



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF JUNE, 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; Harry Auerbach, Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Agenda Nos. 883 and 897 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 871** Accept bid of JASCO Construction Services for Bureau of Buildings 9th Floor remodel for \$221,263 (Purchasing Report - Bid 180)

Disposition: Accepted; prepare contract.

- 872** Accept bid of United Horticultural Supply for furnishing annual supply of herbicides for \$44,374 (Purchasing Report - Informal Bid)

Disposition: Accepted; prepare contract.

- 873** Vacate a certain portion of NE 76th Avenue, north of Killingsworth Street, under certain conditions (Ordinance by Order of Council; C-9873)

Disposition: Passed to Second Reading June 14, 1995 at 9:30 a.m.

- 874** Vacate a certain portion of SW 57th Place north of SW Taylors Court, under certain conditions (Second Reading Agenda 841 C-9882)

Disposition: Ordinance No. 168889. (Y-4)

Mayor Vera Katz

- 875** Confirm reappointment of Douglas Dunford, David Manhard, Lee Poe, Ethan Seltzer and Philip Thompson to the Sustainable Portland Commission (Report)

Disposition: Confirmed.

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876 Confirm appointment of Norma Trimble to the Metropolitan Human Rights Commission (Report)

Disposition: Confirmed.

877 Confirm appointment of Emily Simon and Todd Olson to the Police Internal Investigation Auditing Committee (Report)

Disposition: Confirmed.

Commissioner Earl Blumenauer

***878** Authorize a contract with American Bicycle Security to provide 47 bicycle cabinets and provide for payment (Ordinance)

Disposition: Ordinance No. 168890. (Y-4)

***879** Grant a revocable permit to close N. Russell between Interstate and Mississippi on June 22 through June 25, 1995 (Ordinance)

Disposition: Ordinance No. 168891. (Y-4)

Commissioner Charlie Hales

***880** Contract with Multnomah County providing City funds for Aging Services Division's district senior centers (Ordinance)

Disposition: Ordinance No. 168892. (Y-4)

***881** Contract with Hydro Temp Mechanical to modify the ventilation system at Matt Dishman Community Center for \$158,400 (Ordinance)

Disposition: Ordinance No. 168893. (Y-4)

***882** Contract with Jim Miller Construction for \$136,971 for construction of a training building at the Fire Bureau's Training Center (Ordinance)

Disposition: Ordinance No. 168894. (Y-4)

***884** Enter into agreement with Total Communications, Inc (Ordinance)

Disposition: Passed to Second Reading June 14, 1995 at 9:30 a.m.

***885** Enter into agreement with Clark Signs (Ordinance)

Disposition: Passed to Second Reading June 14, 1995 at 9:30 a.m.

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Commissioner Gretchen Kafoury

- *886** Provide for closing the STOP Trustee Account and transferring balance to the County (Resolution)
- Disposition:** Resolution No. 35401. (Y-4)
- *887** Accept a grant from the U.S. Department of Housing and Urban Development for Innovative Project Funding under the HUD Demonstration Act of 1993 for \$590,169 (Ordinance)
- Disposition:** Ordinance No. 168895. (Y-4)
- *888** Contract with Warren Lee Strickland Foundation for \$12,000 for the Center for Airway Sciences and provide for payment (Ordinance)
- Disposition:** Ordinance No. 168896. (Y-4)
- *889** Contract with Metropolitan Family Services for \$27,000 for Project Linkage Summer Yardwork Project and provide for payment (Ordinance)
- Disposition:** Ordinance No. 168897. (Y-4)
- *890** Contract with Ojo Tuntun Arts Resource Center and Friends of Alberta Street for the Ojo Tuntun Summer Youth Mural Project and provide for payment (Ordinance)
- Disposition:** Ordinance No. 168898. (Y-4)
- *891** Approve a fee schedule for specified animal facility permits (Ordinance)
- Disposition:** Ordinance No. 168899. (Y-4)
- *892** Minor revisions to Specified Animal Facility Regulations (Ordinance; amend Code Chapter 13.05)
- Disposition:** Ordinance No. 168900. (Y-4)
- *893** Correct definition of derelict commercial building and correct a typographical error (Ordinance; amend Code Chapters 24.15 and 24.80)
- Disposition:** Ordinance No. 168901. (Y-4)

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***894** Amend building, plumbing, electrical and mechanical code to promote uniformity, clarify intent and correct errors (Ordinance; Amend Code Titles 24, 25, 26, and 27)

Disposition: Ordinance No. 168902. (Y-4)

Commissioner Mike Lindberg

***895** Accept contract with Larson, Inc. for Gilbert Sanitary Sewer as complete, and provide for final payment (Report; Contract No. 29189)

Disposition: Accepted. (Y-4)

896 Amend Code, Water Quality Advisory Committee, to specify three-year appointments and allow extension of terms for a maximum of six years (Ordinance; amend Code Section 3.107.010)

Disposition: Passed to Second Reading June 14, 1995 at 9:30 a.m.

***898** Contract with Portland General Electric for alternate electric service at the Columbia Boulevard Wastewater Treatment Plant and provide for payment (Ordinance)

Disposition: Ordinance No. 168903. (Y-4)

***899** Authorize a contract with the lowest responsible bidder to furnish personal computers for Bureau of Environmental Services engineering and CSO projects and provide for payment (Ordinance)

Disposition: Ordinance No. 168904. (Y-4)

900 Extend contract with Huntington Engineering & Environmental, Inc. (formerly Twin City Testing) to provide professional laboratory services and provide for payment (Ordinance; amend Contract No. 29079)

Disposition: Ordinance No. 168905. (Y-4)

***901** Authorize contract with The Private Industry Council to hire 51 youth in work experience positions in the Water Bureau and provide for payment of \$120,000 (Ordinance)

Disposition: Ordinance No. 168906. (Y-4)

REGULAR AGENDA

***883** Authorize settlement with Multnomah County Rural Fire Protection District 10 (Ordinance)

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Discussion: Commissioner Hales moved an amendment to add a substitute exhibit and said he hopes this is the final settlement of the City's dispute with Fire District 10 over the disposition of assets.

