



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF AUGUST, 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 Chuck Bolliger, Sergeant at Arms.

Becky Black, McCoy Academy Oregon Outreach, described a new alternative school program at Iris Court which attempts to reach young people who have left the school system. Otha Banks, a program participant presented a rap song he had written.

Agenda Nos. 1238 and 1244 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1235** Accept bid of Allied Safety, Inc., for furnishing annual supply of work gloves for \$44,796 (Purchasing Report - Bid 1-A)

Disposition: Accepted; prepare contract.

- 1236** Accept bid of Wildish Paving Co., dba Wildish Building Co., for final clarifier modifications at Columbia Boulevard Wastewater Treatment Plant for \$392,913 (Purchasing Report - Bid 4)

Disposition: Accepted; prepare contract.

- 1237** Accept bid of Snyder Roofing & Sheet Metal, Inc., for Columbia Boulevard Wastewater Treatment Plant roofing project, Phase C for \$61,472 (Purchasing Report - Bid 5)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- *1239** Authorize agreement with Fred Meyer, Inc., for the provision of discounted pharmacy services to the City of Portland benefit plan participants (Ordinance)

Disposition: Ordinance No. 166788. (Y-5)

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***1240** Authorize lease-purchase agreement and full faith and credit refunding obligations (Ordinance)

Disposition: Ordinance No. 166789. (Y-5)

***1241** Authorize inter-fund borrowing and reimbursement of the City from revenue bond proceeds (Ordinance)

Disposition: Ordinance No. 166790. (Y-5)

***1242** Authorize General Obligation Water Refunding Bonds, Series 1993 (Ordinance)

Disposition: Ordinance No. 166791. (Y-5)

***1243** Authorize Urban Renewal and Redevelopment Refunding Bonds, Series C (Ordinance)

Disposition: Ordinance No. 166792. (Y-5)

***1245** Amend contract with WEFA, Inc., for economic services (Ordinance; amend Contract No. 27164)

Disposition: Ordinance No. 166793. (Y-5)

Commissioner Earl Blumenauer

***1246** Extend contract with Western Paper Company for annual supply of 20# white recycled paper through June 30, 1994 (Ordinance; amend Contract No. 28456)

Disposition: Ordinance No. 166794. (Y-5)

***1247** Amend an agreement with the Oregon Department of Transportation to modify the name and funding structure of the Arterial Overlays and Reconstruction, Phase 10 Project (Ordinance; amend Agreement No. 28260)

Disposition: Ordinance No. 166795. (Y-5)

1248 Vacate portions of N Burr Avenue, N Bellingham Street, N Moltzen Street, and an alleyway in Block 22, East St Johns Addition, under certain conditions (Second Reading Agenda 1204; C-9824)

Disposition: Ordinance No. 166796. (Y-5)

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1249 Vacate portions of SW Jefferson Street, SW Jefferson Road, SW Murray Street and SW Murray Lane, near SW Canyon Road, under certain conditions (Second Reading Agenda 1205; C-9845)

Disposition: Ordinance No. 166797. (Y-5)

Commissioner Charlie Hales

***1250** Authorize appointment of Thelma Sickinger to the position of Office Manager I in the Bureau of Fire, Rescue and Emergency Services at the top pay rate for that class (Ordinance)

Disposition: Ordinance No. 166798. (Y-5)

***1251** Allow the temporary community relations assistant hired to provide services to the Neighborhood Associations and citizens of the North Portland area to begin being paid at the second step on the salary scale for that classification in order to maintain parity with the incumbent's current compensation package (Ordinance)

Disposition: Ordinance No. 166799. (Y-5)

Commissioner Gretchen Kafoury

***1252** Contract with Franciscan Enterprise for \$87,300 for rehabilitation of rental housing and provide for payment (Ordinance)

Disposition: Ordinance No. 166800. (Y-5)

***1253** Contract with Multnomah County for \$100,032 for services for women leaving prostitution and provide for payment (Ordinance)

Disposition: Ordinance No. 166801. (Y-5)

***1254** Contract with Ecumenical Ministries of Oregon for \$35,000 for the Shared Housing Program and provide for payment (Ordinance)

Disposition: Ordinance No. 166802. (Y-5)

***1255** Contract with Multnomah County Department of Community Corrections for \$100,000 to provide the STOP program and provide for payment (Ordinance)

Disposition: Ordinance No. 166803. (Y-5)

***1256** Contract with the Portland Women's Crisis Line for \$10,000 to provide assistance to victims of domestic violence and provide for payment (Ordinance)

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Disposition: Ordinance No. 166804. (Y-5)

- *1257** Modify Agreement with Geotechnical Resources, Inc., for professional engineering services during construction of the Portland Public Safety Facility (Ordinance; amend Contract No. 27775)

Disposition: Ordinance No. 166805. (Y-5)

- *1258** Amend Contract with Grady Harper Carlson, Inc., for construction of the Portland Public Safety Facility (Ordinance; amend Contract No. 27775)

Disposition: Reconsidered August 4, 1993 at 2:00 p.m.

