



CITY OF

## PORTLAND, OREGON

OFFICIAL  
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF JULY, 1994 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; Kathryn Imperati, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Fire Chief Robert Wall made a presentation regarding the donation of an air bag lifting system to the City by Hewlett Packard and Tyee Productions, which had used this high tech state-of-the-art equipment in a film on emergency disaster preparedness.

Glenn Eisner, Fire Bureau, described working with Hewlett Packard and Tyee on the production of their film on emergency operations centers and how their technology could interface with the Bureau of Emergency Communications (BOEC). He said the companies discovered that BOEC did not have some of the equipment they wanted to use and asked if they could donate it to the City. He said the movie will be shown worldwide.

Roger Thompson, Tyee Productions, and Jan Smith, Hewlett Packard, were presented with plaques in appreciation of their contribution.

Agenda No. 1229 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

### CONSENT AGENDA - NO DISCUSSION

**1217** Vacate N Kaiser Center Drive, under certain conditions (Ordinance by Order of Council; C-9840)

**Disposition:** Passed to Second Reading August 3, 1994 at 9:30 a.m.

**Mayor Vera Katz**

**\*1218** Pay claim of Agnes Thomas (Ordinance)

**Disposition:** Ordinance No. 167931. (Y-5)

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- \*1219** Contract with Reid & Yates Physical Therapy for the provision of Worker Reconditioning Program consulting services (Ordinance)

**Disposition:** Ordinance No. 167932. (Y-5)

- \*1220** Extend existing Intergovernmental agreement with Tri-County Metropolitan Transportation District (Tri-Met) for police services (Ordinance; amend Contract No. 25721)

**Disposition:** Ordinance No. 167933. (Y-5)

**Commissioner Earl Blumenauer**

- \*1221** Amend contract with Kurahashi & Associates, Inc. to increase work scope and contract amount (Ordinance; amend Contract No. 29242)

**Disposition:** Ordinance No. 167934. (Y-5)

**Commissioner Charlie Hales**

- \*1222** Amend code relating to prohibited conduct in the parks (Ordinance; amend Code Chapter 20.12)

**Disposition:** Ordinance No. 167935. (Y-5)

- \*1223** Regulate conduct at Pioneer Courthouse Square (Ordinance; amend Ordinance No. 162839)

**Disposition:** Ordinance No. 167936. (Y-5)

- \*1224** Contract with Multnomah County to provide two full-time Alternative Community Service crews for \$109,781 (Ordinance)

**Disposition:** Ordinance No. 167937. (Y-5)

- \*1225** Accept donation of an air bag lifting system (Ordinance)

**Disposition:** Ordinance No. 167938. (Y-5)

**Commissioner Gretchen Kafoury**

- 1226** Accept contract with Hydro-Temp Mechanical, Inc. for furnishing and installation of two air conditioners as complete, authorize final payment and release retainage (Report; Contract No. 29064)

**Disposition:** Accepted.

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- \*1227** Contract with the Senior Job Center for \$135,467 for the Senior Home Repair and Maintenance Program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 167939. (Y-5)

- \*1228** Contract with the Portland School District for \$17,680 for the TLC-TNT Program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 167940. (Y-5)

**Commissioner Mike Lindberg**

- \*1230** Intergovernmental agreement with Multnomah County for Water/Sewer Crisis Assistance Program administration (Ordinance)

**Disposition:** Ordinance No. 167941. (Y-5)

- \*1231** Authorize a contract and provide for payment for the construction of Gabriel Park wet meadows (Ordinance)

**Disposition:** Ordinance No. 167942. (Y-5)

**REGULAR AGENDA**

- \*1229** Authorize application and acceptance of a YouthBuild Planning grant from the Office of Economic Development, U.S. Department of Housing and Urban Development in the amount of \$99,848 (Ordinance)

**Discussion:** Commissioner Kafoury requested that this be returned to her office to complete all the paper work needed to accept it.

