



CITY OF

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**PORTLAND, OREGON**

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**OFFICIAL  
MINUTES**

**WEDNESDAY, 9:30 AM, NOVEMBER 9, 1994**

**DUE TO THE LACK OF A QUORUM  
THE COUNCIL DID NOT MEET**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF NOVEMBER, 1994 AT 2:00 P.M.

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

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

Agenda No. 1759 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 1744** Accept bid of Centric Elevator Corp. for SW Third and Alder garage elevator modernization for \$349,882 (Purchasing Report - Bid 38)

**Disposition:** Accepted; prepare contract.

- 1745** Accept bid of K.F. Jacobsen & Co., Inc. for annual supply furnishing asphalt cold mix for \$53,750 annually for two years (Purchasing Report -Bid 39-A)

**Disposition:** Accepted; prepare contract.

- 1746** Reject all bids for Stephens Slough storm drain for the Bureau of Environmental Services (Purchasing Report - Bid 196)

**Disposition:** Accepted.

**Mayor Vera Katz**

- 1747** Confirm appointment of James Markman and Carl Rice to the Plumbing Code Board of Appeal (Report)

**Disposition:** Confirmed.

- 1748** Confirm appointment of David Burney to the Police Internal Investigations Auditing Committee (Report)

**Disposition:** Confirmed.

- \*1749** Pay claim of Angela Tellez (Ordinance)

**Disposition:** Ordinance No. 168261. (Y-4)

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- \*1750** Establish one Senior Administrative Specialist position in accordance with the Personnel Rules adopted by the City Council (Ordinance)

**Disposition:** Ordinance No. 168262. (Y-4)

- \*1751** Amend City Code creating the Portland Utilities Review Board (Ordinance; amend Chapter 3.123)

**Disposition:** Ordinance No. 168263. (Y-4)

- \*1752** Amend Agreement with Associated Third Party Administrators (formerly Glen Slaughter and Associates) to perform medical claims administration services (Ordinance; amend Contract No. 50091)

**Disposition:** Ordinance No. 168264. (Y-4)

**Commissioner Earl Blumenauer**

- 1753** Accept contract with Tice Electric Co. as complete for the improvement of the Neighborhood Traffic Management Project & Traffic Signals 1993, Unit A, approve Change Order Nos. 1 through 6, make final payment and release retainage (Report; Contract C-28992)

**Disposition:** Accepted.

- \*1754** Agreement with the Oregon Department of Transportation to implement the retiming of 100 to 150 traffic signals (Ordinance)

**Disposition:** Ordinance No. 168265. (Y-4)

- \*1755** Agreement with the Oregon Department of Transportation for the replacement of four traffic signals (Ordinance)

**Disposition:** Ordinance No. 168266. (Y-4)

- \*1756** Authorize agreements with Leggett and Platt, Inc. and Benz Springs Co. for right-of-way licenses to finalize completion of the Westside Greenway Trail (Ordinance)

**Disposition:** Ordinance No. 168267. (Y-4)

**Commissioner Charlie Hales**

- \*1757** Contract with Ivars Lazdins for professional architectural services for Phase V of the Fire Bureau's Training Center for \$30,000 (Ordinance; waive Code Section 5.68)

**Disposition:** Ordinance No. 168268. (Y-4)

**Commissioner Mike Lindberg**

- 1758** Accept contract with Snyder Roofing and Sheet Metal, Inc. as complete, waive liquidated damages and release final payment (Report; Contract No. 29008)

**Disposition:** Accepted.

- \*1760** Agreement with Lambert Engineering, Inc. for up to \$53,000 for Electronic Thermostats Energy Saving Project (Ordinance)

**Disposition:** Ordinance No. 168269. (Y-4)

- \*1761** Agreement with ACE Consultants, Inc. for \$142,000 for engineering services to prepare plans and specifications for the Southwest Supply Improvements project and provide for payment (Ordinance)

**Disposition:** Ordinance No. 168270. (Y-4)

- \*1762** Intergovernmental Agreement between the Portland Public Schools and Bureau of Water Works to test new water saving irrigation technology (Ordinance)

**Disposition:** Ordinance No. 168271. (Y-4)

- \*1763** Amend contract with Black & Veatch for professional engineering services for Tryon Creek Wastewater Treatment Plant digester modifications project and provide for payment (Ordinance; amend Contract No. 29138)

**Disposition:** Ordinance No. 168272. (Y-4)

- \*1764** Authorize the purchase of property and easement by the Bureau of Environmental Services for the St. Johns "B" Basin drainage system, subject to certain conditions, and authorize acceptance of deeds and payment of expenses (Ordinance)

