, regarding building setback and perimeter landscaping, staff proposes a clustered landscaping scheme which allows buildings to come 10 feet closer to the street but still mandates substantial perimeter landscaping.

On the third issue, a request to delete or modify a view corridor on NE Airport Way and Interlachen Parkway, staff felt that substantial development alternatives were available on the 65 acre site affected by the proposal and propose no change in the present plan. On the fourth issue, staff has agreed to redraw the "s" line to conform with drainage easements.

Finally, there is the issue of cultural protection. Currently there is an interim protection plan which this project will replace. Staff would like to retain existing levels of protection for cultural resources and delete other approvable criteria for the present.

Greg Specht, a private developer and spokesman for the National Association of Office Parks, asked for clarification about the requirements for rooftop screening and whether painting is an acceptable alternative. He questioned whether 200 feet on Marine Drive is measured from the right of way or the edge of the asphalt. He also asked if the allowance for painting applies to any particular piece of machinery or to the aggregate.

Herb Althouse, 703 Broadway, #605, Vancouver, WN 98660, said rooftop screening standards do not appear to consider the retrofitting of existing machinery. He supported the Indian community in its call for cultural resources plan and asked that it be done as soon as possible.

Lawrence Watter, 4230 SW Corbett Ave., #201, said cultural resources are irreplaceable and called for a moratorium on any development in this area until an inventory is completed.

Laurie Craghead, Cascade Geographic Society, said development standards cannot be adopted until Goal 5 resources are adopted. She also asked for a

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moratorium until an inventory is completed and the conflict of uses is resolved by Council.

Bill Horning, Western Planning Associates, 204 SW First Ave., representing the Art Spada family, said the impact of the scenic view easement on the Spada's 65 acres in Airport Way would be severe. He said staff has discounted the impact because of the Winmar granting of an easement on its property. The Winmar easement, however, does not affect any buildable area while the Spada view easement goes right through the heart of the most valuable part of their property. He requested that the scenic easement not be imposed until the staff and the Spadas have an opportunity to work on a site-specific basis and thoroughly analyze the issue. Second, if that is not acceptable, they would like Council to adopt language that recognizes the heavy impact of this view easement and allows the Spadas to transfer the development rights that are lost to the balance of their property.

Keith Liden, 722 SW 2nd, supported the proposed amendment to omit the reference to the Portland noise zone as it would implement a more restrictive requirement than those applied to any other City properties.

Linda Robinson, 1115 NE 135th Ave., 97230, recommended support of the scenic view corridors. She noted the huge increases in property values due to the large public investments in the area and said protection of the view corridor is a good exchange for this investment. She asked if the screening requirements also applied to the vegetation and whether they applied to the same or different properties. She also supported the Planning Commission recommendation that the 3.2 view of Mt. Hood not be changed.

Judith Bashore Alef, 5022 NE 23rd, said the cultural resources protection plan should not be treated in such a piecemeal approach. She said this is not a protection standard as it covers only two of the known sites while the rest of the 19 are left hanging and nothing is said about those not yet identified. She said language is needed to clarify that an archeological report is needed before the cultural review.

Scharlene O'Hohundro, 1819 NW Everett, 97302. Sacred Earth Coalition, said piecemeal development of Portland has destroyed valuable resources. She stressed the vital need to do something now, not in the future.

Bernard Galitzki, Vitel Investment Co., speaking for Columbia Corridor Association, supported the Plan in general. He suggested that the rooftop screening requirements be clarified in order to properly engineer buildings in support of such screening.

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Tim Simmons, attorney representing the Confederated Tribes of the Grand Ronde, said they are concerned that there is no protection for known cultural sites. The tribes, while understanding the need to continue development, recommend an interim process to protect sites that are found when digging takes place. He said they would be willing to work on such standards and on an interim process. He objected to receiving new information right before the Council meeting which does not allow them time to respond.

Kathryn Imperati, Senior Deputy City Attorney, said the information contained in her memo to Council responds to a charge given to her Monday afternoon. She said her preferred approach is to circulate such information for review and comment ahead of time.

Mayor Katz said the process will allow additional input and another presentation will be made on cultural resources as a result of further discussion with the tribes.

