



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF FEBRUARY, 1995 AT 9:30 A.M.

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

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

Agenda Nos. 155 and 160 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 132** Accept bid of Tice Electric, Inc. for light fixture cleaning, relamping, ballast change and new HID fixtures for the Columbia Boulevard Wastewater Treatment Plant for \$260,825 (Purchasing Report - Bid 69)

Disposition: Accepted; prepare contract.

- 133** Accept bid of Copenhagen Utilities & Construction for SE Division 3rd to 10th sewer reconstruction for \$408,521 (Purchasing Report - Bid 84)

Disposition: Accepted; prepare contract.

- 134** Accept bid of Delta Electric, Inc. for tunnel wireway system at the Columbia Boulevard Wastewater Treatment Plant for \$87,968 (Purchasing Report - Bid 85)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- 135** Confirm appointment of Mark O'Reilly to the Towing Board of Review (Report)

Disposition: Confirmed.

136 Confirm appointment of Etta Baker to the Police Internal Investigations Auditing Committee (Report)

Disposition: Confirmed.

137 Confirm appointment of Ann Sullivan to the Urban Forestry Commission (Report)

Disposition: Confirmed.

***138** Amend City Code to make technical correction to Towing Without Prior Notice section (Ordinance; amend Section 16.30.220)

Disposition: Ordinance No. 168487. (Y-4)

Commissioner Earl Blumenauer

***139** Contract with Willamette Industries, Inc. to furnish computer/printer paper for an estimated annual amount of \$50,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 168488. (Y-4)

***140** Amend City Code Title 17 to reflect use of updated erosion control handbook, "Erosion Control Plans Technical Guidance Handbook" (Ordinance; amend Chapter 17.38.050)

Disposition: Ordinance No. 168489. (Y-4)

Commissioner Charlie Hales

141 Accept completion of Laurelhurst Park irrigation improvements, make final payment and release retainage to Cedar Landscape (Report; Contract No. 29014)

Disposition: Accepted.

142 Accept completion of Ventura Park playground, make final payment and release retainage to G.R. Morgan Construction (Report; Contract No. 29388)

Disposition: Accepted.

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143 Accept completion of heating system replacements at Mt. Tabor Yard and Woodstock Community Center, make final payment to Hydro Temp Mechanical and authorize release of retainage (Report; Contract No. 29415)

Disposition: Accepted.

144 Appoint Thanh Nguyen to the top pay grade of \$25.41 in Systems Programmer classification (Ordinance)

Disposition: Passed to Second Reading February 15, 1995 at 9:30 a.m.

***145** Amend agreement with Double Eagle Golf, Inc. for lease of Progress Downs Golf Course (Ordinance; amend Agreement No. 13306)

Disposition: Ordinance No. 168490. (Y-4)

***146** Extend Local Agency Agreement with the Oregon Department of Transportation for the Springwater Corridor project to October 20, 1995 (Ordinance; amend Contract No. 50165)

Disposition: Ordinance No. 168491. (Y-4)

Commissioner Gretchen Kafoury

***147** Amend Private Lender Participation Agreement contract with Bank of America and Portland Development Commission to resolve audit findings (Ordinance; amend Contract No. 50296)

Disposition: Ordinance No. 168492. (Y-4)

***148** Declare surplus and accept sale agreement and convey property at NE 61st Avenue and Columbia Boulevard (Ordinance)

Disposition: Ordinance No. 168493. (Y-4)

***149** Increase Purchase Order contract for consulting services with Snell Environmental Consulting for three projects (Ordinance; amend Purchase Order No. 1015312)

Disposition: Ordinance No. 168494. (Y-4)

***150** Contract with Portland Habitat for Humanity for \$25,500 to support affordable housing development and provide for payment (Ordinance)

Disposition: Ordinance No. 168495. (Y-4)

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***151** Contract with Multnomah County's Community and Family Services Division for \$126,791 (Ordinance)

Disposition: Ordinance No. 168496. (Y-4)

Commissioner Mike Lindberg

***152** Amend contract with Fuiten Plumbing and Heating to increase scope of work (Ordinance; amend Contract No. 29635)

Disposition: Ordinance No. 168497. (Y-4)

***153** Authorize a contract and provide for payment for the St. Johns A Basin combined sewer overflow project (Ordinance)