Disposition: Ordinance No. 168907 as amended. (Y-4)

897 Suspend the application process for the commercial and industrial drainage fee discount program effective May 25, 1995 (Ordinance)

Discussion: Commissioner Lindberg said he thought people might have questions about this. However, no one appeared to testify.

Disposition: Passed to Second Reading June 14, 1995 at 9:30 a.m.

870 **TIME CERTAIN: 9:30 AM -** Tax Supervising and Conservation Commission hearings on the FY 1994-95 Spring Supplemental Budget, the FY 1995-96 approved City of Portland Budget, and the FY 1995-96 approved Portland Development Commission Budget (Hearings)

Discussion: Charles W. Rosenthal, Chair of the Tax Supervising and Conservation Commission, described the purpose and work of the Commission.

Tim Grewe, Office of Financial Planning, reviewed some of the major decisions that Council has made thus far in the budget process, noting that this is the second in a two-year budget process. He said a very extensive public outreach process was conducted with citizens during the first year to develop budget priorities and Council used that information to develop goals and priorities for allocation of resources for the two-year period. As the City moved into the second year, \$8.5 million in additional resources within the General Fund was identified and that has been the focus of second year budget decisions. Council allocated \$4.3 million of that as a cash contribution towards the rehabilitation of City Hall, the East Precinct police station and construction of an Outer Eastside Precinct. The amount needed beyond the \$4.3 million will be borrowed over a 17-year period. Council also allocated \$1 million to high priority neighborhood transportation projects and \$2.2 million more to the Housing Investment Fund, bringing its total allocation to \$4 million. Other funds were budgeted for the Union Station improvements in the River District and the Portland Art Museum.

Mr. Grewe said there is also an opportunity for the City to reassess the tax increment levy, contingent upon assessed value growth. He said this budget provides for a \$2.5 million tax increment levy which, if assessed, will be used to offset \$2.4 million in debt service currently paid out of the General Fund. Council has not yet deliberated on how

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those funds will be allocated. Regarding other funds, he said the utility rate increases are 12.5 percent for sewers and 3.4 percent for water, both lower than originally submitted. The Office of Transportation, in anticipation of various decisions by the State legislature, completed a plan to maximize Council's ability to respond to changing circumstances. Because the gas tax does not appear to be going forward, Transportation is reviewing its budget to determine how to close the gap in its budget. Mr. Grewe emphasized that a great deal of uncertainty remains regarding the impact of legislative actions and added funding requirements.

Mr. Rosenthal said with the two-year budget cycle, reduced citizen participation is anticipated in the second year. For that reason, he suggested that Council set a cap on new initiatives that cost more than a certain number of dollars or last more than a certain number of years. If such issues arise, the City should increase the amount of citizen participation. Another option is to prioritize those items during the first year of the budget, to be funded as additional revenue becomes available. This, however, would not obviate the need to deal with emergency circumstances such as the seismic condition of City Hall.

Mayor Katz agreed that there was too much focus on the first year and noted that the bureaus themselves did not have an opportunity for any input regarding the second year.

Dick Anderson, Vice Chair, asked if the \$1.5 million allocation to Portland area school district police was for one time or continuing support.

Mayor Katz said that will be up to Council but the City is working on a proposal to formally integrate the school police with the Portland Police Bureau. This issue is still on the table.

Mr. Anderson asked if the proposed change to the golf surcharge fees impact the anticipated \$1.5 million commitment to the schools.

Commissioner Hales explained that there is a proposal to eliminate the non-residential surcharge and apply a \$1 surcharge to all golfers. Those funds would first go to the operating and debt commitments of the golf program and then be available to the school districts. Council will be asked to back up its commitment to the District for the remainder of this two-year budget period with General Fund dollars as needed to meet an 85 percent level of what was originally projected. At the end of the two-year commitment, this will be revisited.

Tax Supervising Commissioner Roger McDowell asked how comfortable the City was with its federal grant estimates.

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Commissioner Kafoury said the City has set up a process for dealing with decreases. They predict a 25 percent reduction in federal block grants for housing and will have to make those adjustments. They assume similar reductions for transportation also.

Mayor Katz said the reduction will also affect job training programs. The City's strategy now is to look for one-time appropriations for very special transportation, housing and environmental cleanup programs.

Mr. McDowell asked about state revenue sharing and the gas tax.

Mr. Grewe said to date there has been no action on state revenue sharing so they expect no change in that for the next two years.

Mayor Katz said the one cent increase in the gas tax the legislature has agreed on will not solve the problem. Council may need to assist Transportation if the cuts are too severe.

Mr. Anderson noted the dramatic increase in business license receipts and asked if FY 95-96 receipts are expected to increase similarly.

Mr. Grewe said this was probably a one-time increase and he expects next year's revenue to remain consistent with this year's estimate, with some growth.

Commission member Courtney Wilson asked about keeping sewer and water rates at manageable levels and the impact of increases on collection rates.