- *1259** Amend Agreement with Pioneer Courthouse Square, Inc., to provide security services (Ordinance; amend Contract No. 20957)

Disposition: Ordinance No. 166807. (Y-5)

- *1260** Amend Agreement between the Association for Portland Progress, the City of Portland, and Portland Downtown Services, Inc., to delete provisions for Pioneer Courthouse Square security (Ordinance; amend Contract No. 28254)

Disposition: Ordinance No. 166808. (Y-5)

- *1261** Increase scope of Agreement with Aron Faegre Associates, Architects, for architectural services for the Portland Public Safety Facility and provide for payment (Ordinance; amend Contract No. 27519)

Disposition: Ordinance No. 166809. (Y-5)

- *1262** Adopt the 1993 Edition of the State of Oregon Electrical Specialty Code (Ordinance; amend Code Section 26.16.010)

Disposition: Ordinance No. 166810. (Y-5)

Commissioner Mike Lindberg

- *1263** Agreement with the firm of Dames & Moore in the amount of \$101,000 to conduct a seismic stability analysis of Bull Run Dam No. 1 (Ordinance)

Disposition: Ordinance No. 166811. (Y-5)

- *1264** Agreement with the first of Cornforth Consultants, Inc., in the amount of \$183,600 to conduct a seismic stability analysis of Bull Run Dam No. 2 and related abutments and facilities (Ordinance)

Disposition: Ordinance No. 166812. (Y-5)

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- *1265** Authorize the continuance of negotiations for the purchase of twelve permanent sewer easements required for construction of the Robinbrook Sanitary Sewer Project; authorize the City Attorney to commence condemnation proceedings and obtain early possession (Ordinance)

Disposition: Ordinance No. 166813. (Y-5)

- *1266** Authorize appointment of Noam Stampfer to the position of interim Director for the Bureau of Environmental Services at a rate of pay above entry (Ordinance)

Disposition: Ordinance No. 166814. (Y-5)

- *1267** Authorize grants for performances and/or public services that promote the arts and provide for payment (Ordinance)

Disposition: Ordinance No. 166815. (Y-5)

- *1268** Call for bids for the Stephens Slough Storm Sewer Relocation Project (Phase III); authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166816. (Y-5)

- *1269** Extend completion date to November 1, 1993, and increase the amount of Contract No. 26654 with CH2M-Hill, Inc., from \$272,914 to \$285,970, for additional engineering services (Ordinance; amend Contract No. 26654)

Disposition: Ordinance No. 166817. (Y-5)

City Auditor Barbara Clark

- 1270** Appoint Frank Dixon, Charles Ford, Blanca Ruckert and Ingrid Slezak as Citizen Advisors to the Police Internal Investigations Auditing Committee (Report)

Disposition: Confirmed.

REGULAR AGENDA

- 1233** **TIME CERTAIN: 9:30 AM** - Recommend 1993 Seasonal Water Supply Plan (Report introduced by Commissioner Lindberg)

Discussion: Michael Rosenberger, Water Bureau Manager, noted that in April the Bureau developed a water supply plan which they felt met City needs. However, after the hearing on Bull Run Lake two weeks ago, they decided to return with additional alternatives for Council consideration. He informed Council that the draw down which began July 15 was a full two

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months later than last year, because of higher stream flows and lower demand. About half the decrease in use, or 12 per cent, is attributable to more rain while the other half is due to conservation programs, which he summarized.

Regarding the wellfield, Mr. Rosenberger said approval from the Department of Environmental Quality (DEQ) to operate the Blue Lake aquifer wells is expected in a matter of days. Also, Boeing Company and Cascade Corporation have signed an agreement with the DEQ to build two extraction wells to prevent contaminants from entering the wellfield.

Joe Glicker, Water Bureau, noted two key concerns about the Bull Run Lake previously voiced by Council members. These were to reduce the potential environmental impact and to induce behavioral changes using curtailment programs prior to drawing water from the Lake. Based on those concerns, the Bureau has developed two new alternatives.

Mr. Glicker explained the Bureau's plans for use of Lake water at elevations between 3140 and 3178 feet, which is the top of the Lake. He said their environmental consultant identified spawning access for fish as the key issue and believes that spawning occurs at 3170 feet, the elevation where streams connect to the Lake. At that level presumably there would be no environmental impact. Level 3156 takes into account an average fluctuation of the Lake of about 14 feet and is the point at which they believe, overall, there would be no environmental impact because one can assume it will refill naturally back to 3178. Mr. Glicker said 3148 feet is the level they have historically operated at for the last 80 years. The actual environmental impacts of drawing the Lake down to this level are unknown, but current environmental assessments state that there is a potential impact on the fish if the elevation is lower than 3170 when spawning occurs. Elevation 3143, the lowest level to which they go, requires pumping and is the level they went to last year. For the permit, the lowest level they recommend is 3143.

Mr. Glicker defined mandatory and voluntary curtailment levels, noting three levels of mandatory curtailment activities. He reviewed four seasonal water supply plan alternatives. Alternative 3 is the one designed to have the least environmental impact. The July B and C alternatives address the concerns expressed by Council. Key differences involve the use of Bull Run Lake and the role of mandatory and voluntary curtailment. Alternative A calls for using the Lake down to 3148, the point at which it has been historically managed, prior to mandatory curtailment. Mr. Glicker described differences in the alternatives proposed, including the elevation levels to be reached prior to imposition of both voluntary and mandatory curtailment programs. Alternative 3 does not use Bull Run Lake at all and is much more dependent on mandatory curtailment and pricing, as well as the availability of the Columbia South Shore wells.

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Commissioner Lindberg asked how frequently the Lake has been used.

Mr. Glicker said it has been used since 1915 and recent records show that it has been used nine times in the last 20 years, or eight out of the last 13.

Commissioner Kafoury asked if the Water Bureau was recommending Alternative B.

