



CITY OF

# PORTLAND, OREGON

OFFICIAL  
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF MAY, 1994 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner/Britta Olson, Clerk of the Council; Doug Collard, Senior Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

Agenda No. 749 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

## CONSENT AGENDA - NO DISCUSSION

- 750** Accept bid of Northside Ford for furnishing Detroit Diesel truck parts and accessories for \$20,000 for three years (Purchasing Report - Bid 162-A)

**Disposition:** Accepted; prepare contract.

- 751** Accept bid of Coliseum Ford for furnishing Ford light truck, passenger and van (OEM) parts and accessories for \$20,000 for three years (Purchasing Report - Bid 163-A)

**Disposition:** Accepted; prepare contract.

- 752** Accept bid of Ron Tonkin Dodge, Inc. for furnishing Chrysler Motors auto/truck (OEM) parts and accessories for \$30,000 for three years (Purchasing Report - Bid 164-A)

**Disposition:** Accepted; prepare contract.

## Mayor Vera Katz

- 753** Confirm appointment of Pete Dryer and Bhupindar Dhillon to the Electrical Code Board of Appeals (Report)

**Disposition:** Confirmed.

- 754** Confirm appointment of Jerome Caston and Jane Glazer to the Urban Forestry Commission (Report)

**Disposition:** Confirmed.

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- 755** Confirm appointment of Minh Van Tran to the Metropolitan Human Rights Commission (Report)

**Disposition:** Confirmed.

- \*756** Amend Dr. Howard L. Deitch, Northwest Assessment Center, contract to provide for out-of-town evaluations (Ordinance; amend Contract No. 28895)

**Disposition:** Ordinance No. 167659. (Y-5)

- \*757** Application for a \$100,000 grant from U.S. Department of Justice, Office of Justice Programs, for Summer Youth Gang Diversion (Ordinance)

**Disposition:** Ordinance No. 167660. (Y-5)

**Commissioner Earl Blumenauer**

- \*758** Agreement with the Oregon Department of Transportation for the implementation of a traffic signal retiming project on 82nd Avenue between NE Killingsworth Street and SE Flavel Street (Ordinance)

**Disposition:** Ordinance No. 167661. (Y-5)

- \*759** Agreement with the Oregon Department of Transportation to provide for the replacement of the Union Pacific Railroad (N. Portland Rd.) Bridge No. 51C06 (Ordinance)

**Disposition:** Ordinance No. 167662. (Y-5)

- \*760** Authorize a contract and provide for payment for the SE Harold Neighborhood Traffic Management project at SE 52nd, SE 60th, SE 66th, SE 67th, SE 73rd and SE 77th Avenues (Ordinance)

**Disposition:** Ordinance No. 167663. (Y-5)

**Commissioner Gretchen Kafoury**

- 761** Accept contract with Jacobs Heating and Air Conditioning for HVAC modification at the Printing and Distribution facility and authorize final payment and release of remaining retainage for a total of \$1,073 (Report; Contract No. 29075)

**Disposition:** Accepted.

- \*762** Contract with Volunteers of America Oregon, Inc. for \$11,600 to develop a play area at the Southeast Child Care Center and provide for payment (Ordinance)

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**Disposition:** Ordinance No. 167664. (Y-5)

- \*763** Authorize application for a grant under the HOME Investment Partnership Program of the U.S. Department of Housing and Urban Development for the Portland HOME Consortium in the amount of \$3,356,000 for fiscal year 1994-95 (Ordinance)

**Disposition:** Ordinance No. 167665. (Y-5)

- \*764** Authorize Agreement with Legacy Mount Hood Medical Center for access to the City's 800 Mhz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 167666. (Y-5)

- \*765** Authorize Agreement with BUCK Medical Services for access to the City's 800 Mhz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 167667. (Y-5)

- \*766** Authorize Agreement with CARE Ambulance for access to the City's 800 Mhz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 167668. (Y-5)

- \*767** Authorize Intergovernmental Agreement with the Oregon Health Sciences University (OHSU) for access to the City's 800 Mhz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 167669. (Y-5)

- \*768** Authorize Agreement with Central City Concern/Hooper Center Inebriated Emergency Response Service (CHIERS) for access to the City's 800 Mhz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 167670. (Y-5)

- \*769** Authorize Agreement with Legacy Good Samaritan for access to the City's 800 Mhz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 167671. (Y-5)

- \*770** Authorize Agreement with AA Ambulance Service of Portland, Inc. for access to the City's 800 Mhz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 167672. (Y-5)

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- \*771** Grant easement to Pacific Power and Light at 5408 NE Martin Luther King, Jr. Boulevard (Ordinance)

**Disposition:** Ordinance No. 167673. (Y-5)

- \*772** Accept gift of a trailer from Western Insurance Information Services for use in displaying a vehicle destroyed in a fatal accident (Ordinance)

**Disposition:** Ordinance No. 167674. (Y-5)

**Commissioner Mike Lindberg**

- 773** Accept the construction of the Water Control Center/Water Quality Laboratory building as complete, release all retainage and authorize final payment of \$163,743 to Koll Construction (Report; Contract No. 27729)

**Disposition:** Accepted.

- 774** Accept completion of the remodel of Swan Island pump station and make final payment to Copenhagen, Inc. (Report; Contract No. 28067)

**Disposition:** Accepted.

- 775** Accept completion of the Columbia Boulevard Wastewater Treatment Plant final clarifier modifications project and authorize payment to Wildish Building Company (Report; Contract No. 28914)

**Disposition:** Accepted.

- 776** Accept completion of the construction of the SE Rex Drive, SE 45th and SE 46th Avenues sanitary sewer and make final payment to Moore Excavation, Inc. (Report; Contract No. 29009)

**Disposition:** Accepted.

- \*777** Authorize a contract with Arvid Grant Associates, Inc. to provide design services on the Johnson Creek bridges reconstruction project (Ordinance)