Mr. Stacey said no final action is recommended today. One legal question is whether the City has the authority to act outside or in addition to the Goal 5 process, which places considerable restraint on the City's ability to act immediately to protect resources. He said he hopes to work with all parties on the process, which involves research on the inventory methodology and discussion. He recommended action, however, on the remaining issues.

Mr. Glascock reviewed the requests made today. Regarding Mr. Specht's questions, he said staff recommends retaining the right of way rather than the edge of the pavement as the measure for screening materials. He said to do otherwise is not consistent with the Code.

Regarding the exemption to allow for painting equipment on the roof to match the roof color rather than physically screening it, Mr. Glascock said staff supports using the measurement for individual equipment rather than limiting the exemption to the entire building. He said buildings with multi-tenants could use up the exemption with one or two tenants and then the entire building would have to be screened even though each piece of equipment was relatively small. Using a more flexible exemption standard means the distance at which the physical screen is required, i.e. 200 feet from the right of way, is less important. He said in talking to Mr. Specht, he found that most of the rooftop equipment he is talking about would face Airport Way, not Marine Drive, and would be less likely to be within the 200 feet.

Commissioner Hales asked if that needed to be spelled out in the Code.

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Mr. Glascock said he would change the wording to read "rooftop mechanical rooftop units that interrupt less than 25 square feet of roof surface area".

Commissioner Kafoury moved that this change be added. Commissioner Blumenauer seconded.

Mayor Katz asked Mr. Glascock to put it in writing.

Responding to Mr. Althouse's question, Mr. Glascock said there is no requirement that existing equipment be retrofit.

He said he would like to defer a response regarding protection of the known cultural resource sites until additional work is done with the City Attorney's Office to understand what laws apply.

Regarding Mr. Horning's testimony about the Spada property, he said staff said does not recommend that a Transfer of Development Rights (TDR) be applied to a view corridor. He noted that the land will require a land division process and through that a design concept could be put together to incorporate a view corridor. That would allow for development and still protect the view.

Commissioner Hales said the concept of the TDR has come up in a number of other cases recently and if the City could come up with a mechanism in the future this might be a tool the Spadas could use at a later date.

Mr. Stacey said TDRs have been approached very cautiously and Planning has very narrowly defined the area within which they can be transferred. They have talked about a more general provision but are not confident of their ability to keep track of them across the City.

Commissioner Blumenauer asked about the policy of rearranging density on this site.

Mr. Stacey said generally, through the land division process, the applicant can arrange building sites and the buildings themselves to maximize the floor area there while keeping the view corridor in tact.

Commissioner Blumenauer said perhaps some of the accounting and tracking could be simplified if there was something specific to a particular parcel rather than Citywide.

Mr. Stacey said in industrial development the opportunities for density transfers are more limited than they are for residential.

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Mr. Glascock said most of the potential lots on this site have employment zoning which allows the clustering of floor area ratio, giving one the ability to amass it in different arrangements. The view corridor in no way preempts a one-story building, but only multi-story buildings.

Commissioner Blumenauer said he understands that not much, if any, development potential would be lost on these 65 acres if the view corridor is protected.

Mr. Glascock said that is correct.

Mayor Katz asked for a memo about what is needed to deal with the transfer of development rights for the City if that is the will of the Council.

Commissioner Blumenauer said he would like also to know what a limited transfer would mean when talking about view corridors on particular sites.

Mayor Katz agreed.

Mr. Glascock said the remaining issue concerns the need for clarification of the application requirements to make sure that staff has enough evidence with which to make findings on whether significant cultural sites are involved. He said he could prepare an amendment that would require a supplemental application requiring an archeological report attesting to whether significant cultural resources are found on the site. He said they believe that if they broaden the protection now for unknown sites they will have to go through a lengthy Goal 5 process.

Commissioner Kafoury asked if there was any way to protect a site that had not yet been identified.

Mr. Glascock said if the site is outside the interim resource protection area, the City has no regulations.

Commissioner Hales asked why the 19 known sites do not qualify as an archeological area.