Mr. Rosenberger said they would leave the choice to Council but their preference would be B, based on the low environmental impact and their belief that it provides a good balance between the environmental impacts and the cost. He said taking the Lake to the 3156 before going into curtailment pricing is a priority order that works.

Commissioner Kafoury said she believes maximum conservation should be done prior to a significant draw down of the Lake. She said her preference continues to be no use of the Lake at all although practically she believes Alternative C is a reasonable compromise with fewer environmental impacts. The City should make a statement that it will impose mandatory conservation measures before pumping the Lake.

Mayor Katz said no matter which alternative Council adopts it could ask that this be brought back before going to mandatory curtailment levels 2 and 3.

Tom O'Keefe, United Community Action Network, criticized the fact that under the proposed alternatives, use of Bull Run Lake would be triggered before voluntary curtailment programs. He asked why the Water Bureau left out the west end wells from the pumping plan it filed with the DEQ. He said when that water source is pulled off the supply list, it moves the Lake higher up the list. Finally, he said, before triggering use of Bull Run Lake, people should at least be told to stop washing their cars.

Joe Keating, Pacific Party, said they want to make sure curtailment measures have been taken prior to use of the Lake. Option C seems a reasonable approach but they want to ensure there is a free flow of information to all those concerned.

Gene Siebel, Administrator of the Tualatin Valley Water District, stressed the importance of balancing environmental needs with cost issues. He supported adoption of Alternative B.

Frank Gearhart, President, Citizens Interested in Bull Run, said the critical problem is the lack of foresight about expanding water storage in the Bull Run. He said four years have gone by working on a supply plan, with no significant solutions to the crucial problem of additional supply. He supported building a third reservoir, adding that it is not worth spending time seeing if water can be taken from the Willamette River.

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Commissioner Lindberg asked if he favored an additional reservoir in the Bull Run Watershed without going through the environmental impact statements or regional planning process.

Mr. Gearhart said when Phase I began, his Committee encouraged the Bureau to get busy on the permit process for additional capacity in the Bull Run since the process can take several years.

Commissioner Kafoury said she thinks people have changed their behavior and that the impact on demand and supply is significant, as shown by water usage this summer.

Commissioner Lindberg asked the Bureau to issue a report about the permit process, laying out what is involved and how much it would cost. He said moving ahead might not be best considering the regional planning effort now underway.

Regna Merritt, Oregon Natural Resources Council, said they have asked for an environmental impact statement on the entire Bull Run, including the Lake and the Little Sandy River.

Commissioner Lindberg asked if she thought the City should abandon the regional water planning process and change direction.

Ms. Merritt said she thought regional supply planning was a good idea but people are not going to want to drink from the Willamette or Columbia Rivers when they are reading about fish deformities from dioxins.

Commissioner Lindberg said an extensive public process about going into the rivers is planned. He said it is a matter of continuing the process as planned or abandoning it and jumping right to the conclusion.

Ms. Merritt said it would be a jump but she believes once people get the message they would direct their efforts towards conservation and the potential development of the Bull Run Watershed management unit. She maintained that the impacts of pumping the Lake are severe and said her recommended that mandatory curtailment Level 1 be bumped to a point above taking the Lake down to 3156 and mandatory curtailment Level 2 be bumped to above taking the lake to 3148. She said she would not draw it down below that level.

Alan Smart, representing the Mt. Hood National Forest, Columbia Gorge Ranger District and the planning team that worked on Bull Run Lake environmental assessment, noted different assumptions about lake levels which they have used in their planning efforts. He said they believe the safe Lake level is closer to 3160 than to the 3156 level the Water Bureau assumes is safe as they believe the Lake has adapted to the higher levels as this

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affects fish food production and spawning accessibility to the tributaries.

Commissioner Lindberg said they will try to resolve that four-foot difference, noting that it equates to 400,000,000 gallons of supply.

Mayor Katz asked Mr. Smart where his research came from.

Mr. Smart said they have their own biologists and an interdisciplinary team who have worked quite closely with the consultants.

Mayor Katz noted the issues -- the west well fields, bumping up mandatory curtailment activities such as car washing before the draw down, moving ahead on the permit process, regional planning and the discrepancy between 3156 and 3160 feet.

Mr. Rosenberger said they will put together a report to Council on what it would mean to move ahead with the permit process. He said this has been a regional process and leaping to an alternative prior to the public information process seems a little out of whack. Regarding moving car washing to a different mandatory curtailment level, he said car washing is not a big water user and the difficulty is deciding whether the cost of enforcing and policing is worth it.

Commissioner Lindberg said this was one of the issues that caused a lot of fights between neighbors and it is important to judge how effective you will be in banning it.

Mayor Katz noted that when you get to mandatory measures it all gets difficult to enforce.

Mr. Rosenberger said anything mandatory requires some enforcement mechanism and can not be just an empty threat.

Commissioner Hales said even if it is hard to enforce he believes car washing should be moved to mandatory Level 2 as long as people are being told they cannot water their lawns.

Mr. Rosenberger agreed car washing should be at Level 2.

Regarding the permit process, Mr. Glicker said if the City decided to go ahead with third dam there is nothing they are currently doing on the regional supply plan that they would not have to do anyway. He said he is not sure that they can move any faster even if they decided to go for a third dam unilaterally right now.

Regarding the well fields, Mr. Glicker said the initial pumping plan deals only with Blue Lake Aquifer wells and a second request is being prepared for

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the west well field, where there has been some evidence of contamination. Instead of delaying approval from the DEQ on the Blue Lake wells, they split them into two separate plans.