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

- 1215** **TIME CERTAIN: 9:30 AM** - Commit to participate on the Portland-Multnomah County Progress Board, charge the Progress Board to establish benchmarks and agree to select benchmarks specific to the City of Portland (Resolution introduced by Mayor Katz)

**Discussion:** Debbie McCabe, Project Manager for the Portland-Multnomah County Progress Board, said this resolution asks Council to adopt the community benchmarks identified by the Progress Board. The benchmarks are based on the vision created in Future Focus and attempt to measure the results of efforts to achieve that longterm vision. The resolution also establishes the Progress Board as the organization to monitor the results.

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Ms. McCabe said the Board selected 94 measurements and this year is asking that they be adopted by community organizations in order to form partnerships with businesses and non-profit organizations.

She said the Board recently held work sessions on the most urgent benchmarks in eight key areas important to the community, such as economic prosperity. She described the session on health care access where a very expensive model was identified as the preferred measurement tool. As a result of the work session, Legacy, Providence and Kaiser Permanente have agreed to fund that particular model and may also be joined by other private organizations.

Sharon Gary Smith, Progress Board member and Program Manager, United Way of Columbia Willamette, described United Way's commitment to adopting these benchmarks as the measurement system they will use to determine program outcomes. United Way believes these benchmarks will provide a way to show what their support has done to improve quality of life and measure the impact on services. As United Way moves toward multi-year funding, benchmarks will allow staff to streamline the fund distribution process and increase their ability to demonstrate that the programs they fund do indeed make a difference. Their measurements will also be compatible with those being gathered by others.

Judith Ramaley, President, Portland State University, and member of the Progress Board, said not only are the benchmarks important for providing a vision, they also provide a clear statement of values and goals. By having the benchmarks, organizations can make some difficult choices among programs and activities because they have a better sense of their bearings. She described the goals set in the area of education, noting that while Portland State has a wonderful mission statement, until now it has had no way to measure whether it is being achieved.

Mayor Katz said Portland Future Focus was the first step, Benchmarks were the second and the third is Oregon Options. She described meetings she attended with other Oregon leaders and federal representatives in Washington D.C. to see if, because of the benchmark documents and the State's 20-year strategic plan, a lot of federal rules and requirements could be waived, particularly those which prevent the pooling of resources. She said Oregon is now waiting to see if the federal government is willing to be partners in identifying a cluster of benchmarks that links several agencies.

**Disposition:** Resolution No. 35294. (Y-5)

**S-1216**

**TIME CERTAIN: 10:00 AM** - Support expansion of the light rail system to include a light rail line from Clackamas County, Oregon to Clark County, Washington and recommend that the Board of Directors of the Tri-County Transportation District of Oregon seek voter approval on the November, 1994 ballot of a \$475 million general obligation bond to provide the Portland region's matching funds for construction of the South/North MAX light rail project (Resolution introduced by Commissioner Blumenauer)

**Discussion:** Cay Kershner, Clerk of the Council noted that a substitute had been filed and distributed.

Commissioner Blumenauer moved the Substitute. Commissioner Lindberg seconded and, hearing no objection, the Mayor so ordered.

Commissioner Blumenauer said this resolution culminates eight years of effort and ties together the larger community, focuses economic development and takes advantage of the unique opportunity to keep the momentum and foster Portland's continued livability.

Rod Monroe, Metro Councilor, said the success of light rail no longer needs to be proved but this must be acted upon now in order to take advantage of federal funding opportunities. He said the Portland area is way ahead of the rest of the country in transit infrastructure planning and should not be sidetracked now or it will lose its place in line. However, the federal government first wants assurance that the affected local areas are committed to these projects. He said the inclusion of Clark County demonstrates a bi-state regionalism virtually unheard of in the rest of the country. He said this area needs to get voter approval first before Clark County goes to the voters next spring for approval of a \$237 million bond measure. Then both the Oregon and Washington State legislatures can be convinced at their next sessions to set aside the necessary money to fund the bonds. He asked for approval of this bond measure to make sure the project happens.