Commissioner Lindberg said while sewer rates have been going up 12.5 percent per year, water rates have been kept to minimal increases. Council has been extremely sensitive to rising utility rates and garbage rates, which have actually been reduced. He described steps taken to ease the burden on rate payers. He said compared to the private sector, the City's collection rate is very high, and there has been no change even with the rate increases.

Mr. Wilson asked about the assessment of franchise fees on sewer and water utilities.

Commissioner Lindberg said a complete policy evaluation is now underway and will involve public hearings this summer. It will come to Council in September.

Mr. Grewe noted that the Public Utility Review Board will also participate in the process.

Commission member Ann Sherman asked if the City plans to fall back

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on General Fund money if it is unable to implement the tax increment levy.

Mr. Grewe said currently the General Fund is paying over \$8 million in debt service on existing tax increment debt. If it is able to reassess that debt because of levy capacity, those funds will free up General Fund discretionary dollars for allocation. There is an agreement with Multnomah County that both entities will stay within their percentage share of the available tax dollars. One policy consideration is that the tax increment areas are in the City and affect the tax rates of City residents.

Mayor Katz said Council tentatively agreed that the City's portion of the \$2.5 million would go into the Housing Trust Fund. The Multnomah County Commission has agreed that its share would also go into housing, but to special needs housing.

Mr. Anderson said a recent Court decision stated that the City violated election law regarding some recent Mid-County annexations. What happens now regarding parks improvements in those areas, Bancroft bonds on the sewers, etc.?

Mayor Katz said the City has decided to play this out in the courts as this raises uncertainty about commitments to the East County Police precinct and other improvements.

Mr. Anderson asked about the Police and Fire Retirement and Disability Fund and whether the amount of the liability is growing or decreasing.

Drew Bardon, City economist, said actuarial studies show that the current levy will be sufficient to meet the annual retirement system costs over a 50-year period. The biggest problems for the fund would be external changes in property tax law proposed by the legislature or by initiative.

Mr. Anderson asked how high the rate, now at \$1.88 with a cap of \$2.80, would go over that 50-year period.

Mr. Bardon said this year's rate is about \$1.70 and will spike up the year after next because of the legislature's increased pension payouts to offset taxation. However, it is not expected to go above \$1.80 and would then fall within the City's share of the \$10 tax cap.

Mayor Katz said the problem is that legislators are attempting to pass measures that would impact the City's expenditures.

Mr. Anderson asked about funding for the regional sports/arts facilities.

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Commissioner Lindberg said he is chairing a task force to look into this and is confident that by the end of this year there will be a solution to the funding problem. Current reserves will carry the facilities through July, 1998. One option is to secure permanent regional operating funds through some type of tax and a number of other options are also being studied.

Mr. Rosenthal moved on to a discussion of the Supplemental budget.

Ruth Roth, Office of Financial Planning, said the Spring supplemental budget adjusts fund balances to take into account higher than expected beginning fund balances. She said the Bancroft Bond Interest and Sinking Fund is being adjusted by \$50 million, taking into account higher than expected payments. Also, the Housing Investment Fund is being created with a first installment of \$1.56 million with additional dollars provided in next year's budget, bringing the total to \$4 million. She said the Arena Construction Fund is also being adjusted by \$5.5 million because of accelerated construction work this fiscal year.

Mr. McDowell asked if the transfer of money into the Public Arts Trust Fund was for operational costs or a one-time only expenditure.

Ms. Roth said that was a technical one-time transfer resulting from the transfer of that Trust Fund to the Regional Arts and Cultural Commission.

Ms. Sherman asked if the Portland Development Commission will be compensated for administering lottery funds.

Ms. Roth said yes, it is compensated both for direct and indirect administrative costs.

Mr. Rosenthal asked Council to consider two other areas: 1) how satisfied is the City about its growth estimates; and 2) clarification of strategies to avoid deferral of long term maintenance and help to achieve the predicted life of whatever facilities it purchases. He closed the hearing on the Supplemental Budget.

The Tax Supervising Commission then moved on to a hearing on the Portland Development Commission (PDC) budget. Vern Rifer, Commission Chair and other Commission members responded to questions.

Ms. Sherman recused herself from this discussion based on a possible conflict of interest.

Vern Rifer, Chair, Portland Development Commission, noted that in response to the loss of tax increment financing with the passage of

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Ballot Measure 5, the Commission undertook a top-to-bottom review and developed a new approach to community redevelopment and service delivery. Operating costs were reduced 25 percent and many services are now being contracted out. A pay-for-performance salary structure was also adopted, a major change affecting costs.

Regarding the FY 95-96 block grant allotments, Mr. Rifer said this year's are fairly secure but they do expect to have up to a 50 percent reduction for the FY 96-97 year. PDC recognizes that staff reductions will occur if block grants are reduced and is creatively searching for alternative funding resources. He described their efforts to provide employment opportunities for residents of Northeast Portland.

Jan Burreson, PDC Director, and Commission members John Eskildsen, Carl Talton and Gail Castillo described strategies for financing housing and workforce development programs and responded to questions.

Commissioner Kafoury said, in addition to the audit which PDC conducts of its operations, a joint City-Multnomah County audit is underway to look at the range of housing services offered. This should identify any overlapping areas.

Disposition: No action required.

Commissioner Earl Blumenauer

***902**

Amend agreement with Zimmer Gunsul Frasca Partnership for professional services related to design criteria for the right-of-way in the River District and increase the compensation amount by \$19,500 (Ordinance; amend Contract No. 29600)

Discussion: Vicki Diede, Office of Transportation, said this contract allows for some additional design work needed to provide an effective bicycle and pedestrian environment. This aspect has proved to be very complicated and additional funding is needed to make sure there is continuity and that the rights-of-way are used properly.