Commissioner Lindberg asked about the assertion that the Water Bureau would like to use the Lake before the wells.

Mr. Glicker said use of the Lake is a last resort because of uncertainty about how much it will refill. As a matter of policy they want to use the well field first but because of questions about its availability, they have had to use the Lake more than they would like in the last five to six years. He said their estimated 14 feet refill rate includes the dry years that occurred in the 1980s and they are confident this is a correct estimate. He said the difference in opinion with the Forest Service is a minor professional judgment about the level of risk. Their reading is that spawning is the key issue and that the substrate level in the extra four feet was not particularly critical.

Mr. Smart said he believed the biologists involved were not only interested in spawning but about food production for the fish, which is dependent on the substrate size of the shoreline. He said they believe a draw down to 3160 will provide a conservative level of protection for the fish.

Commissioner Lindberg asked if going to the 3160 level would mean totally redoing the chart.

Mr. Glicker said no, it would reflect how often you went to curtailment pricing or whatever. He said it would change the costs slightly. He said they do not disagree with Mr. Smart, but it was a matter of looking at the fish levels in the Lake and comparing them to historic levels. The Forest Service evaluation is more conservative.

Commissioner Hales asked if attaining 3148 was a matter of opening structures and letting water flow out while going below level that involves pumping.

Mr. Glicker said you can go to 3148 with just outlet structures but at 3143 you have to pump. However, their plans call for pumping even above 3148 because by pumping they can release water faster and shorten the length of time they actually have to use the Lake. They would end up using the Lake less often because they can delay the decision till further on in the year.

Commissioner Hales noted that was a matter of flow and management rather than design.

Commissioner Lindberg said his goals are to have a massive conservation program and minimal environmental impact. He would also would like to avoid mandatory curtailments where possible and impose seasonal pricing,

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not penalize businesses unnecessarily. Because of the potential for legal action regarding the environmental impacts, erring on the side of caution will probably pay off in the long run in being able to use Bull Run Lake. He said he favors Alternative B which calls for voluntary curtailment measures and curtailment pricing before using the Lake.

Mayor Katz asked his opinion about 3160 versus 3156.

Commissioner Lindberg said he would prefer to err on the side of caution and go with 3160.

Commissioner Kafoury asked if Level One of the mandatory curtailment activities could be moved above using the Lake at the 3156 level.

Commissioner Lindberg said Level One requires enforcement, noting that last year they went through stages of voluntary and mandatory measures and when they got to time-of-day restrictions these became pretty difficult to enforce.

Mr. Rosenberger said they are enforceable, with employees monitoring water use.

Commissioner Lindberg said he supports the adjustment to the 3160 level but if there is no environmental impact then he does not think there needs to be mandatory systems above that level.

Mr. Rosenberger asked if outlawing car washing should move to Level 1 or 2. Council agreed that car washing should go to Level 1.

Mr. Rosenberger said he understands also that Council wants to Change Option C to 3160 and that the mandatory curtailment components should be adjusted.

Commissioner Hales said he still favors Option B with the change to 3160 and moving car washing up to Level 1 or 2. He said a balance needs to be struck between stewardship of the water system and stewardship of an ecosystem. He said this is not a wilderness but a managed ecosystem. He said he thinks it is environmentally responsible to use the Lake down to the 3160 level before implementing curtailment pricing or voluntary curtailment. He recommended taking Option B down to line 8 and Option C from line 9 on. He said the Lake should be used down to the level of 3160 and then the City should go all the way through the system of mandatory curtailment before pumping at the 3143 level. He said it would be excessive to go to curtailment pricing if there is no environmental impact.

Mayor Katz asked if he meant the voluntary curtailment as well.

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Commissioner Hales said yes, the Lake should be used to its environmentally no-impact level before the price structure is changed or people are asked to do curtailment.

Commissioner Blumenauer said Council is caught in a conflict between managing a natural resource, changing water consumption patterns and evolving public attitudes. He said he has trouble with some of the tweaking going on which leaves gaps, such as who is going to pay and how much more. There may be some significant impacts on our local economy that we do not see. He said he would move voluntary curtailment a lot higher and would like to do more nurturing of the conservation ethic with citizens. He said since this is not going to be needed this year there is time to build a longer term solution.

Commissioner Lindberg said Council should hear more about curtailment pricing impacts if they are going to move them to a higher level. He said seasonal pricing is part of the normal pricing process but mandatory curtailments or curtailment pricing should not be part of the normal process as they are not a positive thing for the community. He said it makes sense to use the system in a way that has no negative environmental impact first.

Mayor Katz said it is her understanding that if you raise the Lake to 3160, the nervousness of choosing Option B is lessened. She agreed with Commissioner Blumenauer that voluntary curtailment should move up and perhaps shift places with mandatory curtailment at Level 1 before going to curtailment pricing. She said enforcement and pricing need further discussion. She supported a middle ground between B and C, pushing voluntary curtailment up and looking at Level 1 mandatory curtailment before going into curtailment pricing and lowering the Bull Run Lake.

Commissioner Hales said he feels strongly that the Lake ought to be used to 3160 before going to curtailment pricing.

Mayor Katz said somewhere between Alternatives B and C is where Council wants to land. She asked staff to return with some final changes next week so that the Bureau knows where it is going, even though the plan will not affect this year. She said the disagreement is about when you hit 3160 and the curtailment pricing issue.

Commissioner Lindberg asked about the timing of the Bull Run resolution.