Andy Cotugno, Planning Director, Metro, said this is a component of a broader comprehensive transportation finance strategy for the metropolitan area which takes a multi-modal approach and addresses the full transportation system. He said they looked at funding alternatives for a year and hope to move forward to the next step this fall, producing an environmental impact statement so that when ISTEA commitments are made both the project approvals and the funding are in place.

Ed Lindquist, Clackamas County Commission Board Chair, said this a regional, bi-state concept that leads the nation in transportation planning.

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This is the third step in a process that began in the 1970's and the timing on the federal level dictates that it be done now. He urged support.

Commissioner Blumenauer noted that four or five years ago the regional governments were not in agreement and consensus was in the process of being frayed but now people have come together and actually accelerated progress on the Westside.

Mayor Hagensen, City of Vancouver, said this proves that partnership works and is a significant achievement. He said the Vancouver area is growing at a rapid rate and has the unique opportunity to combine land-use and transportation planning at the same time. Clark County also recognizes that it is part of the metropolitan area and that transit corridors are very important. He said gridlock on the bridges crossing the Columbia is the alternative to this transportation effort, which has been diligently pushed by both states' Congressional delegations.

Roby Roberts, Portland School Board member, speaking as a private citizen, said Portland needs to move forward with its vision for reasonable transportation and the timing is right. Particularly in the wake of Measure 5, a unified action plan is needed to ensure the stable funding of all components of a healthy community. He called for bringing other entities into the conversation to divert the devastation the 1994-95 financial projections show and create an action plan to assure adequate financing for all components.

Judith Ramaley, President, Portland State University, said this is a story of regional access to services and opportunities in the greater metropolitan area and moving to a bi-state concept. She said Portland State depends on this light rail decision as it receives over 5 million visits a year now and being on a South/North light rail will greatly relieve current access problems. The University is also developing partnerships with the community colleges and Washington State/Vancouver and hopes to be linked with them through affordable, easily accessible light rail.

Rick Williams, Chair, South/North Light Rail Citizens Advisory Committee (CAC) and Executive Vice President of the Association for Portland Progress, said citizens from the 14 impacted jurisdictions have met frequently over the last two years and the vote was overwhelming in favor of putting this measure on the ballot.

Jeff Reed, Citizens Advisory Committee member, said Portland needs to make a choice now between being on the cutting edge in transportation or

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playing catch-up, noting that cities such as Seattle and Los Angeles are finding it very expensive to play catch-up. He said one way or another citizens will have to pay and this is the preferable way.

David Zagel, board member of the Association of Oregon Rail and Trans Advocates, said they strongly support a South/North rail line as one of the most efficient means of moving residents as well as linking important community sites, such as Portland State and the Convention Center. It also focuses economic development and supports important State and federal goals relating to land use, air quality and decreased auto dependency. In addition, the Advocates support broadened use of existing motor vehicle taxes to provide a stable funding source for such projects in the future.

Stan Lewis, member of the South/North CAC and Downtown Advisory Community Association (DCA) board member, said the DCA strongly supports this resolution as it believes it will help bring the region's growing population into the center of downtown. The South/North corridor is critical to the residential expansion of downtown and continued economic growth. This is one of the most sensible investments the public can make at this time.

Ingrid Stevens, Eastmoreland Neighborhood Association, said the line must be designed to serve the public well but she supports the need for it.

Jim Howell, 3325 NE 25th, Citizens for Better Transit, said they unequivocally support this resolution as the South/North transit line is just one part of what must be a much more aggressively expanded transit system. He said within 10 years Portland is required to reduce vehicle miles travelled to population growth. With vehicle miles travelled currently growing at about four percent a year, reaching that goal by 2005 will be very difficult and this step has to be taken along with a lot of other transit measures.

Commissioner Blumenauer said this measure is the result of hard work, public support and leadership. He agreed with Mr. Roberts about tying transportation into the whole fabric of the community.