Mayor Katz stressed the importance of neighborhood involvement and piggybacking this with other possible infrastructure projects planned for that area, such as the Tanner Creek project at 23rd and Flanders, so as to cut construction costs.

Commissioner Hales said the transit mall extension was built to be "rail ready" and the same should be done here, making it ready so that the sewer pipe can be added later.

Disposition: Ordinance No. 168908. (Y-4)

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903

Appeal of Rock Bottom Brewery of Office of Transportation's denial of a sidewalk cafe permit (Hearing)

Discussion: Frank Josselson, 53 SW Yamhill, attorney representing Rock Bottom, Inc., described the site and sidewalk widths on the Morrison Street side of the property at SW 2nd and Morrison. Total width here is 20-1/2 feet and the distance of the street trees from the curb is 8-3/4 feet. Distance from the tree grates is 6-3/4 feet and the distance of the trees from the Centennial Building is 11-3/4 feet. He indicated that they wanted to have five- or six-foot tables extending from the side of the building with a railing.

Commissioner Lindberg asked how many feet that would extend from the wall.

Mr. Josselson said it would be eight feet total from the wall and 1-3/4 feet would be left between the tables and the tree wells.

Commissioner Lindberg said many sidewalk cafes have much smaller areas and do not put up fences. He asked if they had considered a line of single tables and also for the details of their latest proposal.

Mr. Josselson said their original application with a different configuration was approved by the Office of Transportation. Relying on that approval, Rock Bottom entered into a 10-year building lease and made \$2.5 million in tenant improvements. Had reasonable assurance of approval not been given, they would have found a different location. However, after approval of the building permit, the Office of Transportation told them they had no permit for the sidewalk cafe. He said he found that either of the permits proposed satisfy Code requirements, which state that there be a six-foot clear pedestrian area. It does not specify where or say that it has to be contiguous. Because of Transportation's concern, however, they scaled their 10-foot proposal back to eight feet, with nine instead of 17 tables. They were told this would not be approved because they are within the mall area as defined in Code Section 17.25. However, the mall area as defined in the Code does not come even close to this site.

Mr. Josselson said the latest proposal would eliminate the railing. He said City Engineer Vic Rhodes told him they could go out four feet. Rock Bottom decided they could live with nine tables that extend out from the building four feet. Mr. Rhodes objected to that because that did not take into account the tree grates and ADA requirements. Mr. Josselson said their proposal provides more than adequate space on both sides for wheel chairs.

Mayor Katz asked what Mr. Rhodes recommends.

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Ms. Josselson said he recommended nine tables but three or four had to be two feet wide, two-person tables. That would reduce seating substantially.

Commissioner Lindberg asked if this had been approved as part of the original building permit.

Vic Rhodes, City Engineer, Office of Transportation, said the building permit application was for tenant improvements within the building. Those plans are not routed to Transportation and there is a separate permit process for use of the public right-of-way. The primary reason why the original application was rejected was because Code requires six feet of clear walk space in high pedestrian areas, which this is. The application basically took up all the space between the building and the tree wells, which they did not believe was suitable, particularly because of its proximity to the lightrail loading platform.

Commissioner Lindberg asked if the last proposal was only about four inches short of the six-foot standard.

Mr. Rhodes said his measurements say they are short by nine inches. He said what Transportation proposed was to put out four-person tables where there are no tree grates and two-person tables where there are. He said Rock Bottom was granted a sidewalk cafe permit for 44 seats on SW 2nd which comes close to the 46 seats Mr. Josselson claims was approved in the building permit process. A Sidewalk Cafe Task Force will recommend retention of the six-foot clearance when it comes to Council in July. It will also recommend that no cafe permits be granted in station blocks such as this, which is an extension of the same logic used on the original bus mall.

Commissioner Hales summarized that the applicant is asking for four-foot tables generally, while the Bureau is proposing a mixture of two- and four-foot tables, depending on tree location, in order to create enough walking space between the tree and the grate.

Commissioner Kafoury asked why Transportation is proposing this compromise if the Task Force is recommending that there be no sidewalk cafes on transit loading blocks.

Mr. Rhodes said the Task Force's recommendations have not been adopted by Council and they do not believe its recommendations would go into effect until January, 1996, allowing applicant economic use of that space between now and that date.

Mr. Josselson said these are one-year revocable permits and Rock Bottom is willing to try this on a trial basis to see what happens before making a final decision. He said this cafe will bring much-needed

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street-level retail activity into the Yamhill area, contributing to pedestrian safety and friendliness. He said right now the market for street level retail space in the Yamhill district barely exists, adding that the Rock Bottom space sat empty for years.

Mayor Katz said Council is sensitive to that as well as to the need to move people. What is in front of Council is the original request, which Rock Bottom has since modified.

Mr. Josselson said Council could modify it if it wished.

Mr. Rhodes said because staff was sensitive to the factors cited by Mr. Josselson, they went the extra mile to try to offer a compromise.

Jan Campbell, Metropolitan Human Rights Commissioner and member of the Sidewalk Cafe Task Force, said the Task Force's first priority is safe public access; the second priority is protecting business access and other interests. Approval of this permit would jeopardize the safety of pedestrians, particularly those using light rail. She said lively streets are vital but sidewalks must be safe and accessible to everyone. If this is approved, pedestrians may find walking in this block difficult and even dangerous.