**Disposition:** Ordinance No. 167675. (Y-5)

- \*778** Authorize the continuance of negotiations for the purchase of permanent and temporary sewer easements required for construction of the NE 148th Avenue south of NE Airport Way sanitary sewer project, authorize the City Attorney to commence condemnation proceedings and obtain early possession (Ordinance)

**Disposition:** Ordinance No. 167676. (Y-5)

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- \*779** Authorize a contract and provide for payment for the SW 25th Avenue and SW Lancaster Road sanitary sewer system (Ordinance)

**Disposition:** Ordinance No. 167677. (Y-5)

- \*780** Authorize a contract with CH2M Hill, Inc. to perform a bond feasibility study for the Bureau of Environmental Services (Ordinance)

**Disposition:** Ordinance No. 167678. (Y-5)

- \*781** Contract with Woodward-Clyde Consultants to provide technical support for the City's Five-Year Stormwater Management Program and to provide for payment (Ordinance)

**Disposition:** Ordinance No. 167679. (Y-5)

- \*782** Contract with Fujitani Hilts & Associates, Inc. for geotechnical consulting services for the Inverness Force Main preliminary design project and provide for payment (Ordinance)

**Disposition:** Ordinance No. 167680. (Y-5)

**City Auditor Barbara Clark**

- 783** Approve Council Minutes for January 5, 1994 through March 30, 1994 (Report)

**Disposition:** Approved.

**REGULAR AGENDA**

- 749** Request from United Community Action Network for a hearing on the banning of outside advertising and signage of tobacco products within City limits (Communication)

**Discussion:** Tom O'Keefe, United Community Action Network, asked Council to consider a hearing on the banning of all outside advertising of tobacco products, as was recently done in Baltimore.

Joe Keating, representing the Tobacco Free Coalition, made up of approximately 75 organizations, said they very much support this proposal.

**Disposition:** Referred to Commissioner of Public Affairs.

**746 TIME CERTAIN: 9:30 AM** - Amend Title 17 of the City Code to revise solid waste and recycling collection rates and charges in accordance with the Extraordinary Rate Review recently completed (Ordinance; amend Code Chapter 17.102; introduced by Commissioner Lindberg)

**Discussion:** Sue Keil, Bureau of Environmental Services (BES), reviewed results of their recent poll, noting that they had received 21,333 cards regarding yard debris options, with 35 percent preferring the weekly option. Sixty-five percent preferred every other week with no yard debris in the can. Sixty-two percent asked for more enforcement of illegal dumping regulations, 42 percent called for mandatory garbage service and 52 percent asked for more neighborhood cleanups. Eighty-four percent of the respondents said they recycle scrap paper but 80 percent want more information on how to do it, indicating that the Bureau has not communicated fully on this subject. The rate schedule proposed today calls for retaining the current biweekly yard debris pickup service, lowering the extra charge from \$2 to \$1 per can and increase educational efforts to promote composting. Efforts will also be made to educate the public not to put yard debris in the garbage can and reinforce other options such as mulching. Ms. Keil said the Bureau will also monitor the results closely and report back to Council, Metro and Department of Environmental Quality (DEQ) in six months to see if yard debris is effectively being diverted.

Commissioner Lindberg asked what the City's responsibilities are for yard debris in the regional solid waste plan.

Ms. Keil said if Metro finds the City is not diverting an amount equivalent to what a weekly program diverts, it would be required to move to a weekly program in July of this year. Both DEQ and Metro believe the City is proceeding prudently at the present time. The diversion recycling rate is targeted now at 60 percent for the region; grass recycling and home composting actually impede the ability to achieve that rate even though it is the right thing to do. Ten percent waste reduction is the right measurement as it looks at the actual disposal. She noted the Mayor had asked for information about reducing the collection schedule in January and February. She said while there is a substantially lower amount of yard debris set out during those two months, the tonnage rate is still high, although lower than the peak months.

Commissioner Lindberg said there are several policy issues, including communicating with customers when schedules are changed. Also, the City is really stretching to meet regional tonnage goals and having fewer pickups may adversely affect that effort.

Mayor Katz said the optimal method would be to give customers a choice on yard debris but staff feels until the required DEQ level is met that is not an option. She asked about those who compost but have to pay for yard debris

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pickup anyway.

Ms. Keil said State law would have to change in order to go to a subscription service for people who compost or use a yard service. However, until the City can demonstrate that yard debris is out of the garbage can, it is not in a position to negotiate with the DEQ.

Bonita Mooney, 8009 NE 134th Place, said a large number of senior citizens contract to have others maintain their yards and suggested that neighbors share their garbage cans for yard debris. She contended that contract yard maintenance people are putting yard debris in the land fill, sharply increasing fees, and called for yard waste dumping sites to be set up around the City

Janis Williams, 3416 NE Alameda, asked Council to consider allowing customers to put some things in the can, such as blackberry vines and weeds which can not be composted and should be considered trash.

Bob Martin, Solid Waste Director, Metro, supported the proposal, adding that while the schedule calls for weekly yard debris pickup by July, 1994, Metro recognizes the significant progress the City has made and the great increase in rates that would be required to go to weekly pickup. He said Metro believes the City's clear progress in this area should be recognized rather than strictly adhering to the rules. He said increased education about home composting and curbside recycling should be continued. In response to earlier testimony, he said it is not true that most landscapers take yard debris to the landfills as most take advantage of the yard debris processing program. Also, disposal fees have remained stable for three years in a row and are expected to hold for a fourth year.

Commissioner Lindberg asked if Metro has decided whether to pass on any tipping fee reductions to customers or whether that amount would go to Metro overhead.

Mr. Martin said the Commission has proposed a \$1.00 reduction but the Finance Committee has not yet approved that. Final action on the rate will be May 26 and while they know there will be no rate increase, they are not certain if there will be any decrease.

Commissioner Lindberg said this proposal assumes there will be a reduction in dumping fees that will be passed on to customers.

Mr. Martin said they can not divert solid waste revenues to other programs. Savings will either be used for a decrease or go into reserves. Even with a decrease, they believe the reserves are sufficient for the time being.

Mayor Katz noted that it is difficult to tell people that positive behavior will

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cost them more money. She said it would be prudent for Metro councilors to pass the savings on to customers.