Mr. Glascock said Portland State inventoried about 20 per cent of the district, including some but not all of the area covered by the cultural resources zone. He said language could specify that existing inventories as relevant to development sites could be used to determine if the sites are significant. One option is that staff could add a new item C which would

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specify some supplemental application requirements for the review. A second option is not to address the issue now but deal with it as part of a larger package which needs more time.

Mr. Stacey said the interim cultural resources protection applies only to areas in the SEC (Significant Environmental Concern) zone and only two sites fall within it.

Mayor Katz said more discussion is needed about how to proceed with the sites outside the zone and not view them in a fragmented manner. A work plan to inventory this area is needed. She asked if a time line of six months would work.

Mr. Stacey said they also need the cooperation of the landowners in order to complete the process expeditiously. He said construction is ongoing and suggested that the period between this and the next building season be used to do the inventory and develop regulations. Also to be determined is what kind of work load and resources are needed, as well as what level of community agreement is needed.

Commissioner Hales said it is important to remember that the City is not talking about enabling the development of the Columbia South Shore. It is already enabled and what the City is doing now is amending the regulations it already has. The work underway right now is already permitted.

Mayor Katz said as the work is being done this summer, someone should have the ability to come on site to see if any archeological items are being destroyed. She said the City may want to look at working with the developer on a voluntary basis to allow on site inspection.

Mr. Glascock said a specific decision needs to be made whether to amend SEC district or explicitly require an archeological analysis as a supplemental application.

Mayor Katz said she is not ready to decide that today.

Mr. Stacey said this refers only to the two sites that would be regulated by the SEC zone. Planning would recommend that Council clarify existing rules now to require an archeological report for these two sites.

Commissioner Blumenauer moved to adopt the amendments proposed by the Planning Bureau. Commissioner Kafoury seconded. The motion carried.
(Y-4)

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Mayor Katz said on July 14 the bigger picture of cultural resources will be discussed. She urged the development community to help the City identify these resources.

Commissioner Hales said these standards are an effort to change the regulatory climate in the Columbia South Shore and represent a balance between resource preservation and a heightened aesthetic standard with a reasonable level of development opportunity. He said Planning is committed to moving as quickly as possible on identifying and protecting the cultural resources on the site.

Mr. Glascock said they would like to solicit written comments to the findings through July 6.

Mr. Stacey said Staff would like to come back at a later date with recommendations about cultural resources.

Disposition: Continued to July 28, 1993 at 2:00 p.m.

SUSPENSION OF RULES

Cay Kershner, Clerk of the Council, noted that the Planning Commission Report should have accompanied the above ordinance but had been inadvertently omitted.

Commissioner Hales moved Suspension and Commissioner Kafoury seconded. Hearing no objection, the Mayor so ordered.

988-1 Adopt report and recommendations of the Planning Commission to amend Development Standards for Columbia South Shore, amending Title 33 and Zoning maps (Previous Agenda 282; amend Code Title 33)

Disposition: Continued to July 28, 1993 at 2:00 p.m.

At 3:30 p.m. Council recessed.

June 24, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF JUNE, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Kafoury and Hales, 3.

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

989 Consider request by Tan and Thanh Hai Vominh and Paul and Dorothy Anderson for a Comprehensive Plan Map Amendment and Zone Change from R5 to CG to allow continuation of an existing service station in an R5 zone located at NE 72nd and Halsey (Previous Agenda 933; 92-00563 CP ZC)

Discussion: Mayor Katz said Council members were interested in seeing if anything could be done for the tenants on this site.

Susan Feldman, Bureau of Planning, said the Portland Development Commission (PDC) can offer some relocation assistance. The question was also raised about the applicability of commercial zoning along SE Halsey. She said this property is within the Outer Southeast Community Plan area and the owners could express their desires for this property through that legislative process.

With regard to setting a precedent, Ms. Feldman said the City would be ignoring many of its Comp Plan goals if it approved this request and it would be difficult to make findings and still meet prior planning goals. She said she had checked with the Bureau of Buildings on the enforcement history on this site and found that in 1989 cars were being illegally parked and held for sale. At the same time the City learned that gas was not for sale, which was one of the conditions of the conditional use. In 1990, as part of the Code Compliance Hearing agreement, the property owner agreed to sell gas at this site and remove the illegal cars. In 1992 the Bureau was informed that gas pumps had been removed and cars were again being parked on the vacant piece of property. This zone change request is a result of the most recent enforcement efforts on the site by the Bureau of Buildings. Between 1990 and 1992 there was no enforcement.