**Disposition:** Ordinance No. 168273. (Y-4)

- \*1765** Increase the Bureau of Environmental Services change order authority for the Sewer Diversion Manhole Modification Project, Phase 2, to 35 percent of the original contract amount, not to exceed \$118,965, in order to provide for adequate ground stabilization under a tidegate structure (Ordinance; amend Contract No. 29390)

**Disposition:** Ordinance No. 168274. (Y-4)

- \*1766** Contract with Oregon State University for \$10,000 to continue a Master Recycling training program (Ordinance)

**Disposition:** Ordinance No. 168275. (Y-4)

- \*1767** Contract with 17 arts organizations for a total cost of \$587,702 to provide public performances and/or services to promote the arts and provide for payment (Ordinance)

**Disposition:** Ordinance No. 168276. (Y-4)

### REGULAR AGENDA

- 1759** Appoint Anna A. Helm, Regna L. Merritt and Jerry C. Moss to the Water Quality Advisory Committee (Resolution)

**Discussion:** Commissioner Lindberg acknowledged the efforts of committee members whose terms have ended and introduced the new appointees.

**Disposition:** Resolution No. 35328. (Y-4)

- 1743** **TIME CERTAIN: 2:00 PM** - Appeals to Council, acting as Police Internal Investigations Auditing Committee, following review of cases and recommendations of Citizen Advisors (Hearing on Report; Appeal Nos. 94-09 and 94-014; introduced by Mayor Katz)

**Discussion:** Ingrid Slezak, Chair, Citizens Advisors, summarized the two cases appealed to Council. In the first appeal, 94-09, appellant alleges illegal entry and eviction after police officers entered his motel room in response to a call from the desk clerk to 9-1-1 to assist with a disruptive patron. The Citizen Advisors, after review of appellant's 9-1-1 tape, upheld the Police Bureau's Internal Investigation Division's (IID) unfounded finding.

The second case, 94-014, involves allegations against the police made by the same appellant after his landlord called 9-1-1. In this case the Advisors again upheld the IID finding of unsubstantiated.

Ms. Slezak also reviewed the appellant's complaints to Council about the conduct of two Citizen Advisors and the staff person. She explained that there was no factual basis to his allegations.

Commissioner Hales moved to accept the Advisor's recommendations.  
Commissioner Kafoury seconded.

**Disposition:** Recommendations Upheld. (Y-4)

**\*1768**

Execute a Contingent Loan Agreement with the Housing Authority of Portland in an amount not to exceed \$900,000 (Ordinance introduced by Mayor Katz and Commissioner Kafoury)

**Discussion:** Commissioner Kafoury said this is a very small piece of a new way of financing to help expand the pool of available housing resources. The City will guarantee the loan through credit enhancement revenue bonds issued by the Housing Authority. This brings the interest rate down slightly and saves some money. She said the risk to the City is very small, with \$70,000 for one year's worth of payments the maximum risk. She said the bonds are for the 13th and Market site, Phase I of the Hamilton replacement.

Mayor Katz said they are beginning to use different tools to encourage quicker investment opportunities.

**Disposition:** Ordinance No. 168277. (Y-4)

**Mayor Vera Katz**

**1769**

Confirm the appointment of members to the Portland Utilities Review Board (Resolution)

**Discussion:** Mayor Katz said it was difficult to select 15 members from the 59 outstanding applicants for this voluntary board which has representatives in five different categories. She introduced the members and announced that Doug Morgan has been named Chair. Both Commissioner Lindberg and she have committed to providing the necessary staff support and a strong connection to the Council. She said the stakes for this not working are high and the work of the Board will be reviewed in approximately one year to see if changes are needed or if it needs to be abolished. She said the City will stay flexible so it can create the best kind of citizen board possible for the community.

Commissioner Lindberg noted two key phrases in the Board's mission statement. One is to provide an independent and representative customer oversight of the water, sewer and solid waste plans and rates. The second is to strive to increase customer understanding of long term financial issues and rate impacts to ensure that they are fair, equitable and consistent with customer needs. He said the City must face up to citizens' lack of credibility about government, skepticism about its ability to manage efficiently, as well as concerns about rising rates. He

said it is incumbent upon the City to make sure that customers feel they are getting value for every dollar in taxes and rates they pay. Even though he believes the City has done a great job in restraining rates, many people feel they are very high and do not understand their bills. He said while PURB will set its own agenda, he hopes it will address customer attitudes.

**Disposition:** Resolution No. 35329. (Y-4)

1770

Support the Portland Development Commission's Five Year Business Plan as a strategic guide through Fiscal Year 1998-99 and direct that the Plan be reviewed annually and updated as necessary (Resolution)

**Discussion:** Mayor Katz said addressing a new mission for the Development Commission in response to Ballot Measure No. 5 has been a long and tortuous process. She said it was important to develop five-year business and financial plans.