Disposition: Ordinance No. 168498. (Y-4)

***154** Intergovernmental Agreement between the Bureau of Environmental Services and Portland State University to conduct a study of residential disposal and recycling services in the amount of \$40,750 (Ordinance)

Disposition: Ordinance No. 168499. (Y-4)

***156** Contract with Black & Veatch to provide design and construction services for an odor control project at the Columbia Boulevard Wastewater Treatment Plant and provide for payment (Ordinance)

Disposition: Ordinance No. 168500. (Y-4)

***157** Contract with HDR Engineering, Inc. for professional engineering services for the Inverness Force Main system, Project No. 5152, and provide for payment (Ordinance)

Disposition: Ordinance No. 168501. (Y-4)

***158** Amend agreement with Tri-Met for water system modifications related to the Westside Light Rail tunnel segment construction (Ordinance; amend Contract No. 50057)

Disposition: Ordinance No. 168502. (Y-4)

City Auditor Barbara Clark

***159** Cancel City liens which have been extinguished because of Multnomah County foreclosure or which are otherwise uncollectible (Ordinance)

Disposition: Ordinance No. 168503. (Y-4)

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REGULAR AGENDA

Commissioner Mike Lindberg

- *155** Allow carryover of more than two years vacation accrual for four employees of the Bureau of Environmental Services and waive Code Section 4.16.040 (Ordinance)

Disposition: Filed for no further consideration.

City Auditor Barbara Clark

- 160** Assess benefitted property for the costs of street improvements within the Win Sivers Business Park LID (Second Reading Agenda 124; C-9846)

Disposition: Ordinance No. 168504. (Y-4)

- *131** **TIME CERTAIN: 9:30 AM** - Authorize agreement between the City of Portland acting as lead agency on behalf of a consortium of state and local governments and Mason Tillman Associates, Ltd. for Regional Disparity and Employment Studies (Ordinance introduced by Mayor Katz)

Discussion: Jeff Rogers, City Attorney, said this is a pioneering step as jurisdictions have been struggling to abide by the new rules regarding diversity since the 1989 Croson decision and yet still provide employment opportunities. Many have given up while others have tried, with mixed results. This agreement also represents a major advance in intergovernmental cooperation and holds the promise of achieving real results.

Madelyn Wessel, Deputy City Attorney, said this is a very complex and difficult area of the law and the agreement has taken 1-1/2 years work by many individuals both in the City, Multnomah County and other jurisdictions. She said the unique aspect of this contract is that they have taken the Croson decision seriously, further analyzing what the Supreme Court meant by "strict scrutiny" of race and gender discrepancy patterns. They have hired perhaps the toughest critic of disparity studies in the country to work with Mason Tillman to create a study that will survive in the courts.

Mayor Katz asked what the City will get out of this.

Ms. Wessel said it will give the City the tools for comparing results in public construction and help ensure that women and minorities have an appropriate share. It will also allow the City to strengthen the clearing

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house concept and will lead to the setting of enforceable goals. Finally, it will give the City the evidence and meaningful tools needed to develop programs that make sense economically. She noted that a great deal of money has been spent in the past on programs that, while thoughtfully conceived, have not worked.

Dr. Eleanor Mason Ramsey, President, Mason Tillman Associates, said this is unquestionably the most comprehensive study to be performed by any entity in the United States and she is proud to be on the cutting edge of an extremely important issue. The scope forges a relationship between business and employment and, in addition to proposing a business affirmative action plan, this study will ensure continuance of a wholesome urban life. For, without equal access, an underclass is created driving out other elements. She said her staff has now performed 12 studies around the country and the City's approach is one they used initially in 1990 and consistently used thereafter.

Wendy Robinson, Assistant Attorney General, said she represents three major state agencies which do construction work in the Portland area - Oregon Health Sciences University, Oregon Department of Transportation and Administrative Services. The State backs the City and Multnomah County in this study and hopes it will develop better data collection methods so that in the future the State can do more with affirmative action and increase the use of women and small businesses. She thanked the City for its lead on this project.