Kay Durtschi, Southwest Neighborhood Information, said citizens have responded to the educational efforts although scrap paper recycling will take a lot more education. Enforcement of illegal dumping regulations is very important and people should be helped to report those who are doing it, most likely the small time landscaper. She noted that yard debris was refused on the neighborhood cleanups, causing some controversy from those who had saved it for a whole year. Also, people do not realize that neighborhood cleanups are subsidized by the haulers.

Juliann Lansing, 380 SE 27th, said if the City wants people to recycle they should let them recycle everything.

Bob Mills, Wilson Park resident, said he did not return the survey because an "either or" questionnaire is inappropriate. He said people should be told the value of this program and asked to support it, while realizing the effect on their rates. Raising the rates will cause more illegal dumping because many people can not afford to comply.

Virginia Ryer, 5325 SE 34th, said she puts yard debris in her minivan because she has so little else to put in it. Also, there should be somewhere to get rid of plastics and more help should be given to those who cannot afford garbage service.

Jeanne Roy, Recycling Advocates, said she feels betrayed by this proposal because the recycling community knew the franchising system would be expensive and bureaucratic but supported it because it came with a 60 percent recycling goal and a 10 percent waste reduction by 1997. She said this proposal lacks a commercial recycling component and a comprehensive yard waste program, items which should be part of the system right now. She said this is not a serious attempt to meet the 60 percent recycling goal which can be achieved only if the City no longer allows leaves, grass or brush in the can. She said Recycling Advocates presented a proposal which included a compost bin distribution program and a grass cycling education campaign and urged that these rates not be approved until there is an adequate yard debris program. She said too much yard debris, six percent or 85,000 tons per year, is still being put in the landfill.

Commissioner Lindberg asked if she wanted to add the debris ban on the can right now.

Ms. Roy said yes, it could be done without changing the rates.

Commissioner Lindberg said he will ask staff to give the pros and cons of that, noting that a commercial recycling program will come to Council in



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several months.

Bruce Broussard, member of the Solid Waste Subcommittee of the Environmental Services Bureau Advisory Committee and other related committees, said the Subcommittee believes the recommended rates are fair and commended the haulers for their service and for allowing rates to remain stable.

Estel Harlan, representing Tri-County Council, composed of representatives of the solid waste collection associations, said a seasonal pickup program lasting several months is of concern because they believe customers will get confused when things switch. She said her research has shown that when there is an ice storm, the amount of yard debris is higher also. She said Tualatin tried the split seasonal rates for one year and residents insisted that it not be continued. She also noted that landscapers are unlikely to take yard debris to the dump because fees are three times higher than at the processor. Regarding sharing by neighbors of yard debris cans, she noted that would make billing confusing as pricing is based on the assumption that the program will not be used more than 25 to 35 percent of the time. Ms. Harlan said the haulers believe the decrease to \$1 per extra can will have a significant impact on them and that the City's estimates may be too conservative.

Marcele Dagaes, 5318 NE Wistaria, 97213, said yard debris and garbage can easily be kept separate, adding that 22 states have already banned mixing the two. She said she would like to see the City look at other options and perhaps implement the yard debris program used in Des Moines.

Mayor Katz asked for information about that program.

Ann Holznagel, 4935 SW 37th, 97221, said prohibiting yard debris from cans prior to trying a voluntary system is a drastic step. She said weekly yard debris pickup is a good idea as it is easier for citizens to remember and there will be a higher recycling rate. In months when residents do lots of pruning, she asked if there could be pickup sites for sticks. She also asked if compost could be returned to citizens, rather than businesses.

Tom O'Keefe, UCAN, said getting the word out about banning yard debris in garbage cans could increase recycling. He described some of UCAN's efforts to increase recycling and said mixing yard debris, which can be recycled, with things which must go to the landfill is not a good idea.

Mayor Katz asked staff to respond to some of the questions raised.

Ms. Keil said they do not believe the small landscaper is taking yard debris to the landfill because the cost is so much higher there. They have also found there is less dumping since the inception of biweekly pickup.

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Regarding the recycling of plastics, the problem is that there is still no local market for the materials, making it too expensive to add to the curbside program now. Staff is watching the market carefully as they know it is the last bulky item people want to get out of the can.

Bruce Walker, BES, said while some communities are taking more plastics than Portland, staff wants to make sure there is a stable market for the recycled plastics, rather than confusing the public by first accepting and then not accepting certain products.

Lee Barrett, BES, said the difference between the proposals of Recycling Advocates and BES is the difference between "can't" and "don't" regarding yard debris in the can. Staff does not believe that is a significant difference and also feels a total ban on debris in the can will create still another barrier between the citizen and hauler, who acts as an enforcer. He said many people believe that yard debris is already banned from the can.

Commissioner Lindberg asked if a public education program is planned, emphasizing the "don't".

Mr. Barrett said yes.

Commissioner Lindberg asked if Jeanne Roy was correct in stating that six percent of everything in the land fill is yard debris.

Mr. Barrett said it is six percent of the total waste stream but nine percent of the residential. The City's April survey showed 7.7 percent. He said in the questionnaire people probably chose the biweekly pickup program because they strongly oppose any higher rates. The only reason they were not given the option of staying with the present program is that the City must meet the regional yard debris mandate of a weekly program by July 1 of this year.

Mayor Katz said when people are given choices, they should be translated into either cost savings or additional costs.

Mr. Barrett said they had to guess at what the rate increases might be and did not want to err on the low side and have people end up paying a lot more than they had anticipated.

Jim Hagerman, BES staff economist, addressed the additional cost for the yard debris program in the rate, noting that the the direct cost of picking up yard debris went up about three cents between last year and this year. The reason the line item has increased is because two components do not show -- the operating margin allowed the hauler under the franchise agreement and general administrative expense. He said the direct cost of solid waste collection went down, yard debris stayed about the same and general and

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administrative expense was higher than last year. These expenses were spread on a percentage of total cost basis and the yard debris program subsequently picked up some of what formerly went to the cost of solid waste collection.