Vern Ryles, Chair, Portland Development Commission, said the Commission in the past year developed a new mission statement, performance indicators and a five-year business plan. A number of public meetings were held and through that process the Commission refined a budget representative of the new funding sources. The proposal to deliver services to ten target areas is a substantial break from PDC's traditional role which focused on the Central City and was developed in accord with other City goals and plans, such as the Albina and Livable Cities plans. Since the plan was first developed, PDC has been making good progress in meeting its performance indicators and has formed a resource development team to seek new ways to fund programs. They also plan to bring in more private dollars through the process of leveraging. He highlighted current construction activities and efforts to attract new businesses and retain existing ones, citing efforts to retain Liberty Insurance Company. Continued marketing efforts are also being made to support the City's single family and rental rehabilitation housing programs.

Mr. Ryles noted efforts to reach out to the community, including holding meetings in different parts of town. In conclusion, he said the plan is ambitious but achievable and PDC will report back to Council quarterly.

Jan Burreson, Director, Portland Development Commission, said PDC is managing itself by this document and following it carefully. Because the plan makes certain assumptions about public and private funding resources, it will change as these increase or decrease. She said they regard the call for PDC to bring together community resources has required doing business differently, which has resulted in meetings out in the community, redesign of loan guidelines, closer work with the Port

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and other organizations to leverage resources and better cooperation with other bureaus. In addition, staff is being integrated into the target areas. This means change and they are pleased so far with the direction increased teamwork between housing and economic development is taking. Finally, in spite of organizational change, downsizing and employee turnover, productivity is very high and the Commission is very active.

Commissioner Lindberg asked about the concerns raised by the budget office.

Ms. Burreson said some of the issues that remain to be resolved involve the 4th and Yamhill garage, the refinancing of Airport Way and the half million they hope to use for business development. These are issues that were raised in the last budget process but were not included in this year's budget. These items will be brought forward during this year's budget process.

Commissioner Lindberg said the report also notes assumptions about revenues over the next five years. He asked if the \$8.6 million cited is over the five year period.

Ms. Burreson said yes.

Commissioner Lindberg asked if, in the community development block grant, PDC is assuming it will continue at the same level it is now. He noted prior discussions about having PDC compete with other organizations for those funds and asked if PDC was prepared to deal with that in its financial planning.

Ms. Burreson responded that Commissioner Kafoury's office and the Bureau of Housing and Community Development have not yet defined exactly which areas they will lay out for competition. PDC knows that is going to occur and that resources may need to be adjusted upwards or downwards as a result. She said adjustments may also be needed regarding private resources, noting that instead of receiving \$9 million of private lender participation agreements in the first two years, they have received \$11 million already during this fiscal year. Staffing levels will reflect the size of the programs.

Mr. Ryles noted a letter from Rose Community Development Corporation. He said they expect to achieve more than is stated in the Five Year plan and as they leverage more private funds, the plan will change as they become more efficient and effective in the way they partner with public and private entities. They view this as a baseline plan that will accomplish more over time than currently projected.



Commissioner Kafoury said she still has the same basic worries she had in the Spring. Financially, the City is placing too much emphasis on the assumption that there will be continuing amounts of revenue. She said her preference is to have a much smaller agency, spreading the last dribbles of program and tax increment income over a longer period of time, rather than spending them on a higher staffing level right now. She said she is still concerned about the agency's goals and believes there are too many target areas and too much the City is asking PDC to do. Once two housing projects currently underway are complete, there are no more on the horizon and PDC will be left with a staffing level that does not reflect what is being produced. She also still believes the low-income housing money is financing the bulk of the agency and for this reason is voting no.

**Disposition:** Resolution No. 35330. (Y-3; N-1, Commissioner Kafoury)

1771

File Wilkes area annexation with the Portland Metropolitan Area Local Government Boundary Commission (Resolution; Case #A-5-94)

**Discussion:** John Bonn, City Urban Services Manager, said this is a cleanup annexation in East Portland and involves the largest remaining parcel in the unincorporated area between Portland and Gresham, involving 380 people. He noted they are recommending an immediate effective date at the time of Boundary Commission approval because the City is already providing police services here. With an immediate effective date, they can begin to realize some revenue in January.

Commissioner Lindberg asked when the City's population is expected to hit 500,000.

Mr. Bonn said it is now 493,751 and should reach 500,000 sometime in 1995 at which time the City will close its gates.

**Disposition:** Resolution No. 35331. (Y-4)

**Commissioner Earl Blumenauer**

1772

Authorize an amendment to the 1994-95 budget for the Office of Transportation to fund the study of alternatives for southbound access to Interstate 5 from the Central Eastside (Second Reading Agenda 1738)

**Discussion:** Cay Kershner, Clerk of the Council, said Commissioner Blumenauer's office had requested a set over to November 23, 1994, a time when both he and Commissioner Hales will be present.