Mr. Glicker said if Council has a sense of how the supply plan fits with the Bull Run Lake resolution, they would like Council to go ahead and vote on the resolution, remembering that the alternative in the resolution is the permit which allows them to use the Lake. The alternative they recommend in the resolution is the permit which offers more flexibility than the supply plan because it is for a 20-year permit.

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Mayor Katz said the comfort level would be higher if the two items are carried together to next week. She asked Council members to share their views about the outstanding issues with Water Bureau staff.

Disposition: Continued to August 11, 1993 at 9:30 a.m.

S-1234 Recommend a preferred alternative for the Bull Run Lake Environmental Assessment (Previous Agenda S-1120)

Discussion: Cay Kershner, Clerk of the Council, noted that a Substitute resolution had been distributed.

Commissioner Lindberg moved acceptance of the Substitute; the motion was seconded and approved. (Y-5)

Disposition: Substitute continued to August 11, 1993 at 9:30 a.m.

***1238** Authorize the Mayor and Auditor to execute a labor agreement between the City of Portland and the American Federation of State, County, and Municipal Employees, Local 189, Council 75, relating to terms and conditions of certain represented personnel of the Bureau of Emergency Communications (Ordinance)

Discussion: The Clerk noted that some amendments with replacement pages had been distributed earlier. Commissioner Lindberg moved the amendment. Commissioner Hales seconded and the motion carried.

Disposition: Ordinance No. 166818 as amended. (Y-5)

***1244** Authorize Hydroelectric Power Revenue Refunding Bonds, Series 1993 (taxable) (Ordinance)

Discussion: Commissioner Lindberg said the City Attorney identified some technical adjustments that are required here. He moved to amend the ordinance to make those changes. Commissioner Blumenauer seconded and the motion carried. (Y-4)

Disposition: Ordinance No. 166819 as amended. (Y-5)

Commissioner Charlie Hales

1271 Request from Andreas Tsoumas to address Council on tree maintenance issues and the Urban Forestry Commission (Communication; Previous Agenda 1199)

Discussion: Andreas Tsoumas, 924 SE 29th Avenue, 97214, asked that Council reconsider the Forestry Commission's denial of a permit to remove a

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tree which is growing into the sidewalk. He said he does not understand why the Commission is not informing people about the use of these barriers.

Commissioner Hales said Mr. Tsoumas has raised some issues that need further consideration. He said he realizes that this causes financial hardship to some property owners.

Mr. Tsoumas said it was more an issue that people would trip and fall, adding that he plans to plant a new tree to replace it.

Mayor Katz said the Commission's decision will stand.

Disposition: Placed on File.

- *1272** Authorize the Bureau of General Services, Fleet Services Division, to purchase a flatbed dump truck for assignment to Portland International Raceway (Ordinance)

Disposition: Ordinance No. 166820. (Y-5)

- *1273** Accept a grant from the Oregon Department of Forestry in the amount of \$4,857 for FY 1993-94 for a Community Demonstration Orchard project (Ordinance)

Discussion: Mayor Katz noted that a replacement page had been distributed and requested a motion to amend. Commissioner Kafoury so moved; Commissioner Hales seconded and the motion carried. (Y-4)

Disposition: Ordinance No. 166821 as amended. (Y-5)

- 1274** Accept a Conservation Easement affecting property within the Deer Ridge Pointe Subdivision (Ordinance)

Disposition: Passed to Second Reading August 11, 1993 at 9:30 a.m.

- 1275** Adopt the Washington County segment of Portland's Urban Services Boundary and amend Ordinance No. 150580, which adopted a Comprehensive Plan for the City of Portland by amending the Comprehensive Plan Map to replace the Urban Planning Area Boundary in Washington County with the Urban Services Boundary (Second Reading Agenda 1198)

Discussion: Mayor Katz said new information from staff has been furnished as requested by Commissioner Blumenauer. (Note: the information was not submitted in writing).

Commissioner Hales said the information on this boundary line indicates

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that, should annexation occur, the financial impact would be somewhere between a wash and slightly negative. This is based on interpolation of work done in 1988 regarding various versions of the line. This version falls between one where the City was significantly harmed financially and another version where the City was kept whole. He said it is very difficult to make financial projections when you do not know when annexation is going to occur or what the assessed values will be at the time. He recommended voting today because the Washington County Planning Commission will consider the line adopted by the City of Beaverton today, which is what has precipitated the City's timetable. He added that this is a contentious issue but one the City and other local governments will face in terms of preparation for growth. He said on some, such as the Albina Community Plan, the City was fortunate to reach accord on how to accommodate change and growth in neighborhoods which naturally resist change. He said in other areas accord will not be reached and the City will have to try to see the future as clearly as possible and make provision for it in a way that will preserve the liveability of the City and the region.

Commissioner Hales said he thinks that some of the controversy has been overblown, with too much emotion and chestbeating and not enough long range thinking. He said if the City adopts this line it is adopting a planning tool, just as Beaverton has proposed in the same area. This is not a decision to annex or an authorization to impose City taxes on unincorporated residents. That comes later when, and if, the property inside the urban services boundary is annexed to a city. Commissioner Hales said he thinks this proposed boundary is a responsible response to several conflicting policy considerations, including: 1) minimizing traffic impacts on City neighborhoods; 2) protecting neighborhood integrity; 3) improving urban design in this area to reinforce a sense of neighborhood in places where it is unclear or has been eroded by bad transportation or land use decisions; 4) providing an urban services boundary that allows provision of urban services, particularly transportation and fire services at levels that enhance the quality of life for the people who will live there. He said annexation is a distant reality, estimating that most of the houses in this area will change ownership two or three times before annexation ever occurs. He said, however, he believes some day all of this area will be a part of a city and that day may be a lot closer than it might have appeared a few years ago when the predicted population growth in this area occurs. Counties will need to figure out who should be providing urban services and in most cases that will be cities, with special districts playing a specialized role as he expects the Tualatin Hills and Recreation area to continue to do in this area.