Commissioner Lindberg noted the Mayor's recommendation to Metro that tipping fee savings be passed on to consumers. He asked if Council agreed.

Council generally agreed.

**Disposition:** Passed to Second Reading May 25, 1994 at 9:30 a.m.

- 747** **TIME CERTAIN: 10:30 AM** - Prescribe the rates and charges for water and water-related services by the City of Portland effective July 1, 1994 and July 1, 1995 (Ordinance introduced by Commissioner Lindberg)

**Disposition:** Passed to Second Reading May 25, 1994 at 9:30 a.m.

- 748** Amend Title 17 of the City Code to revise sewer and drainage rates and charges in accordance with the biennial sewer user rate study (Ordinance; amend Chapters 17.35 and 17.36; introduced by Commissioner Lindberg)

**Discussion:** Commissioner Lindberg said staff reviewed the combined sewer, water and garbage rates and found the overall increase in the three utility rates to be five percent, a very moderate amount. Regarding water rates, the conservation efforts have been very successful, reducing demand by 10 percent. Second, the labor management partnership has resulted in the elimination of 12 full time positions and while revenues will fall by \$1.5 million over the current year, 75 percent of water customers will realize rate increases of less than one-half of one percent. Monthly billing will be available early in the fiscal year.

Regarding sewer rates, Commissioner Lindberg said BES has moved to a more equitable rate structure with metered billing, rewarding people for conservation. For that reason 50 percent of customers will see their sewer rates go down. The average rate increase will be 13 percent. BES has also reduced operating costs over the current year and the bureau will put money from next year's sewer rates into a rate stabilization fund to minimize future rate increases. He said given the tremendous capital demands on the system, the rates have been kept at a minimum.

Mayor Katz noted that the rate increases are far lower than what had originally been proposed, reflecting hard work by the Water Bureau and BES to keep the rate structure down and not price people out of their ability to pay.

Tom O'Keefe, UCAN, noting that drainage rates will increase more for

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commercial than residential, said it is about time that BES recognizes that commercial property should be paying more because of the high toxicity on large parking lots. Residential properties should be prorated rather than put on a fixed fee. Mr. O'Keefe criticized the City for giving a refund to commercial property last year while giving nothing to residential property. He noted also that there are thousands of people who are being overbilled for drainage fees or should not be billed because their homes are disconnected. The City should spend the estimated onetime \$250,000 it would cost to prorate drainage fees to bring equity into the rates and it should offer refunds to those who should not be billed or are currently being overbilled. He said the fixed fee is based on 2400 square feet and anyone with more than that is currently getting a free ride. By charging more to those with larger homes, there should be no decrease in overall revenues and smaller home owners would see their rates reduced significantly.

Frank Gearhart, 2103 NE 24th Court, Gresham, said Victoria, BC is doing great things with conservation and their program should be studied. He asked if the low income subsidy proposal had a public hearing outside the budget process.

Commissioner Lindberg said there have been informal meetings but since it is part of the rate structure, today's hearing is the first public hearing on the low income program.

Mayor Katz said the public may not realize that the low income subsidy is built into the rates and for that reason the City may want to extend the public hearing one more week on that issue.

Mr. Gearhart noted the Water Bureau is putting up \$600,000 for a regionalization study, recognizing that control of the water supply leads to control of people's lives. He complained about having to pay \$1.95 for copies of the ordinances as he is already paying taxes.

Mayor Katz said State law allows charging for copies but it has to be equivalent to the cost of service.

Juliann Lansing, no addresss given, objected to the sewer fees and said no notice about sewer rate hearings was given.

Mayor Katz said the rates have been advertised but the low-income rate relief program was not specifically identified and should be. For that reason there will be a public hearing on that portion of the ordinance.

Larry Attinger, Assistant Executive Director, Oregon AFSME Council 75 and representative of most Water Bureau employees, thanked Council for involving employees in developing the new budget. He said the results are shown in the fact that the rate increases are so low and that the total

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dollars needed to operate the Bureau are less than the previous year.

Paul Richmond, PO Box 454, 97207, said he had to pay \$16 for copies of Council documents and had only 48 hours to review them. He said such policies are a major obstacle in building people's trust in government. He said a lot of sewers do not improve the lives of citizens but bring the area up to industrial specifications so the area can have continued growth. He said he is concerned that Council's interest is in serving people with money

Commissioner Kafoury noted written testimony submitted by a number of parties regarding the low-income rate relief program. She said their primary concern is with renters.

Mayor Katz noted they may testify next week.

Tom O'Keefe, UCAN, said charging nine percent interest on overdue sewer bills is excessive.

Bill Resnick, Portland Committee for Sustainable Economic Development, said these three revenue items typify trends to increase burdens on the poor and middle income people while reducing taxes on the wealthy. He said it is long past time to rethink tax policy and substantially increase public resources which will require tax raises on the wealthy and reduce the trend to tax middle and lower income people more. He said there has been a lack of leadership in facing these questions.

Commissioner Lindberg said the five percent increase in all three rates will translate into a 16.5 percent rate reduction for those in the low income category.

Mr. Resnick said the subsidy for the very poor will be paid for by increasing taxation on the next level of low income people who have lost income. The City should recognize it cannot keep going in that direction.