Sean Garber, member of the Sidewalk Obstructions Task Force and Transportation Planning Consultant with Cambridge Systematics, described how the Task Force set its priorities regarding sidewalk use, ranking pedestrian circulation as number one. This application violates that overriding objective as well as the clear zone standard in the Code. A clear zone must be reserved exclusively for pedestrian circulation without any impediments. They determined that on sidewalks over 12 feet wide, the minimum clear zone should be at least six feet. He said the standards recommended by the Task Force were made available for public comment and a public hearing was then held. He said while cafes can add vitality they may also be a menace for pedestrians. The applicant's proposed sidewalk cafe would usurp more than half the sidewalk space currently there and pedestrians would be forced to walk through the boarding area for MAX.

Commissioner Kafoury said she would be willing to support the compromise recommendation for one year. She said chances are that once the Task Force recommendations are adopted the revocable permit could not be renewed. She moved to accept the compromise proposed by the Office of Transportation. Commissioner Hales seconded.

Mayor Katz asked if there were design requirements for sidewalk cafes along the mall.

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Don Gardner, Office of Transportation, said they can require sidewalk cafes to go to Design Review but they have not done so.

Commissioner Hales said Council must strike a balance and maintain an effective public space that works for everyone. It is worth experimenting for a year to see how four- and two-person tables work.

Mayor Katz said while the City wants to maintain safe sidewalk access for pedestrians, a high priority is to bring life to the downtown after 5:00 p.m. She said she is not happy with the results so far and this is a wonderful opportunity to bring life to this area on nights and weekends.

Disposition: Permit granted as amended. (Y-4)

Commissioner Charlie Hales

***904** Revise fees and modify the potential uses of surcharges at municipal golf courses (Ordinance; amend Code Section 20.20.010)

Discussion: Commissioner Hales said the City has an unsuccessful pricing policy for the municipal golf courses and this revision should correct that problem. By getting rid of the non-residential surcharge, all golfers will pay equally and all surcharge revenues will go first to taking care of the courses and then to meeting the City's obligation to the schools. He said the City admits it made a mistake and will use surcharge money to put the golf courses in top condition and then, if necessary, use General Fund money to keep its commitment to the schools. He noted marketing efforts that will be used to invite golfers back.

Mayor Katz noted that the level of commitment for the schools will be maintained.

Commissioner Hales said it will be maintained at least at the 85 percent level of the original commitment over the two-year budget period, drawing on the General Fund if necessary.

Disposition: Ordinance No. 168909. (Y-4)

905 Approve action plan to strengthen financial health of the Golf Fund (Resolution)

Disposition: Resolution No. 35402. (Y-4)

Commissioner Gretchen Kafoury

906 Adopt the Portland City Hall renovation schematic design as reviewed May 9, 1995 (Resolution)

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Discussion: David Kish, Director, Bureau of General Services Director, said this is the schematic plan as revised to reflect earlier Council input.

Jack Winter, Chair, City Hall Renovation Committee, said in the past two months the schematic design has been available for review; two formal meetings were also held. The committee has taken action on two items: 1) approval of space standards for individual work stations and offices; and 2) provision of additional public space in City Hall for citizen meetings and to accommodate growth plans. The current plan would accommodate everyone already here with the exception of Personnel.

Council members reviewed some of the plan provisions.

Commissioner Kafoury said an informal will be scheduled to talk about fundraising.

Commissioner Lindberg asked if someone had been hired to assess the potential for private fundraising.

Mr. Kish said a consulting firm concluded that there is a possibility of raising between \$1 to \$2 million. They are beginning to define the role of the Mayor and Council members in raising that money and to develop a strategy. A public information package is also being prepared.

Mayor Katz said all Council members need to be involved in the fundraising efforts.

Commissioner Kafoury said she believes the public will support this although there is not much awareness to date. She said one concern that the Tax Supervising Commission has is that when the City funds the renovation with General Obligation bonds, as is customary, it should be done under the base budget. This is a case where that has been done and people should know how responsible the City is.

Mayor Katz agreed, noting that Council used additional General Fund dollars rather than asking for additional resources from the taxpayers. She said this is also an opportunity to educate people about the history of this City.

Disposition: Resolution No. 35403. (Y-4)

***907**

Contracts for towing and storage of vehicles ordered by City
(Ordinance)

Discussion: Dennis Nelson, Manager, License Bureau and Chair of the Towing Board of Review, said this and the following items are all one-

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year contracts. The Towing Board has directed the towing coordinator to conduct an evaluation of the towing program and hopes by the end of the year to bring the results and recommendations to Council. He said this year the City is entering into an agreement with the Port of Portland which will consolidate services. The dispatch contract also has been modified to meet more complex requirements.

Mayor Katz noted that last year's contract holder was a private dispatcher, while this year the Bureau is recommending its award to a towing company. That is of concern to some people.

Mr. Nelson agreed and said a rate increase has also been included in the basic rate so there will be fewer opportunities for towers to add charges. He said the number of tows is growing; last year approximately 35,000 went through the dispatch system.

Commissioner Kafoury said it is a very lucrative business.

Mr. Nelson said it is often critical to tow immediately and towing requirements have gotten much more complicated. He asked that Items 911 and 912 be considered and voted on before the others.

Disposition: Continued to June 14, 1995 at 9:30 a.m.

***911** Approve agreement with the Port of Portland to jointly contract for vehicle towing, storage and dispatch (Ordinance)

Discussion: Mr. Nelson said this allows the Port to use the City's mechanism and save the taxpayers money.

Disposition: Ordinance No. 168910. (Y-4)

***912** Amend City Code to revise composition of Towing Board of Review (Ordinance, Amend City Code Section 3.98.010)

Discussion: Mr. Nelson said this adds a representative of the Port of Portland to the Towing Board, replacing a representative from the Bureau of Buildings.