Commissioner Hales said this is a sound proposal and an opportunity for Council to cement the agreement that JPACT and other local partners have forwarded after years of work. He said the rest of the transportation agenda also matters, including making streets work for pedestrians, bicyclists and bus riders as well as it does for cars. This project also needs to move suburban riders through the City in a way that reinforces the viability of City neighborhoods.

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Commissioner Kafoury said she strongly supports this and the urgency of doing it now.

Commissioner Lindberg said he is voting yes with great excitement as the future of the region is absolutely dependent on having a multi-modal transportation system that maintains the quality of life here. He noted the complex partnership in place here.

Mayor Katz said this gives the public a chance to demonstrate how serious it is about managing growth and maintaining livability. She said there is still lots of work to be done in designing the alignment and in the cost. She said voters will have choices between this light rail measure, schools, parks and green spaces and this will demonstrate their willingness to pay for a stronger community.

**Disposition:** Substitute Resolution No. 35295. (Y-5)

**Commissioner Earl Blumenauer**

**1232** Consider vacating a portion of SW 2nd Avenue and SW Front Avenue at the request of Northstar Development (Hearing; Report; C-9843)

**Discussion:** Kathryn Hall, Office of Transportation, said staff is available to answer questions.

**Disposition:** Approved. City Engineer prepare ordinance.

**1233** Declare the purpose and intention of the City to construct street improvements in the SW 41st Avenue LID (Resolution; Street; C-9799)

**Disposition:** Resolution No. 35296. (Y-5)

**1234** Declare the purpose and intention of the City to construct street and storm sewer improvements in the SW Palatine Street LID (Resolution; Street; C-9831)

**Disposition:** Resolution No. 35297. (Y-5)

**\*1235** Revise Code regulations of noxious odors and give Code Hearings Officer enforcement authority (Ordinance; amend Code Sections 8.36.020 - 8.36.080)

**Discussion:** Michael Harrison, Commissioner Blumenauer staff member, said about a year ago they were approached by members of the North



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Portland Odor Abatement Committee about noxious odors in their neighborhood. That provided the impetus to form an inter-agency work group involving all levels of government with a stake in odor issues. He said while they found the City has no real jurisdiction in this area, it could enable more efficient enforcement by allowing Multnomah County to bring violations before the City's Code Hearings Officer. This has proven to be an effective venue for hearing nuisance cases. Currently, he noted, when the County Health Director wants to enforce a violation involving odors he must ask the City Attorney to bring a law suit. They believe using the Code Hearings Officer instead is a much more efficient way of handling violations.

Commissioner Lindberg asked if the County had sufficient resources to investigate complaints.

Pam Arden, staff assistant to Multnomah County Commissioner Gary Hansen, read his statement, noting that odor problems have been incredibly frustrating to deal with and that the problem is major and significant, severely impacting neighborhood livability. This ordinance is a good first step as in the past Multnomah County has found itself with an unenforceable ordinance. She said she does not think it would cost a huge amount of money for enforcement and suggested that perhaps the City and County could share the estimated \$5,000 to \$6,000 cost per year. But first this ordinance needs to be in place.

Lee Poe, 3911 N. Attu, noting that she lives directly above two rendering plants and a short distance from the City's only sewage treatment plant, said the impact of industrial odor has been extremely negative on her neighborhood. She said this process has been long and tedious but of great importance. She hopes also to explore with Council the serious aspects of neglected public health issues and the negative impact of improperly sited industries within an urban setting. While more work needs to be done, this revision to Title 8 is a very good start.

Leanna Walter, North Portland resident, said because of health problems and the need for her to be able to breath clean air she is having to sell her home and move some place where the air is cleaner.

Peter DeChant, Multnomah County Health Division, said in the past the odor regulations have been unenforceable. This ordinance improves the technical aspects of Title 8 and improves enforceability but does not address the need for more resources to do the job. The level of action taken by the County Health Officer on these matters is discretionary and he decides how much of their scarce resources will be used. Often quality

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of life issues take a back seat over other more pressing health issues and, if action is to be taken, a dedicated source of funding needs to be found. He estimated that \$6,000 a year would buy sufficient on-call help to enable their nuisance officer to actively investigate these matters.