**Disposition:** Passed to Second Reading May 25, 1994 at 9:30 a.m.

### **REGULAR AGENDA**

- 784** Accept bid of Hessel Tractor and Equipment Co. for one articulated loader for \$109,660 (Purchasing Report - Bid 97)

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

- 785** Consider vacating portions of SW Salmon, SW Main, SW 2nd and SW 3rd in connection with the United States of America, General Services Administration Federal Courthouse to be constructed on the adjacent block (Hearing; Report; C-9861)

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**Disposition:** Approved; City engineer prepare ordinance. (Y-5)

- \*786** Vacate portions of SW Salmon Street, SW Main Street, SW 2nd Avenue and SW 3rd Avenue under certain conditions (Ordinance by Order of Council; C-9861)

**Disposition:** Ordinance No. 167681. (Y-5)

**Mayor Vera Katz**

- 787** Amend the boundaries of the North/Northeast Portland Enterprise Zone to add land owned by Oregon Steel Mills (Resolution)

**Disposition:** Continued to June 1, 1994 at 9:30 a.m.

- 788** Qualify Oregon Steel Mills for Enterprise Zone tax abatement with a loss of employment (Resolution)

**Disposition:** Continued to June 1, 1994 at 9:30 a.m.

- \*789** Accept a planning grant from the U.S. Department of Commerce, Economic Development Administration, for \$100,000 and direct the Portland Development Commission to administer (Ordinance)

**Disposition:** Ordinance No. 167682. (Y-5)

**Commissioner Earl Blumenauer**

- \*790** Authorize issuance of a blasting permit to Frontier/Traylor, Tri-Met J.V. for construction of the starter tunnels as part of the Westside Light Rail Tunnel Project; Contract WCO500 (Ordinance)

**Discussion:** Christine Cannon, Bureau of Transportation Engineering and Development, said this blasting permit is only for the starter tunnel for the Westside light rail project and additional permits will be required for blasting in the other areas. She reviewed the status of the tunnel construction project, noting their efforts to meet with neighbors to satisfy concerns about noise, hours and vibrations.

Commissioner Blumenauer said the bottom line is this must be done in order to stay on schedule.

**Disposition:** Ordinance No. 167683. (Y-5)

- \*791** Amend City Code to provide new procedures for assessing property for the costs of constructing or maintaining sidewalks, curbs and driveways (Ordinance; amend Code Chapter 17.28)

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**Discussion:** Dan Vizzini, City Auditor's office, said the Office of Transportation, Bureau of Maintenance and his office have finally reached agreement on Code changes that will streamline the assessment process for sidewalk repairs.

**Disposition:** Ordinance No. 167684. (Y-5)

- 792** Authorize the renaming of NE Occident Avenue to NE Wheeler Avenue (Ordinance)

Mayor Katz left and Commissioner Blumenauer presided.

**Discussion:** Commissioner Blumenauer said this and the following two items waive the requirement for publication in order to save money. Only one property owner, Rich's Deli, is affected and the Planning Commission unanimously voted to proceed with this.

**Disposition:** Passed to Second Reading June 25, 1994 at 9:30 a.m.

- 793** Authorize the renaming of a segment of NE Glisan Street to Lloyd Boulevard (Ordinance)

**Disposition:** Passed to Second Reading June 25, 1994 at 9:30 a.m.

- 794** Authorize the renaming of a segment of NE Hassalo Street to NE Multnomah Street (Ordinance)

**Disposition:** Passed to Second Reading June 25, 1994 at 9:30 a.m.

- \*795** Authorize the renaming of SW 27th Avenue/SW Palatine Street between SW Stephenson Street and SW Lancaster Road to SW 27th Avenue (Previous Agenda 704)

**Disposition:** Ordinance No. 167685. (Y-4)

**Commissioner Charlie Hales**

- \*796** Regulate skateboarding in Parks (Ordinance; add Code Section 20.12.205)

**Discussion:** Rich Gunderson, Bureau of Parks and Recreation, said this restores Code language inadvertently left out in a previous update. It will keep skateboards off decorative fountains, furnishings, bricks and cobblestones. Expulsion from the park is the penalty, following by a trespassing charge.

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Commissioner Kafoury noted it does not prohibit skateboarding in Waterfront Park.

**Disposition:** Ordinance No. 167686. (Y-4)

**Commissioner Mike Lindberg**

- 797** Authorize a contract with Ad Department, Inc. to provide professional services for a public service campaign for Clean Rivers awareness and a public notification program for combined sewer overflows and provide for payment (Second Reading Agenda 733)

**Disposition:** Ordinance No. 167687. (Y-4)

**City Auditor Barbara Clark**

- 798** Assess property for private plumbing loans through April, 1994 (Hearing; Ordinance; P0003)

**Disposition:** Passed to Second Reading May 25, 1994 at 9:30 a.m.

At Noon Council recessed.



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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 18TH DAY OF MAY, 1994 AT 2:00 P.M.

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

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

- 799 TIME CERTAIN: 2:00 PM** - Appeal of Multnomah Neighborhood Association against Hearings Officer's decision to approve application of Osmond and Meliha Ergene for a zone change and fill review to construct attached residential dwellings on property located east of SW Capitol Highway and south of SW Miles Street (Hearing; 93-00860 ZC EF)

**Discussion:** Duncan Brown, Planning Bureau staff, said general agreement between the appellant and applicant has been reached during mediation but a written agreement needs to be completed. For that reason, both parties request a continuation at which time the appeal will be withdrawn.

**Disposition:** Continued to June 1, 1994 at 2 p.m.

**Commissioner Earl Blumenauer**

- 800** Create High School Athletic Trust Fund, revise fees charged at municipal golf courses to include non-resident golf fee and establish effective dates (Second Reading Agenda 741; amend Code Section 20.20.010)

**Discussion:** Commissioner Lindberg said some additional information is now available about what the million dollars from the Parks Bureau will fund.

Charles Jordan, Director, Bureau of Parks and Recreation, said the lion's share of the million dollars will fund community schools. Money has been earmarked for the arts and after school activities as well as for golf, tennis and aquatics. However, they still need to meet with the School District to determine the best vehicle for delivering those fund.

Commissioner Lindberg noted that a lot of students had testified about the importance of participating in interscholastic athletics.

Mr. Jordan said Parks would be willing to make a direct pass through if the schools districts can deliver the golf, tennis and swimming programs for the funds available. He said he does not have information about the junior varsity program.

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Commissioner Blumenauer asked about the other districts.

Mr. Jordan said Parks is balking about making a direct pass on everything. However, with golf, tennis and aquatics, if it makes sense to have the school run the programs, they have no problem with that.