James Posey, National Association of Minority Contractors of Oregon (NAMCO), expressed appreciation for a job well done, reminding Council that 1-1/2 years ago he accused Council of a lack of leadership on this issue. He said this study represents a giant step forward in terms of minority participation and is a courageous act, particularly given the complexity, emotion and resistance. He said many people are concerned because there have been so few results, even after so many years of spending money on such programs. This should provide a basis for selecting programs that do work. He said they are more encouraged than they have been for a long time.

O.B. Hill, President, NAMCO, thanked Council for funding this study. He said they will continue to back the City's efforts.

Mayor Katz said the City would not have gotten where it is now without the pressure NAMCO and others put on it.

Commissioner Hales said in the past there may have been some simple tools, such as goals, which even though they did not always work, are no longer appropriate. He said he appreciates the quality of effort shown here.

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Commissioner Kafoury said this is an issue where solutions seemed to elude the City.

Commissioner Lindberg stressed the importance of this issue to the community, noting that even with a booming economy, resources are not being shared and trickle down is not working. This study be a breakthrough although in the meantime everything that can be done under the current law is being done. He noted the extraordinary commitment that has been made.

Mayor Katz said this worked because so many people truly committed to making it work. She said this is about building capacity at a time when the economy is expanding and the City needs to make sure it can attract its share of this growth. More important, to make sure the community is well-educated and trained, is the need to identify the gaps and build skills. Another aim is to move subcontractors into prime contractors. The C3 committee will work on building capacity and providing opportunities for everyone in the community. She said this will not be easy and no one knows what the results will be.

Disposition: Ordinance No. 168505. (Y-4)

REGULAR AGENDA

Mayor Vera Katz

161 Report to Council on the Tri-County Region Cooperative Legislative Agenda (Report)

Discussion: Marge Kafoury, Government Relations Director, said this represents the work of the 13 signatories to the cooperative legislative agenda. She outlined the criteria that had been used to narrow down issues of specific importance to the three-county region. She stressed that this is a landmark as, never in the past eight years, have some of these agencies expressed concern for each other's issues. The signatories will act as a mutual aid society in promoting this agenda, which focuses on 12 issues, including education funding, health and mental health services, low-income housing, land use and growth management.

Commissioner Kafoury said on the issue of mixed-use capacity for the Housing Authority, the Multi-family Housing Council has already come out as adamantly opposed. For her, this is a critical piece in realizing the number of affordable housing this community needs. People should be aware of the need to build a rational dialogue around this issue.

Mayor Katz said while Congress is trying to get off the backs of State government and give them more authority, this message did not get to

the State which seems to want to put more and more limits on local governments.

Council members discussed proposed legislative changes in the hotel-motel tax, and preemptions and use of the real estate transfer tax.

Commissioner Hales said Council needs to make sure that the big issues are covered and that at least one Council member is present when they come up before the legislature.

Ms. Kafoury said she will keep Council informed through informal sessions.

Disposition: Accepted. (Y-4)

- *162** Accept a grant of \$46,800 from the State of Oregon Public Utilities Commission to continue the Motor Carrier Safety Inspection Program in the Police Bureau Traffic Division (Ordinance)

Disposition: Ordinance No. 168506. (Y-4)

Commissioner Mike Lindberg

- *163** Authorize Sale Agreement and Receipt for Earnest Money with the Port of Portland for the purchase of property (Ordinance)

Discussion: Commissioner Lindberg said this is the 10.8 acre parcel on Swan Island for sale at \$2,250,000. Although a citizen's committee is still looking at possible sites, it is critical to move ahead now and that is why the City has gone ahead with the purchase agreement, with the Port reserving the right to repurchase if development does not go ahead. He said a wet weather treatment plant is to be sited on the property and stressed the high priority MBE and FBE participation will have on this and other such projects.

Mayor Katz noted talk about the positive effect that piggy-backing such construction projects have on the community. She asked if building more and smaller projects would make them cheaper to build but more costly to operate.

John Lang, Manager, CSO Project, Bureau of Environmental Services (BES), said that is essentially true as their studies show the most economical option is to have one treatment plant along the Willamette River and one on the Columbia Slough. The combined cost of building and maintaining them over the next 20 to 30 years is less expensive. However, it is beneficial to look at the possibility of developing more than one site on the Willamette River, even though operating and

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maintenance costs may be slightly more. If having more than one treatment plant encourages more development and adds more sewer customers, that may end up reducing rate increases. He said they will return with an analysis of possible sites.