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Mayor Katz asked for the tenants' names and said she would do whatever she can to see that they have an opportunity to relocate with PDC's assistance, depending on how the vote goes.

Commissioner Hales said despite the fact that the City has not always spoken as clearly as it might regarding the enforcement issues, it has spoken clearly enough. He said he cannot support the zone change, given the problems with enforcement and the precedent that would be set as well as the opportunity to legislatively rezone this property. He moved to uphold the Hearings Officer's recommendation and deny the appeal.

Bud Morrison, representing the Vomins, asked for rebuttal time.

Mayor Katz asked what rebuttal rights the applicant had.

Linda Meng, Chief Deputy City Attorney, said she did not know as she was not there the last time.

Mayor Katz decided to allow the applicant three minutes rebuttal time even though she thought the record had been closed.

Mr. Morrison noted the presence of neighbors in Council who came to support the applicants.

Tan Vominh, applicant, said he did check with the City when he brought the property and was told that he had a conditional use for auto repair and gas station. He said he did not understand that if gas was not pumped there, he would lose everything.

Mayor Katz said she was confused by the fact that it is okay to pump gas and have auto repair but not okay to have just the repair.

Ms. Feldman said there was never a conditional use on the site. It was a nonconforming use and an old zone change in 1954 said once gas pumping ceased, the nonconforming rights to commercial use would be lost. This was reiterated in 1990 with the Stipulated Agreement with the previous contract purchaser who did not live up to that agreement and then sold the property.

Mr. Vominh said at the first hearing the City did not know when the use had been discontinued. He said he removed the pump because he did not know that would make it illegal and now he is trying to change the zone to make it legal.

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Commissioner Hales said he is sorry for any false hopes that might have resulted from this week's delay. He said based on the Planning objectives he can not support the zone change to commercial, even given the muddy relationship and imperfect communication from the City.

Mr. Morrison said they never asked for a zone change. He said they would agree to totally rebuild the auto shop or do anything rather than losing it all. He said they never raised the point that they should be granted this request because of the failure to do formal checking beforehand. He said the cessation of pumping was all done before the Vomins got there. He asked for some compromise that would preserve the jobs rather than putting these people out on the streets. All the zoning has to prove is that there is stability in the neighborhood and that is what these businesses offer. He said Council should not be concerned about the precedent but decide, on an individual case basis, whether this would upset neighborhood stability. He argued that the buildings will become attractive to derelicts.

Commissioner Hales noted that the Mayor indicated she would ask PDC to help relocate the tenants. Also, the Outer Southeast planning process will be reexamining the zoning in this area so that door is open for making a change on this property.

Mr. Morrison objected to the way this request had been scheduled and the lack of time that had been granted.

Mayor Katz said Council has been concerned about the issues raised and after much thought has concluded that it does not want to make the zone changes right now but that there will be an opportunity to rethink this as part of the Outer Southeast planning process. She said she is most concerned with helping the tenants who got caught in this web of confusion.

Ed Whirl, no address given, said it is an injustice to put Jerry Reynolds, one of the tenants and a very good neighbor, out of business.

Disposition: Request Denied. (Y-3)

REGULAR AGENDA

Commissioner Charlie Hales

990 Amend Title 33, Planning and Zoning, to clarify several issues (Previous Agenda 936-1)

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Discussion: Mayor Katz said this would have been approved last week but Commissioner Blumenauer wanted to discuss further the issue of deleting from the Code the requirement for making an announcement that the record remain open for seven days. Another element was that the City was also lobbying the Legislature to eliminate the requirement that the record be left open for seven days, which she said she does not think will pass.

Mayor Katz said she decided not to act on this until the neighborhoods had a chance to testify, noting that currently if the City fails to make that announcement it can trigger an appeal to LUBA. She said she would continue to make such an announcement, even if not required by the Code.

John Alland, Land Use Chair, Southwest Neighborhood Information Inc., asked Council to support the Planning Bureau's recommendation and keep the announcement in place. He said citizens need to hear, as well as read, what their rights are and it is also important to have the option of keeping the record open.