Commissioner Blumenauer said he would like to hear from staff.

John Bonn, Urban Services Manager, said after last week's meeting he reviewed the 1988 fiscal analysis and compared Commissioner Hales's proposed boundary to the four alternatives where they had done a

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cost/revenue model. He said he found Commissioner Hales's characterization correct that this boundary is close to a wash as far as fiscal impacts go. He said it excludes some specific territory that would probably be fairly expensive to have in the City's jurisdiction, such as major arterial intersections and so forth. He said he did not run new numbers and does not have new data from Washington County. He pointed out that their fiscal analysis in 1988 was strictly on the assumption of annexation and did not consider alternative service scenarios. He said adoption of a boundary would enable them to have discussions with Tualatin Valley Fire about mutual needs and so forth. As near as he can tell the only immediate fiscal affect on the City would be staffing the future work that will go into the service study in this area.

Commissioner Lindberg asked if he had an exact figure.

Mr. Bonn said no, his data is not current and many factors have changed, particularly because of Ballot Measure 5.

Commissioner Blumenauer said he would guess that Measure 5 would make it more difficult to serve newly annexed areas.

Mr. Bonn agreed.

Commissioner Blumenauer said he knows we are talking about a boundary, not annexation per se, but if this is approved it expresses a theoretical willingness to annex.

Commissioner Hales said as he understands the process, neither Beaverton nor Portland has completed detailed projections of service provision and costs. That would come later after Washington County approves a boundary. Then future Councils would determine whether annexation should occur, based on the ability to serve that area. He said it would be theoretically possible to estimate precise financial considerations for the area in question but the City does not know what Washington County will approve.

Commissioner Blumenauer said having been involved in continuing discussions in the eastern portion of the City, he knows the City is battling perceptions and also dealing with the capacity of the City to deliver services. He said he feels a great need for precision in this area and does not believe that Portland, or Beaverton, is in a position to be able to deliver in the long term. He said even without any response to Washington County there is a serious problem in the outlined area that is affecting Portland residents right now.

Mr. Bonn said there is definitely a cost of not doing anything but that has not been assessed.

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Commissioner Blumenauer said there had been a similar problem in East County.

Mr. Bonn said it now looks as if it will pencil out.

Commissioner Blumenauer said the second thing that Council is talking about is evolving service delivery approaches.

Mr. Bonn said Council envisioned that when it passed the Urban Services Boundary ten years ago but it has not been analyzed.

Commissioner Blumenauer said he does not want to advance something that does not have strong Council support. If the entire Council feels the need to define a boundary to keep conversation going, then he will support this if it is made very clear that the City has no intention of initiating any annexation effort this century and that the Council's preference is to negotiate solutions.

Commissioner Hales said the nine areas identified by Portland have opened up a lot of areas for discussion between Portland, Beaverton and Washington County. He said these issues can be resolved, some think with a boundary, some think without one.

Rob Drake, Mayor of Beaverton, said he and the Beaverton City Council have committed to work on the nine areas raised by the City. He said he disagrees about the need for this action as he does not believe this kind of bargaining tool is needed or that the neighborhoods need to be held hostage. He said he thinks Washington County and Metro can be encouraged to be helpful as everyone wants to find solutions. He said Beaverton is committed to regional cooperation.

Commissioner Hales said he appreciates that commitment regardless of how the Urban Services Boundary issue is disposed of.

Mayor Katz said her interest is not annexation. She said the area is in a legal quagmire about jurisdictions and the Urban Services Boundary is for her a planning tool and it is as a planning tool only that she will support it. At some other time she hopes the lines can be rethought together as partners with Beaverton. This ordinance, however, will probably be the City's position and she is sorry things got this far and got a little contentious.

Commissioner Blumenauer said he reluctantly supports this. He said the line in the ordinance is not something the City can afford and he has no intention of having the City jeopardize its ability to deliver services. There is a moratorium on annexation and he believes that at a minimum a statement should be added that there is no intention of annexing at least until the next century. He said there are alternatives to urban services that need to be dealt with because of the mix of service providers. He added that the key

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issue is solving problems for people within the City who are complaining about the effects on them of urban growth outside the City. However, he said, right now he does not see an alternative to this action that is better.

Commissioner Kafoury said her concerns continue to be that this is a regional problem and Metro needs to take more responsibility on transportation and land use issues. A second major concern is the provision of social services. She said gross inequities exist in the amounts spent on critical services in Multnomah County since many people come here because of services they cannot get in other areas. However, agreement on the boundary is needed to keep the City's place at the table.

Commissioner Lindberg said he agrees that more cost data is needed and this vote does not endorse annexation as the means of providing these services. He expressed hope that these issues can be broadened regionally.

Mayor Katz said this is a result of positioning and drawing lines, and going to court is not the way she likes to do business. She said she hopes the City can begin working with Beaverton and Washington County to address many issues of mutual concern. This is a planning tool to move that process on, not to approve annexation.

Disposition: Ordinance No. 166822. (Y-5)

Commissioner Gretchen Kafoury

***1276** Accept a U.S. Department of Justice grant from the State Criminal Justice Services Division in the amount of \$1736 (Ordinance)

Disposition: Ordinance No. 166823. (Y-5)

Commissioner Blumenauer left the meeting at this point.