Mayor Katz asked what BES would do if they were told to consider smaller sites and to figure out ways to manage and staff them so that they would not cost more to operate and maintain. She said that may not be possible but is a challenge she wants to throw out.

Commissioner Lindberg said they could look at automation and at privatized waste water treatment plants for instance. He said they are already engaged in detailed discussions with River District representatives who really want a treatment plant there, which is highly unusual.

Mr. Lang said their unadvertised objective is to have neighborhoods bid to have these treatment plants. Also, Commissioner Lindberg is right in that automation and privatization are two of the initial things they will look at to reduce costs.

Commissioner Lindberg said perhaps a second look could be taken at the study BES did on these other factors.

Commissioner Hales said a combination of good planning, sound engineering and dumb luck make this site look very good. Having 10 acres available is good fortune and the City should take advantage of it.

Mayor Katz said it is important to let the community know what the City is doing here. She thanked the Port for keeping its commitment to find this property.

Disposition: Ordinance No. 168507. (Y-4)

At 10:45 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF FEBRUARY, 1995 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; Ruth Spetter, Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

REGULAR AGENDA

Mayor Vera Katz

165 Authorize partnership agreement with First Interstate Bank, U.S. Bank, Bank of America, Oregon, Key Bank of Oregon and Washington Mutual for Portland Police Bureau Mortgage Loan Program (Ordinance)

Discussion: Mayor Katz said citizens have asked why police officers do not live in the community and really carry out the values of community policing. She noted that a prior City Council had voted to require employees to live within the City but the courts found this unconstitutional. This initiative, called "Police at Home", provides incentives from financial institutions to bring police officers back into specifically-targeted neighborhoods, following the example of Chief Moose. She thanked the banks who, rather than competing with one another, decided to bring together this package and compete instead on the interest rate.

George Passador, Executive Vice-President, First Interstate Bank, said the banks are particularly proud of this program, which may be unique for a city of this size. It is an excellent example of a meaningful private/public partnership. He noted Mayor Katz's role in getting the parties together to craft a program that would stimulate home ownership in the eight targeted neighborhoods. The program is very simple -- officers select a home and a bank lender; the banks will waive all customary loan fees and all other out-of-pocket expenses will be financed. No down payments or other cash outlays will be required by the officers.

Mayor Katz noted the commitment of Chief Moose to make this a reality.

Charles Moose, Police Chief, said the financial institutions have stepped up to become partners, noting in other cities only one bank usually bids and runs the program. He said both he and his wife feel very at home in the King neighborhood and believe this program can raise hope in

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these communities. He said recent statistics show that while the City as a whole has been holding the line on crime, within the King neighborhood there has been a six percent drop in crime.

Paul Richmond, Box 454, 97207, said Council should consider making the Police come from the community, as Council members do, rather than having them move there. Police should also be removable by the community.

Commissioner Hales said this goes to the spirit of the community investment act and thanked Chief Moose for his personal leadership.

Commissioner Lindberg said this is a more creative program than previous ones which tried to require residency.

Mayor Katz congratulated the financial institutions for moving so quickly on this and said they will revisit this program to measure its success.

Disposition: Passed to Second Reading February 15, 1995 at 9:30 a.m.

*164

TIME CERTAIN: 2:00 PM - Amend the Comprehensive Plan Map and change the zone of property at 7410 SW Oleson Road from R1, Residential, to CN1, Commercial (Ordinance; LUR 94-00766 CP ZC NU AD)

Discussion: Steve Gerber, Planning Bureau, said this is a change for Lamb's Thriftway, on the extreme edge of the city. He showed slides of the site and described the requested changes needed to meet the store's expansion plans, which include a new multi-tenant retail building and eight apartment units. A service station on the site has been demolished to make way for a new restaurant. The project is planned to be pedestrian-friendly with sidewalks and an internal pedestrian circulation system. The store is located in a mixed-use corridor surrounded by residential. The subject site, which is presently vacant, lies at the north end of the existing retail site and is zoned R7. Applicant has proposed to replace the vacant area with a multi-tenant retail building and eight apartment units. A covenant ensuring continuance of the housing units is necessary to comply with the Code. He discussed orientation of the retail spaces and said, because this is being integrated as a whole, it is impractical to front all buildings on or near Garden Home, particularly as SW Oleson has the same transit designation as does Garden Home. The Transportation Planning Rule is silent on the issue of sites with multiple buildings but simply states that buildings must orient or be as close to a transit stop as possible. It has been recognized that multiple buildings present a situation where orientation and amenities within the site were at least as important as how individual buildings are oriented

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to a transit stop. He explained that because the majority of square footage for commercial space is represented in the two buildings closest to the transit stops, the site orients as close as possible to the bus stops.