Kay Durtschi, Southwest Hills Residential League, agreed with Mr. Allen on the need for people to repeatedly hear the announcement.

Mayor Katz said she understands that but noted that currently failure to read that announcement can trigger an appeal to LUBA.

Ms. Durtschi said Council has the obligation to make an announcement that people have the right to hold the record open if they want it.

Mayor Katz asked if her concern was with the possible change at the State level. She said if so, the City can craft language to automatically trigger a Code requirement to make sure they have the ability to keep the record open seven days. She said she did not understand what the real issue is.

Mr. Alland said the real issue is the number of people coming into the process for the first time who do not understand what their rights are. He asked what is wrong with adding one more statement.

Commissioner Hales said he is prepared to support the Planning Commission recommendation because it does not make sense to deal with this issue piecemeal. However, he said to send a case to LUBA and back based on whether or not the Mayor read a sentence is not a model of open public process. In fact the whole process is so byzantine it scares a lot of people off. He said he is interested in a more structural examination of the entire

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appeal process, adding that the notice-reading ritual might even be removed as part of that process. He urged the neighborhoods to think creativity and not glom on to every procedural thing in the Code.

Ms. Durtschi said because there are no rebuttal rights, there are times when the record needs to be left open to enter new information into the record

Commissioner Kafoury said the proposed change would not take away the right to keep the record open for seven days.

Mr. Alland said many people do not understand that they have to request that the record be left open.

Steve Rogers, Eliot Neighborhood Association, said there probably is some of abuse of this but other announcements also trigger appeals. He said he agrees with Commissioner Hales about the appeals process and said they would like a citizens committee to help develop a more effective system for everyone who participates in it.

Margaret Labadie, 2381 NW Johnson, Northwest District Association Planning Committee member, agreed with Mr. Rogers. She said it comes down to recognizing that a right is not any use unless people know they have it. She said the statement on the written explanation of the process is not prominent enough to replace the oral announcement. This issue should be held in abeyance until the whole appeal process is overhauled.

Commissioner Hales moved to adopt the Planning Commission recommendations and amend Title 33 as provided in the Ordinance.

Commissioner Kafoury noted that the Mayor has stated that she will read the notice and nothing is changing except the fact that a case could not be appealed to LUBA if someone forgets to read the notice. She said she wished there was not so much misunderstanding about this.

Mayor Katz said she believed Commissioner Blumenauer's amendment was a good one, adding that she thinks the neighborhoods are pushing on this issue but she will vote aye because there are more important issues.

Disposition: Passed to Second Reading June 30, 1993 at 2:00 p.m.

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Commissioner Gretchen Kafoury

- 991 Authorize intergovernmental agreement which contracts with Multnomah County for the Bureau of Licenses to administer the Multnomah County Business Income Tax program (Second Reading Agenda 937)

Discussion: Dennis Nelson, Manager, License Bureau, distributed information regarding the tax impacts on the business climate. He also proposed a review process, adding that in July 1994, the Bureau will do a report on revenues. This will be a partial report but should provide a good view of how solid the revenue estimates related to the Code changes are. They recommend that a review panel be appointed jointly by the Mayor and the Multnomah County Chair to look at the impact of the Code on economic development policy.

Mr. Nelson reviewed the study of Independent Businesses, which listed Portland as the worst city in the nation for business taxes, pointing out a number of errors. He said his review shows that their information was based on pre-Measure 5 property taxes and, if current ones were used, Portland would easily drop out of the top. They also did not take into account the fact that there is no sales tax, distorting the study dramatically. Based on these and other errors, the Bureau has concluded that this study gives a very distorted picture of the tax climate in Portland.

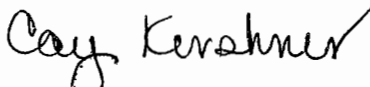
Disposition: Ordinance No. 166675. (Y-4)

- 992 Amend the Business License Law to obtain code conformity with Multnomah County, County Business Income Tax (Second Reading Agenda 938)

Disposition: Ordinance No. 166676. (Y-4)

At 2:55 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council