Disposition: Ordinance No. 168911. (Y-4)

Returning to a discussion of Item 907, Mr. Nelson said no one who is not fully qualified or inspected by June 30 will get a contract for next year. The only issue concerns the Board's recommendation that Atlas Towing not be issued a contract for towing. That also applies to Agenda Item 910 regarding the abandoned vehicle contracts.

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Mayor Katz said the Bureau should review whether contracting this out in a different fashion would give the consumer a better rate. Right now one cannot tell because the City sets the rate.

Marian Gaylord, Towing Coordinator, said they are evaluating many different options.

Tom Greif, attorney for Atlas Towing, 4519 SW Coronado, said while the prior owners conducted business in a way that may have offended the Towing Board, the application of the new owner, Donald Carpenter, must be reviewed separately. Mr. Carpenter wants to be treated in the same way other towers are in this application process. He cited an earlier statement by Ms. Gaylord that everyone should be given two tries in the application process. He said there are many deficiencies in the applications of other towing companies, ranging from expired insurance to deficient equipment. He said Ms. Gaylord submitted additional material which talks about Mr. Carpenter's qualifications. This is brand new and was never discussed earlier by the Towing Board. He submitted statements responding to that material. All his client asks is to be treated fairly.

Commissioner Kafoury volunteered to review the materials and the rejection with staff and report back to Council.

Mayor Katz said that will impact the decision on these items and would delay the others.

Mr. Nelson said one of the recommendations is that the abandoned vehicle contract be awarded to the second highest bidder, rather than to Atlas, which was the high bidder. That would need to be done by next week. He said Council could award all the other towing and storage contracts and then reconsider the Atlas application separately.

Commissioner Kafoury said she believes Ms. Gaylord has provided enough information to warrant denial of Atlas' appeal but is willing to wait a week.

Commissioner Hales said that would apply only to Item 910. He said it makes sense to wait a week.

Mayor Katz said there are a lot of issues that have been raised but she trusts Commissioner Kafoury's ability to review this.

Council agreed to continue Item 910 with the understanding that Atlas could be included later in the contracts covered under Item 907 if Council directed.

John Marvin, 2006 NE Weidler, said in another week evidence will be

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presented as to why some of the other applicants' contracts should be denied as well. He asked for a one week setover.

Commissioner Kafoury said she will consider that but all have met the qualifications of the Tow Board.

Mayor Katz said that is the reason why she wanted to set 907 aside too.

Mr. Nelson said that is the first he heard about anyone wanting to set the other contracts aside.

Ms. Gaylord said all the deficiencies identified by the Tow Board were to be corrected by June 30.

Mayor Katz ordered that both Items 907 and 910 be set over.

Disposition: Continued to June 14, 1995 at 9:30 a.m.

***908**

Contract with Speed's Automotive, Inc. for dispatching of towing services (Ordinance)

Discussion: Mr. Nelson said there were some objections to this award but the Towing Board determined there was no reason why tow companies which also had dispatch service could not bid on the dispatch contract. The Board believes more than sufficient means to monitor exist to avoid misuse. Last year the contract was awarded to Allen Towing, which was also a tower-controlled dispatcher. Allen had to be removed from the contract mid-year but it had nothing to do with this issue.

Dan Lorenz, 521 SW Clay, 97201, attorney representing a number of towers, read a letter in opposition signed by seven of the 22 towers on the current contract. They oppose changes which eliminate the conflict of interest clause and the experience clause. They are most concerned with elimination of the conflict of interest clause because it gives Speed's an unfair competitive advantage. They believe it is impossible for Speed's dispatchers to carry out its duties in an even-handed fashion while they work side-by-side with Speed's towers. It is impossible to monitor compliance with strict rotation rules and tempts dispatchers to channel the most lucrative tows to their own company. He said a number of towers strongly believe the tow representatives on the Towing Board do not adequately represent their interests and preclude them from presenting differing views. He also expressed concern about access to the public record as these records are available to the Tow Board and not to the general public. There is also concern about possible retaliation to the seven towers from Speed's because of its strong market position. One tower should not be given this unfair competitive advantage.

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Norm Lindstedt, 200 SW Market Street, attorney representing Portland Security Dispatch, agreed with Mr. Lorenz. He said his client conducted dispatch business with the City for 12 years and relieved the prior holder of the dispatch contract. He said this issue cannot be resolved by stating that the records are available as there are so many to plow through. It is bad policy to eliminate the conflict of interest provision clause and prior experience should be considered as well. He said awarding this contract puts Speed's in a position of conflict and gives them the ability to control dispatchs.

Mr. Admeir, Portland Security Dispatch, said he was the second lowest bidder and has had the dispatch contract for 13 of the last 15 years. Three times the City asked them to take over the contract after not getting it initially. He said he feels his company has been subjected to an uneven playing field because Speed's is being subsidized by getting free dispatching to the tune of \$2,000 a month, allowing it to underbid him.

Gary Coe, Speed's Towing, said his company is very experienced, currently dispatching 15,000 calls monthly. The real question is whether Speed's will have the integrity and ethics to perform this contract in a trustworthy way. He said current reports show that in each district calls are rotated equally among a number of towers and that would continue.

Mayor Katz asked if the Bureau can monitor the benchmark -- how many tows to each tower -- on a regular basis.

Ms. Gaylord said all City-ordered tows are dispatched in rotation and the dispatcher has no discretion as to who gets a tow. The only ones of concern are private preference tows that do not go through the tow desk. If citizens request a specific tower, the police must respect that. She said removal of the conflict clause happened more than two years ago in the course of a Tow Board meeting. All towers have the opportunity to come and testify on these issues. In addition, the towers themselves elect their representatives on the Towing Board.