Commissioner Mike Lindberg

***1277** Authorize funds for a contract with Woodward-Clyde Consultants of \$462,900 (Previous Agenda 1172)

Disposition: Ordinance No. 166824. (Y-4)

***1278** Contract with Woodward-Clyde Consultants for \$55,000 to review and revise the existing Surface Water Quality Facilities Technical Guidance Handbook and provide for payment (Ordinance)

Disposition: Ordinance No. 166825. (Y-4)

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***1279** Authorize contract with Northwest Environmental Advocates to establish the City of Portland Bureau of Environmental Services as a major sponsor of Splash Day '93 (Ordinance)

Disposition: Ordinance No. 166826. (Y-4)

***1280** Amend Chapter 17.36 of the City Code to adjust collections procedures for delinquent sewer charges (Ordinance; amend Chapter 17.36)

Disposition: Ordinance No. 166827. (Y-4)

City Auditor Barbara Clark

1281 Minority/Female/Disadvantaged Business Enterprise participation in Professional, Technical and Expert Services Contracts, from May 7 through June 30, 1993 (Report)

Discussion: Mayor Katz asked that future reports break down the information by bureau and by percentages. She also asked that community development grants not be included.

Disposition: Placed on File.

1282 Assess benefitted property for the costs of the NE Hassalo and Multnomah Streets Right-of-Way Acquisition LID (Second Reading Agenda 1211; C-9832)

Disposition: Ordinance No. 166828. (Y-4)

Mayor Katz requested Suspension of the Rules.

Commissioner Kafoury asked about the policy for using Suspension of Rules and the Four-Fifths agenda and the necessity of using it in this case.

Mayor Katz said she understood that the Police could not proceed with hiring of new officers if this did not pass.

Captain Bruce Prunk, Police Bureau, said if these contracts do not pass this week, they will not be able to process new officers in time to attend the September training academy at Monmouth. Because of problems in the Bureau of Personnel, there was a six week delay in getting eligibility lists. The Police Bureau took over the process on July 1 and have put the contracts together as soon as they could.

Mayor Katz said because of the delays a large portion of the process was transferred from Personnel to the Police.

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Commissioner Kafoury said there are two issues: the emergency clause and need for suspension. She questioned why the contracts could not have been completed in time to meet the regular deadlines.

Captain Prunk said the problem was that the Police Bureau was unable to get local vendor names from Personnel in time and there was also a problem with the City Attorney.

Mayor Katz said she thinks the problems between the Police Bureau and Personnel have been resolved.

SUSPENSION OF THE RULES

***1282-1** Agreement with Northwest Assessment Center not to exceed \$85,000 for psychological evaluations of police officer candidates. (Ordinance)

Disposition: Ordinance No. 166829. (Y-4)

***1282-2** Agreement with Columbia Occupational Health Associates not to exceed \$64,000 for medical evaluations of police officer candidates. (Ordinance)

Disposition: Ordinance No. 166830. (Y-4)

At 12:15 a.m., Council adjourned.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF AUGUST, 1993 AT 2:00 P.M.

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

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

S-*1258 Amend Contract with Grady Harper Carlson, Inc., for construction of the Portland Public Safety Facility (Ordinance; amend Contract No. 27775)

Discussion: Cay Kershner, Clerk of the Council, requested reconsideration of this item which should have been removed from the Consent Agenda heard this morning in order to act on a Substitute filed earlier.

Disposition: Substitute Ordinance No. 166831. (Y-4)

Commissioner Gretchen Kafoury

1289 Liquor license application for Vinifera Imports, Ltd., dba Vinifera Imports, 4836 SE Division Street, Wholesale Malt Beverage & Wine liquor license (new outlet); favorable recommendation (Report)

Discussion: John Werneken, License Bureau, said staff believes issuing a wholesale license would have no negative impact on the neighborhood.

Disposition: Favorably recommended. (Y-4)

Commissioner Charlie Hales

1284 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 No. 154620 to allow modification of development on property at SW 24th Avenue and Hume Court (Previous Agenda 1218)

Discussion: Susan Feldman, Planning Bureau, said the applicant and the concerned neighbor, Shurgard, have come to an agreement. The applicant agrees with the findings but staff would like to remove the sentence that states that the zone change is contingent upon approval of the street vacation request of the applicants. She said the street vacation request has already been approved, making this redundant.

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Commissioner Kafoury moved the deletion of that sentence from section A. Commissioner Lindberg seconded and the motion carried. (Y-4)

Disposition: Approved as amended. (Y-4)

- *1285** 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 1219; 92-00853 CP ZC)

Disposition: Ordinance No. 166832. (Y-4)

- S-*1286** Amend Ordinance No. 154620, which granted a zone change on property located on SW Hume Court at SW 24th Avenue, from R7 to R2, to modify Condition 1, and add conditions (Previous Agenda 1220; 92-00853 CP ZC)

Discussion: The Clerk noted that a substitute had been filed correcting the address to SW 24th Avenue, not SW 26th Avenue. Commissioner Kafoury moved the substitute; Commissioner Lindberg seconded and the motion carried. (Y-4)

Disposition: Substitute Ordinance No. 166833. (Y-4)

- 1287** Amend Title 33 of the City Code relating to the Columbia South Shore Plan District, amend Scenic Resources Protection Plan and amend Official Zoning Maps (Second Reading Agenda 1216)