Commissioner Blumenauer said at this point only the 80 percent of the athletic program that deals with the Portland Public Schools would be dealt with in this fashion. He referenced Portland Public School District Athletic Director Lynn Hewitt's memo of May 17, which states that even if Parks is able to help restore barebone programs in golf, tennis and swimming, a level will be lost in seven other sports and 2000 high school students will be denied an opportunity to participate. The trust fund proposal would restore all the teams that have been eliminated for FY94-95.

Mayor Katz said she needed to get a sense for the size of the issue.

Commissioner Blumenauer said this ordinance was introduced by him, not at the request of the school districts, to respond to the still unmet athletic needs for high school students. The non-resident golf fee would allow them to establish a trust fund to take care of problems facing students next year and which could be used to generate other money from the community. This is a way for the City to provide a separate pool of money to take care of athletics this year and put it to work for the future.

Lynn Hewitt, Portland Public Schools Athletic Director, said the total amount that would be eliminated from the Portland School District's 10 high schools would be \$2.6 million this year and \$1.3 next year, with fund raising bringing it to \$1.6. In addition to the elimination of golf, tennis and swimming, this year's budget eliminated junior varsity teams in seven sports plus reductions in equipment expenditures and staff support. He said Portland presently spends 1/2 of one percent of its annual budget on athletic programs. He described various options based on how much money they receive. He said a barebones junior varsity program for this level could be brought back for about \$200,000.

Commissioner Hales asked if the School Board rejected this proposal.

Mr. Hewitt said the School Board did not look at individual programs but passed the \$1.3 million recommended by the Superintendent in the budget proposal. No equipment is being bought for any sport and a lot of support has been cut. The budget did not have enough for golf, tennis and swimming or the seven levels.

Commissioner Lindberg said he is trying to get some idea of equity about the golf program and whether it has always been self-sustaining or if any funding came from the general fund.

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Commissioner Hales, referring to Mr. Jordan's memo, said approximately \$110,000 was allocated from general funds in the early 1920's for development of the Eastmoreland and Rose City golf courses.. That compares to \$52 million that has been raised and spent out of program revenues. The golf program now generates \$250,000 towards City overhead charges and the new golf fees approved in this year's budget, will add \$800,000 to the youth trust fund.

Commissioner Blumenauer asked what the basis for this information was.

Gordon Wilson, Budget Analyst, said he reviewed the 1944 memo from Superintendent Kaiser and believes his figures are correct.

Commissioner Blumenauer asked if they had referenced the other money spent from the general fund for maintenance.

Mr. Wilson said the numbers are somewhat confusing as the purchase and development costs did not add up to \$110,000 and it was assumed that some of the Rose City purchase price made up the difference.

Commissioner Blumenauer asked if it would not be reasonable to show the effect of inflation on those 1920 dollars.

Mr. Wilson said they did not have time to review 70 years of history, including inflating all the money spent each year by golfers, as the basic point did not seem to warrant that.

Commissioner Blumenauer said he believes golf courses belong to the City and their revenues can be used for anything that benefits the City. He said currently a tiny amount of golf revenues is being used for youth sports activities and the question now is how much it should invest. He said he reviewed past documents regarding City support for the golf program, adding that the record shows the City put \$110,000 into golf courses that could have been invested other places. Parks staff was also used at times to provide maintenance and the City stepped into help during the Depression and during the 1970's when there were problems. He said Council members should not have to choose between community schools and high school athletics.

Commissioner Blumenauer said Portland has the finest golf program west of the Mississippi and the City has documented that the demand for golf is far greater than it can accommodate. He found the City has the least expensive fees in the metropolitan area and believes the golf program can sustain this increase. The other equity issue is that a charge on non-residents would be discriminatory. However, he noted many of the people who make this claim live in areas which charge Portland families extra for using their sports facilities. He said this is not an either or situation where the question is do

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we help athletics or community schools. Rather, this is an opportunity to continue to do both, allowing 2000 more young people in Portland alone to participate in athletics next year. The trust fund will also allow them to raise additional resources so that the following year there will be an alternative to eliminating athletics.

Commissioner Hales said in January during the budget process Council identified children and families as one of its key issues and values. Council then stated its intention to help the schools and a golf surcharge on all golfers was approved which commits \$1 million to after-school programs. This proposal would produce another \$549,000. Council can get away with this but it is not sound public policy. There already is a Youth Trust Fund and its only source of revenue now is golfers who will be contributing about \$800,000 into it.

Commissioner Kafoury said the school funding crisis is a continuing problem and while there may never be the perfect solution, Council needs to send a message that it thinks kids are important.

Commissioner Lindberg said he has tried to judge this on whether this is fair, a high priority and the right solution. This is politically perfect because it taxes a group outside the City but is basically unfair because of the contributions made by golfers, including this year's \$1 million raise in fees. Golfers have contributed \$52 million to the system and the City cannot keep increasing the price rather than concentrating on servicing the customers. He said his other concern is that this is just another piecemeal approach and it would be better to look at more options and get a community-wide fix.

Mayor Katz said she knows Commissioner Blumenauer is truly committed to this but the question for her is how much and where to use City assets in helping the schools. She said her first priority would not be sports but such items as Head Start, rigorous academic programs, reductions in class size, etc. She said all Council members will be looking for a statewide solution for schools and while she cannot support this proposal she does believe Council needs to review school funding policies.

**Disposition:** Failed to pass. (Y-2, Blumenauer, Kafoury; N-3)

#### **Commissioner Charlie Hales**

- 801** Appeal of Generous Ventures Gleaners against Hearings Officer's decision to impose Condition P in approving a conditional use to establish a nonprofit food provider service at 8830 SE Woodstock Blvd. (93-00849 CU AD;  
**APPEAL WITHDRAWN**)

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**Discussion:** Cay Kershner, Clerk of the Council, said this appeal has been withdrawn.

**Disposition:** Appeal withdrawn.

- 802** Tentatively deny appeal of Arnold Creek Neighborhood Association and uphold Hearings Officer's decision, as amended, to approve the application of JMC Corporation for a Planned Unit Development, Major Subdivision, Environmental Review and amendments to overlay and existing conditions, in an R10 zone, located north of the Woodlee Heights Subdivision (Findings; 93-00658 PU EN AD)

**Discussion:** Tom Bizeau, Bureau of Planning, asked for approval of the findings as written, adding that an ordinance relating to the original zone change will also need to be approved at a later date. It is dealt with in the findings.