Mr. Gerber said the applicant proposes to preserve the eastern portion of the triangular site as open space. The expansion of the Thriftway Store has been reviewed as a change to a non-conforming use because of an unfortunate sequence of events in 1980 which resulted in placing the store in an R1 residential zone although, when the building permit was issued, it was in a C2 commercial zone. Now, with expansion, a non-conforming use review is required and an adjustment is needed to expand the store and apartments along the east property line. He said this adjustment is justified in large part because the existing parking lot is more of an intrusion on the apartments than the proposed commercial building wall will be. The construction plans for the intersection, while exceeding Washington County requirements, provides for only six foot wide sidewalks. To accommodate safe sidewalks for a mixed-use area, a minimum sidewalk of 10-feet has been recommended by the Hearings Officer and staff. Washington County is willing to accommodate the wider sidewalks .

Mr. Gerber noted Hearings Officer approval of the request, based on review of the applicable approval criteria, which he stated for the record. He summarized the conditions of approval, dealing primarily with the eight apartment units.

Colin Lamb, 7410 SW Oleson Road, representing Lamb's Thriftway and Garden Home Enterprises, showed a map and described how the expansion will be configured. He said the site has been expanded piecemeal over the years. Under the proposed plan, the current retail shops will be moved to the north parcel and a family restaurant will be established on another portion of the triangular site. He said the configuration should meet all their needs well into the future.

Commissioner Hales asked if the new entrance to the multi-family units was to be gated.

Mr. Lamb said no and there will be a pedestrian connection from the units to the shopping center.

Natalie Darcy, Vice Chair Garden Home CPO, supported the Hearings Officer's decision. She noted Mr. Lamb's cooperation with the neighborhood and praised the creative design that resulted. The retention of the housing units provides a mixed-use area with good pedestrian emphasis, which is consistent with the Metro 2040 main street designation for this area. The only thing lacking is a cross walk across Garden Home Road at the eastern end of the site, which is the

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responsibility of Washington County. She said the intangible result of this project has been to foster partnership between commercial interests and residents.

Commissioner Hales thanked all the participants as this is another example of how things should work, with an enlightened property owner creating a project that is both profitable and beneficial to the neighborhood.

Disposition: Ordinance No. 168508. (Y-4)

Commissioner Charlie Hales

- 166** Adopt Forest Park Natural Resources Management Plan and amend Official Zoning Maps (Second Reading Agenda 130)

Discussion: Commissioner Hales noted that issues had been raised about the use of herbicides which were answered in terms of their occasional and targeted use.

Council members indicated they were comfortable with what has been proposed.

Disposition: Ordinance No. 168509. (Y-4)

- 167** Tentatively deny appeal of Norway Development Company and uphold Hearings Officer's decision, with amended conditions, for approval of a zone change to remove a portion of the environmental conservation zone from Phase Two of the Springbrook Subdivision (Findings; 94-00456 ZC)

Discussion: Commissioner Hales said one of the conditions has been modified to deal with the fence issue.

Al Burns, Planning Bureau, said the condition provides that large trees will not be cut down.

Commissioner Hales moved adoption of the revised findings.
Commissioner Kafoury seconded.

Disposition: Findings Adopted. (Y-4)

Commissioner Gretchen Kafoury

- 168** Liquor license application for Amato, Davis, Jenness, Inc., dba The Brazen Bean, 2075 NW Glisan Street, Dispenser Class "C" liquor license (new outlet); Favorable recommendation with restrictions (Report)

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Discussion: Mike Sanderson, License Bureau, said the Bureau is recommending a favorable endorsement with a 1:00 a.m. closing, which the applicants are not thrilled with but are willing to accept.

Disposition: Favorably Recommended with restrictions. (Y-4)

At 2:45 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council