Mayor Katz asked why the conflict of interest clause was removed.

Mr. Nelson said the Towing Board found there was no real basis to deny a qualified dispatch company from bidding on the contract just because it is part of a tow company.

Commissioner Hales asked how soon the City could learn whether Mr. Coe had tweaked the system in favor of his company.

Ms. Gaylord said a monthly summary of all calls to the Tow Desk is submitted for review. She also receives a consecutive log of every call so

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any extreme fluctuation would be very obvious. With the computer-aided dispatch system there is a printed record of every call that comes from BOEC.

Commissioner Kafoury said it is a rotation system, not discretionary.

Ms. Gaylord said additional safeguards have been placed in this contract that put new checks and balances into it for auditing purposes.

Mayor Katz said that information is a public record and Ms. Gaylord can identify any hanky panky.

Ms. Gaylord said that information also goes to the towers and they have an opportunity to review those numbers as well.

Commissioner Hales said this arrangement is somewhere between innovative and peculiar but he will vote in support this time, given Mr. Coe's reputation and the controls in place.

Disposition: Ordinance No. 168912. (Y-4)

***909**

Contract with District 5 towers for towing and storage of vehicles ordered by City or the Port of Portland (Ordinance)

Discussion: Mr. Nelson said this contract had to be modified in District 5 in order to apply to the Port. If any of the objecting towers are in District 5, which he believes they are, this needs to be carried over.

Commissioner Lindberg said he is hearing complaints about the use of limousines at the Airport.

Mr. Nelson said the Taxicab Board will be discussing that at its next meeting. But under this contract, tows at the Port will be conducted under the same dispatch system used by the City.

Mayor Katz asked him to have the Board also review Tri-Met's regulations limiting bus drivers' work hours.

Disposition: Continued to June 14, 1995 at 9:30 a.m.

***910**

Contract with Sergeant's Towing for towing, storage and disposal of abandoned vehicles (Ordinance)

Disposition: Continued to June 14, 1995 at 9:30 a.m.

Recessed at 12:57 p.m.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF JUNE, 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; Mike Holstun, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

913

Consider the LUBA remand of the application by Joe Van Haverbeke and adoption of new findings for approval of a five-lot cluster subdivision located east of SE 48th Avenue of north of SE Mitchell Street (Previous Agenda 869)

Discussion: Mayor Katz said she will not vote on this item because of her absence last week and because she was not able to review the tapes.

Duncan Brown, Planning Bureau, entered three memos with attachments into the record. The first, dated June 1, included findings of approval of a five-lot cluster subdivision. The second, a June 5 memo, is a response to last week's testimony on the multiple preliminary plats and comments on conformance with the cluster housing regulations. Three maps are attached and their differences are explained. The final memo, dated June 7, proposes findings for a four-lot cluster subdivision should Council wish to approve that instead of the five-lot subdivision. The findings in support of a four-lot subdivision differ from the earlier ones in a number of ways, particularly in interpretation of Comprehensive Plan Policy 11.11.

Mr. Brown noted that LUBA remanded the Council's prior decision because it did not address why allowing a 40-foot right-of-way is consistent with Policy 11.11 which states that local service streets are to be constructed in accordance with existing and planned neighborhood land-use patterns. If Council accepts a four-lot cluster, the findings would be amended to include the statement that the Council does not interpret Policy 11.11 to mean that it imposes an absolute requirement that street extension improvements must be constructed to precisely the same standards that exist but that it does interpret 11.11 to mean that it addresses both street improvements and street rights-of-way. Local streets in the immediate neighborhood have 50- and 60-foot rights-of-way and local streets are improved with up to 30 feet in pavement width and parking on both sides of the street. The 26-foot pavement width proposed under both this and the five-lot subdivision is wider than the accepted engineering standards in Title 34 and is consistent with Policy 11.11. If the four-lot cluster subdivision is approved, the 40-foot wide right-of-way previously approved by Council with the roadway

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easement ensures that the roadway improvements would closely match that of the adjoining neighborhood. But Council would have to conclude that the 40-foot right-of-way does not closely match the 50- and 60-foot rights-of-way in the neighborhood and that the reduced right-of-way width in the cluster subdivision could be approved with five lots rather than four. With approval of the four-lot subdivision, Council would have to conclude that a single additional lot does not justify allowing the 40-foot, rather than the 50-foot, width. These findings support approval of a four-lot cluster subdivision with conditions similar to those approved by Council for the five-lot subdivision, but modified to reflect the four lots.

Mayor Katz said planners are as bad as lawyers -- no one can quite understand them most of the time.

Commissioner Hales said both parties were given an opportunity to review the corrections that have been made to the record. He opened up the meeting for five minutes of testimony from each side.

Steve Moskowitz, attorney representing the Woodstock Neighborhood Association, said they agree that Attachment C to Mr. Brown's June 5 memo represents the tentative plan for the subdivision. The Neighborhood Association's concern over the confusion about the maps was because usually such plans do not show the location of buildings or setbacks. However, when there is a cluster subdivision, the Code requires that house locations and setbacks be shown at the time of land division. Earlier, neighbors found that Attachment C showed elements that did not meet Code requirements, such as five- instead of 10-foot setbacks, and were concerned that Council approval would include adoption of some standards not in accord with the Code. Now they agree that this is the tentative plan and the remaining question is whether Council will adopt the 40- or 50-foot right-of-way.