Commissioner Hales moved the findings as outlined in Mr. Bizeau's May 6 memorandum.

Ruth Spetter, Senior Deputy City Attorney, asked Council to adopt the findings tentatively but adopt it formally at the same time the new ordinance amending the old one is considered. She said the applicant had agreed to this.

Commissioner Hales so moved. Commissioner Lindberg seconded and the motion carried. (Y-4)

**Disposition:** Continued to June 1, 1994 at 2:00 p.m.

**Commissioner Gretchen Kafoury**

- 803** Adopt the Regional Drug Initiative Guiding Principles for Alcohol Availability (Resolution)

**Discussion:** Commissioner Kafoury said this and the following two items attempt to deal with alcohol availability in a broader manner, rather than license by license. These state the principles and policies that guide the Bureau.

Gary Smith, Executive Director, Oregon Partnership Initiative and member of Regional Drug Initiative, summarized the committee's findings and recommendations. The committee developed five values and guiding principles regarding the consumption of alcohol in both high and low-risk situations and its availability, particularly to minors.

Loren Bundeson, a recovering alcoholic residing at Northwest Johnson, said

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this is a complete waste of time. He said he recently saw an adult giving beer to minors inside the Stadium Fred Meyer store without checking i.d's. He said this is the major problem, naming other restaurants in his area which do not check for i.d., while convenience stores are forced to.

Ryan Handby, a resident of the Eliot neighborhood, said areawide standards are a must and each alcohol distribution point must perform to that same standard. Increased enforcement is also needed if neighborhood livability is to become a reality.

Commissioner Lindberg asked if adopting these principles would impact previously adopted policy that Council uses to approve or deny liquor licenses.

Mr. McGrew said he believes these principles will support Council policy.

Commissioner Hales said this gives the City a specific basis to define what is a responsible community and what is responsible conduct by those within that community.

Commissioner Kafoury said this is a statement that describes community values about alcohol and will put Council's decisions about liquor licenses into some context.

Commissioner Lindberg said he is pleased to see that the negative impacts of alcohol consumption on neighborhood livability are being recognized. He said he also likes giving the community more options to hold alcohol-free events.

**Disposition:** Resolution No. 35278, (Y-5)

**804**     **Accept the License and Police Bureaus' Street Drinking Report (Report)**

**Discussion:** Gary McGrew, License Bureau, said this report is to ensure that the liquor license recommendations to the OLCC are consistent in dealing with the issues of street drinking. It defines the problem of street drinking in the downtown area, provides law regarding restrictions on products, summarizes the history of the fortified wine issue and outlines community policy efforts to deal with large containers of beer and malt liquor. He said the Bureau's approach has been to identify problem areas and contributors to that problem and then seek voluntary solutions. Continued or serious problems have led to restrictions on problem products or outright denial of licenses. As problem outlets are identified, the Bureau will schedule hearings before Council and recommend no less than minimal restrictions. This approach is consistent with past practice, State liquor laws and current Bureau process. It is strongly supported by the community,

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particularly the Old Town/Chinatown Neighborhood Association, the Northwest District Association and Downtown Community Association.

Gary Hendricks, Police Bureau Central Precinct, said the issues are ones of public safety and neighborhood livability. This report will give staff clear direction and set policy on alcohol-related issues for the foreseeable future.

Perry Christianson, Police Bureau, said the Bureau supports this report.

Scott Spencer Wolff, Downtown Community Association (DCA), said alcohol-related problems are paramount to the livability of the downtown area. He said both the DCA and the Old Town/Chinatown Neighborhood Association strongly support adoption and especially like such features as encouraging event sponsors to refrain from promoting alcoholic beverages. However, the creation of a "night life" district with emphasis on drinking is somewhat ironic. They also support stronger sanctions for minors in possession of alcohol, particularly in the teen club scene. He said the recommendations referring to restrictions on wines with higher than 13 percent and large container malt beverages are especially appropriate because they cause tremendous problems in this area. They also support the sanctions recommended for Ray's, Suki's and Katina's Deli (Item 805). He said beer and wine sales for off-premise consumption should not be the primary emphasis of a neighborhood business.

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

- 805** Reaffirm the recommendations to the Oregon Liquor Control Commission for three package stores located in the Burnside District (Resolution).

**Discussion:** Gary McGrew, License Bureau, said this resolution reaffirms the City's recommendation to the OLCC for Ray's, Suki's and Katina's Deli, three package stores in the Burnside District. The restrictions would affect wines above 13 percent and large containers of beer and malt beverages.

John Werneken, License Bureau, recapped three points made in the 1992 hearings on these three stores. First, in 1992 there was abundant evidence of excessive street drinking in Old Town and that a significant source of the problem was due to the sale of 32-ounce containers of beer and malt beverages and wines of 13.8 percent or greater alcohol content. Third, the Bureau found a strong correlation between the proportion of alcoholic beverage sales of problem products and the problem of street drinkers. At that time the Bureau recommended restrictions on the sale of such products at these three outlets. However, there is abundant evidence that the street drinking problem continues in this area and that large containers remain a primary source of the problem. Finally, there is increasing evidence that distilled spirits available from OLCC outlets add to problems with street drinkers.

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Mayor Katz asked if that was a switch.

Mr. Werneken said the Bureau believes it is caused by other policies adopted by the City and corrective actions that many retailers have taken. The Bureau is recommending reaffirmation of the restrictions on the problem products at these three outlets. The Police Bureau is working closely with OLCC to address the problems at the state agency stores and OLCC is moving to limit hours and take other actions to prevent their agents from being significant contributors to these problems.

Greg Hendricks, Police Bureau, said the Bureau also strongly supports this recommendation.

Mayor Katz asked if the OLCC outlets were addressed in the resolution.