Mayor Katz asked if the \$5,000 to \$6,000 could be found in the County's budget and inquired about the amount budgeted for such investigations now.

Mr. DeChant said it comes out of the Environmental Health budget and the resources to enforce violations of odor regulations are not there currently. The budget for nuisance control is about \$45,000 and much of that is provided by Troutdale and Fairview for nuisance enforcement.

Mayor Katz asked if there was a request for funds for odor enforcement during the County budget process.

Commissioner Blumenauer said he understood that if an enforceable regulation was in place then Commissioner Hansen was willing to look at the \$500 million County budget to see if \$5,000 could be found and, if not, the two governments could continue their discussions. He said this seems to be a goal that could be reached.

Mayor Katz said in a budget that has realized additional resources because of increased cooperation with the City and increased assessments, the County should be able to find the money to get this done.

Mr. DeChant said he thinks they probably will be able to.

Commissioner Blumenauer said one issue that remains is determining where quality of life issues end and public health issues begin. He said on issues of noise and odor pollution, at some point the line is crossed between livability and public health implications.

William Benz, North Portland resident and member of the Odor Abatement Committee, said odors are a particularly insidious form of pollution and often an indicator of other health issues. He said when these noxious odors hit a community day after day they result in health concerns and an issue of environmental equity. This ordinance gives them a process to address these issues.

Char Nash, North Portland resident, said many of her neighbors have died of cancer which she believes is caused by these odors. She asked Council to take action so they do not have to suffer another year.

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Mayor Katz asked if there was any scientific research done on the health hazards of these noxious odors.

Ms. Poe said she has a summary of a lengthy study on treatment of odors. It cites public health issues as well as impacts on property values, the environment and the economy.

Mayor Katz said she is looking for scientific research on the health impact of these noxious odors.

Ms. Poe said an EPA preliminary study of residents near the McCormick and Baxter Creosote site, the State's No. 1 orphan Superfund site, is finding extremely high levels of thyroid, throat and liver carcinoma.

Mr. DeChant said he is unaware of any scientific studies relative to odors and health but is willing to see what is out there.

Mayor Katz said she knows what noise can do to the health of individuals and suspects some odors also have, over a long period of time, a negative health impact.

Commissioner Lindberg asked if the County health Officer had statistics that break down death and illness rates geographically in the City.

Mr. DeChant said yes.

Mayor Katz asked him to share that information with the Council.

Michelle Dumas, North Portland resident, said people have learned a lot about Title 8 during this process but there are still inadequate rules. There are specific behaviors in the Code that are not being stopped and the community would like to see violators not in compliance stopped.

**Disposition:** Ordinance No. 167943. (Y-5)

**Commissioner Charlie Hales**

**\*1236**

Amend Ordinance No. 151657, which granted a Comprehensive Plan Map Amendment and Zone Change from R1, Residential to C2 and C2B, Commercial, for property at 4722 NE Glisan, to remove Condition D2 and add a condition (Previous Agenda 1212)

**Disposition:** Ordinance No. 167944. (Y-5)

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**City Auditor Barbara Clark**

**1237**

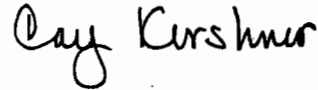
Assess benefitted property for the costs of construction of the NW Doane Avenue and NW St. Helens Road sanitary sewer system (Hearing; Ordinance; C-9826)

**Discussion:** Dan Vizzini, Auditor's Office, said no written remonstrances have been received.

**Disposition:** Passed to Second Reading August 3, 1994 at 9:30 a.m.

At 11:20 a.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland



By Cay Kershner  
Clerk of the Council

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**WEDNESDAY, 2:00 PM, JULY 27, 1994**

**DUE TO THE LACK OF AN AGENDA**

**NO MEETING WAS HELD**