Disposition: Ordinance No. 166834. (Y-4)

- 1288** Adopt Columbia South Shore Slough Trail Master Plan and amend Title 33, Planning and Zoning Code, City Comprehensive Map and Official Zoning Map (Second Reading Agenda 1217)

Disposition: Ordinance No. 166835. (Y-4)

- *1283** **TIME CERTAIN: 2:00 PM** - Protect and conserve natural resources within the Fanno Creek Watershed (Ordinance; amend Comprehensive Plan, Zoning Maps and Title 33, Planning and Zoning)

Discussion: Mayor Katz said this is a remand from LUBA and testimony will be limited to comments on the planning documents which are the subject of this hearing. The record will close on Wednesday, August 18 at 5:00 p.m. and Planning will file a report to Council on Friday, August 27 with amendments, if necessary. If there are amendments, the record will reopen for comments on the amendments only and that record would remain open until Wednesday, September 1, the date of the hearing. If there are no amendments there will be no additions to the record.

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Jessica Richman, Planning Bureau, said Council adopted the Fanno Creek Plan, in a slightly different form, in April by a 5-0 vote. It was appealed to LUBA and the City asked for a voluntary remand primarily in order to reformat the findings in a manner that LUBA had recently indicated it preferred. She said they felt that would strengthen their case and ensure that the City would prevail.

Ms. Richman said, as part of their work, staff also proposed a compromise to the appellants in the hopes of getting some protection in place immediately. Staff hoped that the appellants would drop their appeal and then negotiate the other issues. Appellants did not accept the compromise so what is before Council is very similar to what it voted on in April.

Ms. Richman said there are three elements that have been changed: 1) the findings, which include all the technical support; 2) the zoning code language, including a complete rewrite of the environmental chapter and; 3) maps showing where the new environmental zones would be applied. All were adopted in April. The change in the findings clarifies previous language to state that "all natural resources that are identified in the inventories in the environmental zones are significant", rather than stating that all natural resources in the environmental zone are significant. A list of examples of natural resources and resource values has also been eliminated.

Al Burns, Planning Bureau, said there are two other categories of changes that the ordinance would adopt. These are minor amendments to the Comprehensive Plan to reference the existence of the Fanno Creek Plan and two new definitions. The major changes from April to August are in the format of the findings, made after LUBA set a new standard for findings for environmental projects. Now, instead of having one general analysis which explained how it applied to each resource site, LUBA now requires one analysis per resource site. That is why the documents are eight times thicker than the April findings.

Ms. Richman said the new submission to LUBA was mainly a technical matter of reformatting and repeating some of the same findings. However, because Volume I of the findings is new, even though the information was already in the record, the City Attorney has advised that testimony should be taken on them.

Michael C. Houck, Urban Streams Council, contended that certain parties who did not choose to show up today have engaged in various levels of harassment regarding specific instances of language in the Fanno Creek Plan. He said he has been involved in these issues since 1977 and it is way past time for the City to adopt the Plan.

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John Alland, Southwest Neighborhood Information, 10663 SW 53rd Ave., 97219, said the Plan is necessary and implementation should be done now, rather than waiting. Noting Council's favorable vote for the Plan in April, he said Planning staff have tried in good faith to meet and form an agreement with the Metropolitan Home Builders Association represented by John Chandler. He added that he and Kay Durtschi had gone to Salem to try to meet with him but had been refused. He said the Home Builders Association will not even come up with a compromise or state what their concerns are and only yesterday they stated that they had not had time to look at the findings. He charged that their plan all along has been to delay and obscure the truth about their actions. He said the Southwest Neighborhood Coalition realizes that its only hope of keeping what very little remains of the urban ecosystem in Fanno Creek relies on this Plan and other Goal 5-oriented programs. He said the incident at SW 53rd has been an example of "cut and run" timber cutting which could have been avoided if the Fanno Creek Plan had been in place. Regarding "taking", he said some people believe that by not being able to build exactly what they wish, they should be compensated by the government for their loss. He said he thinks there will be a minimal amount of property loss and most property values will increase.

Raissa Moore, PO Box 2466, 97208, urged adoption of the Plan without delay in order to prevent damage to the ecosystem. She said sliding and unstable soil is creating a negative effect on the ecosystem and adds to the chance that buildings will collapse. She called for uniformity of the mapping, which is inconsistent and confusing.

Kay Durtschi, Southwest Neighborhood Information, said the problems of Fanno Creek should be taken care of as soon as possible. She said they want buildings to be placed in a position that preserves trees and the watershed so that good water quality is retained.

Jeff Bachrach said he is the attorney representing the Metropolitan Homebuilders Association.

John Chandler, staff attorney for Common Ground, the Urban Land Council of Oregon, said he would not testify today about the new findings since he has not had a chance to review them. He contended, however, that there has been no harassment of the Planning Bureau or refusal to meet. He said he told Mr. Alland and Ms. Durtschi that he would be happy to meet with them after the legislative session. He noted that it was the City which took the voluntary remand and asked for additional time to review this record, adding that they were ready to proceed with the briefing schedule once it was set by LUBA. He said they do not wish to affect the City's protection of environmental resources but there are serious issues where reasonable minds can differ and which are the point of their appeal. He said he does not believe the issue is the Homebuilders Association and developers.

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Mr. Bachrach said he had nothing to add.

Disposition: Continued to September 1, 1993 at 2:00 p.m.

At 2:30 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By **Cay Kershner**
Clerk of the Council

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THURSDAY, 2:00 PM, AUGUST 5, 1993

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