Mr. Werneken said no because the Bureau's recommendation process only addresses licensees, not agency stores. Nonetheless they are working hard with the OLCC to address that.

Mayor Katz said Council would be happy to sign a letter in support of this, if needed.

Loren Bundeson, Northwest 24th and Johnson, said he works in Old Town and sales of the problem products have spread to other nearby outlets. He suggested applying these restrictions to all convenience stores within the City.

Commissioner Hales said this provides a policy foundation so that the City can tell individual licensees that it is not singling them out.

**Disposition:** Resolution No. 35279. (Y-5)

At 3:40 p.m. Council recessed.



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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF MAY, 1994 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Linda Meng, Chief Deputy City Attorney; and Anthony L. Marshall, Sergeant at Arms.

- 806 TIME CERTAIN: 2:00 PM** - Accept the report of SERA Architects on the renovation of City Hall, pursue development plan "B" and direct the Office of Finance and Administration to work with the Bureau of General Services on funding options for Phase II in FY 94-95 (Resolution introduced by Commissioner Kafoury)

**Discussion:** David Kish, Director, Bureau of General Services, asked for Council approval of Option B, calling for historic renovation of City Hall in order to bring it up to Code and into the 21st century. He said the Bureau is requesting \$500,000 for FY 95 for architectural services and fund raising efforts. He said they hope to raise half of the estimated \$18 million cost through such efforts and obtain the remaining half either from City funds or through a voter-approved tax levy.

Bing Sheldon, SERA Architects, said City Hall is currently an under-utilized asset, adding that Option B calling for historic renovation adds only \$2 million, or \$15 more per square foot, to the cost in Option A, which calls for just fixing the building to meet seismic and other Code requirements. He showed slides to illustrate how the remodeled building might function and outlined the benefits of historic renovation, including restoration of the original light courts and remodeling Council Chambers. He stressed the importance of preserving and celebrating this important historic asset and said Option B will give the most results for the least amount of investment.

Commissioner Lindberg asked if "doing nothing" was a realistic option.

Mr. Kish said under the existing Code, when this report is transmitted to the Bureau of Buildings it will be required to state that City Hall is a dangerous building and the two-year clock for making the improvements starts ticking. Not doing anything would also send the wrong message to other building owners as they begin to make improvements related to seismic requirements. He said some building Code amendments will be proposed in the fall, giving Council a longer time to take action but

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requiring such action on every older, unreenforced masonry building in town. Under the current Code, such buildings are okay until renovation begins.

Commissioner Lindberg asked if there are any governmental agencies that take on such projects and sell certificates of participation that would not require voter approval.

Mr. Kish said the Portland Building is being paid for that way, with the City repaying the cost out of its annual operating budget. Doing it that way for City Hall would add approximately \$1.0 million per year to the operating budget. He discussed other ways of spreading the cost.

Mayor Katz asked how the Bureau of Building's pronouncement that City Hall is a dangerous building could be reversed.

Mr. Kish said the pronouncement is based on existing State and City code.

Commissioner Kafoury said the City has just finished a long process with the community about the seismic Code and cannot continue to ignore this when it comes to City Hall.

Mr. Kish said they also hope the renovation of an unreenforced concrete building will serve as a model to other building owners about how things can be done in a cost effective way under the Code.

Mayor Katz said some City Hall tenants worry that the design will not work for them.

Mr. Kish said the next phase will be to work with all the tenants and confirm how things really work. He said the current plan is not a final design, only a concept.

Natasha Koiv, SERA Architects, said if an open office landscape plan is adopted, the amount of space each individual needs can be reduced. She said that is the approach their study took, creating more common spaces that can be shared.

Individuals speaking in support of historic renovation (Option B) included:

Jim Atkinson, Association for Portland Progress

Norman Locke, Chair, Friends of City Hall Steering Committee

James Hammack, Manager, State Historic Preservation Office

Heather Williams, Portland teacher

Linda Barnes, architect and Friends of City Hall Steering Committee member

Bill Naito, 5 NW Front, Friends of City Hall Steering Committee member

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Supporters noted that the cost for a complete restoration will be only 11 percent more than merely bringing the building up to Code. They stressed its historic significance and the need to make the building not only safer, but attractive to the public.

Mr. Kish said the resolution proposes the selection of Option B and directs the Office of Finance and Administration to see if it can loosen up some money for FY 95 which would be used to confirm the space plan, work with the tenants on the final design and bring it up to the construction drawing stage. He said they would also proceed with fund raising efforts. Actual renovation would begin, probably in the Spring of 1996, and the building would be vacated prior to that.

Commissioner Blumenauer said he supports renovation but believes this continues to be a piecemeal approach to capital improvements and that Council should discuss this in the context of improvements needed in public safety, parks, etc. He said he is not willing to vote to spend another half million dollars until a comparison is made with these other capital needs and a financial plan is adopted. He voted no.

Commissioner Hales said this is a compelling vision of what this building can be. He said he expects Commissioner Blumenauer's concerns to be met but believes an option needs to be selected so the City can move to the next phase. He said he thinks fixing it is financially doable and the right thing to do, even if now it seems to be a financial stretch.

Commissioner Kafoury said the City should not require private businesses to do what it does not require of itself. She said as this moves forward, Council can discuss how it fits into the bigger picture, adding that it is sad to see the building crumble.

Commissioner Lindberg said the City cannot turn its back on Code requirements and thumb its nose at the law. It has a responsibility to move ahead even though it will be a tough sell politically.

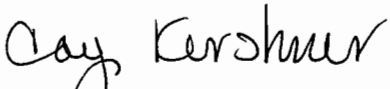
Mayor Katz noted that OFA and General Services will return to Council prior to the adoption of the FY 94-95 budget to fully discuss capital needs and select priorities for general obligation bonds or arrange debt service for General Fund dollars. She said renovation will create a nice environment for both the public and employees.

**Disposition:** Resolution No. 35280. (Y-5)

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At 3:25 p.m., Council adjourned.

**BARBARA CLARK**  
Auditor of the City of Portland

  
By **Cay Kershner**  
Clerk of the Council