**Disposition:** Continued to November 23, 1994 at 9:30 a.m.

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**Commissioner Charlie Hales**

- \*1773** Accept a grant from the Oregon State Marine Board for FY 1994-95 of \$14,000 for maintenance of boating facilities assigned to the Bureau of Parks and amend the FY 94-95 budget (Ordinance)

**Disposition:** Ordinance No. 168278. (Y-4)

- \*1774** Accept a grant from Metro for \$14,000 for FY 1994-95 for a project coordinator for invasive plant removal and youth conservation corps for Forest Park and amend the FY 94-95 budget (Ordinance)

**Disposition:** Ordinance No. 168279. (Y-4)

- 1775** Adopt and implement the Richmond Neighborhood Plan (Second Reading Agenda 1741)

**Disposition:** Ordinance No. 168280. (Y-4)

- 1776** Adopt the Action Charts of the Richmond Neighborhood Plan (Previous Agenda 1742)

**Disposition:** Resolution No. 35332. (Y-4)

**Commissioner Gretchen Kafoury**

- \*1777** Amend amusement device regulations (Ordinance; amend Chapter 14.69)

**Discussion:** Commissioner Kafoury said this responds to a request to do away with all the fees and staff has worked hard to come up with a compromise that did not hinder its ability to do its work.

Gary McGrew, Bureau of Licenses, said with the advent of State video poker, the amusement operators have asked for relief because of lost business. He said the Bureau is asking Council to amend the Code to reduce the renewal fee for distributors from \$500 to \$100. In addition, some regulatory language has been changed to enable a better response to neighborhood livability and police issues. The amendments are supported by the Crime Prevention Office, the Police Bureau and the industry.

Commissioner Kafoury said this gives the operators some relief but the City does not lose its capacity to continue to improve neighborhood livability.

Mayor Katz noted that the current Code states that the potential for

adverse impact is reduced by the City's regulation of where amusement centers may or may not be located. Amusement centers are not allowed within 100 feet of any residential zone or within 500 feet of any private or public elementary, middle or high school. She asked if anyone knew how that was passed without clearly identifying that these centers would be chronic nuisances, noting that the Council has been looking at similar restrictions on adult book and video stores.

Mr. McGrew said it was done in response to an out-of-control game room that was causing problems for nearby businesses, residents and schools. The game room was closed through this process.

Mayor Katz asked him to identify how the problem was quantified to see if it is similar to other establishments which seem to be out of the

City's control based on the interpretation of the Constitution and the requirement to prove these establishments cause a chronic nuisance in the community.

Mr. McGrew agreed to report back.

**Disposition:** Ordinance No. 168281. (Y-4)

**\*1778**

Accept a grant from the U.S. Department of Housing and Urban Development under the Housing Opportunities for Persons with AIDS Program (Ordinance)

**Disposition:** Ordinance No. 168282. (Y-4)

**Commissioner Mike Lindberg**

**1779**

Year-end status report on water supply (Report)

**Discussion:** Michael Rosenberger, Director, Water Bureau, said they are basically in a very normal wintertime situation. He said 1994 could have been similar to 1992 except that they started draw down in July rather than mid-May. Since that time they have also reinforced their conservation efforts, including partnerships with the utilities, public outreach and work with large industries. Because of conservation, ongoing water use continues to be 10 to 12 percent lower than it would be otherwise given the weather and population growth. The other major difference since 1992 was access to the well fields where between August 2 to October 12 almost 1.85 billion gallons of water were pumped. They are continuing their conversations with DEQ, Boeing and Cascade Corp. to ensure its continued availability. Operating strategy for the dams is different this year, enabling them to deal more effectively with the turbidity issue and other factors. Current demand

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on the Bull Run system is about 95 million gallons a day, close to last year.

Mayor Katz said that would indicate that the City is steady at a 10 to 12 percent conservation level.

Commissioner Lindberg asked about monthly billing.

Mr. Rosenberger said people are beginning to sign up for it now. He noted an upcoming Council Informal to discuss the status of the billing system.

**Disposition:** Accepted. (Y-4)

**\*1780**

Memorandum of Understanding with U.S. Department of Energy to encourage the wider availability and use of alternative vehicle fuels for government and commercial fleets (Ordinance)

**Discussion:** Commissioner Lindberg said this will officially make Portland a Clean City. He said several alternative fuel vehicles are available for viewing and there is a commitment to add 1,200 such vehicles within the next few years.

**Disposition:** Ordinance No. 168283. (Y-4)

At 3:05 p.m., Council adjourned.

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

*Cay Kershner*

By **Cay Kershner**  
Clerk of the Council