Michael Holstun, Senior Deputy City Attorney, said Condition 12 mentioned in the June 5 memo addresses the missing information Mr. Moskowitz refers to in Attachment C. That Condition would be attached if Council selects the 40-foot option.

Tim Ramis, attorney representing the applicant, said there are two essential questions. The first is whether the text of the conditions or the maps control the outcome. The answer is the text, not the maps. The other question is whether Council inadvertently approved a site plan that does not conform to the Code. The answer is no, because the cluster regulations specifically require compliance with every requirement before recording. That is what the new Condition 12 highlights. Mr. Ramis said the applicant was told by City staff during the preapplication process that he must have five lots in order to comply with minimum density requirements. The Hearings Officer lowered

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that to four lots and Council then increased it back to five, with added conditions requiring wider streets, sidewalks, parking on both sides and limited access. The question is whether compelling evidence has been presented to Council to allow it to reverse its prior decision. The applicant does not believe the record shows anything new to compel a different conclusion. Staff has testified that this street would be visually indistinguishable from existing streets. Whether something is inside an easement or a right-of-way is an invisible issue. The neighborhood states that while they appreciate the conditions, they will not be fully satisfied until there is a 50-foot right-of-way and the number of houses is reduced to four. Council already crafted a careful compromise and there is nothing new to compel a different decision. If Council does approve the four lots, applicant would like to amend Condition 2 regarding street improvements and return to the waiver of remonstrance approach rather than the much more onerous conditions placed upon them as a result of the earlier compromise.

Commissioner Hales said as a condition of approval in the remanded decision, although that part was not challenged, the City required street improvements on SE 48th. There are cases where it is possible to file waivers of remonstrance against creation of future LIDs and access the streets from the substandard lots. He asked for staff comment as that approach has created big problems for the City when infrastructure has to be put in later. Is the requirement to construct appropriate in a cluster subdivision regardless of the number of lots?

Mr. Ramis said it is a question of balancing equity. He said the developer has gone to incredible expense and this would add a substantial cost burden, particularly if Council goes from approving five houses, back to four.

Mr. Brown said traditionally the City has required street improvements where there is a logical extension of the paving. In this case the paving on 48th Avenue does extend to the corner of the site and could be logically extended up in front of the site. The original condition on the five-lot subdivision actually required about twice the amount of improvements normally required and called for the developer to put in full street improvements on SE 48th, including sidewalks on both sides for the full block between Mitchell and Raymond Streets. Normally, the City would require 48th to be improved to its full width in front of the site and require sidewalks along the site frontage. Where the improvements cannot logically connect with paving on one end or the other, the letter of remonstrance approach is generally used and the developer binds future owners to make improvements through a Local Improvement District.

Commissioner Hales asked for his recommendation regarding this condition.

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Mr. Brown recommended requiring street improvements and sidewalks for the street frontage in front of the site.

Commissioner Hales said that would call for a modification in that condition. He said the history of this case is murky and the City has not performed well or given the applicant good customer service. The question is whether Council should simply correct the error identified by LUBA or, because of the significance of the error, does its original decision warrant reconsideration. He said in this case he believes it does. He cited the June 7 alternate findings which require a four-lot rather than five-lot subdivision. As stated there, the interpretative question for Council is whether the 40-foot right-of-way previously approved is consistent with the directive of Policy 11.11, which calls for construction of local service streets in accordance with existing and planned neighborhood land use patterns. Under that policy the street improvements and street right-of-way extension should reflect existing and planned adjoining right-of-way and improvements consistent with Plan, Zoning Code and subdivision requirements unless there are sound planning reasons not to do so. In this case there is not a sufficiently compelling use of the subdivision process to modify the City's engineering standards. Also, while there may be circumstances where needed sidewalk improvements may be located on an easement next to dedicated street right-of-way rather than within it, this is not such a case. LUBA said the City has not shown that the modification of its own standards was really warranted by the land use or urban design benefits. He agreed, stating the Council twisted itself unnecessarily into approving the five-lot configuration. That is why he has reversed himself. He moved to tentatively affirm the four-lot subdivision and adopt the findings with six conditions of approval.

Mr. Holstun recapped his motion, noting that it calls for Council approval of the four-lot cluster subdivision, with a 50-foot right-of-way and adoption of findings prepared by staff with six conditions of approval. He noted the request to modify Condition 2. He said Council could either do that today or ask staff to bring back a modified version of Condition No. 2.

Commissioner Hales said it would be better to wait rather than trying to do it in Council.

Roll was called on Commissioner Hales' motion. (Y-3)

Disposition: Tentatively approve findings, as amended, for four-lot subdivision (Y-3): Continued to June 14, 1995 at 2 p.m.

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914

Deny appeal of Chinese Consolidated Benevolent Association and uphold Hearing Officer's decision to approve application of Mental Health Services West for a conditional use to establish a single-room occupancy facility, mental health program drop-in center and a 20-bed shelter at 310 NW Flanders (Royal Palm Hotel) (Findings; Previous Agenda 818)

Discussion: Susan McKinney, Planning Bureau, noted Council's tentative decision to approve this conditional use and deny the appeal, adopting the Hearings Officer's report and decision. She cited supplemental findings prepared by Paul Norr, the applicant's representative; as part of that a condition was drafted concerning the monitoring committee that Council requested be a part of this decision. She said she understood that at this time what was in the monitoring plan would not be specified, only the requirement that a plan be developed.

Commissioner Hales said Council could then return with a resolution creating the actual committee.

Mayor Katz said she wants to make it clear that it is Council's intent to have a monitoring group.

Commissioner Hales said he will bring that back to Council as a resolution rather than having it be part of the formal findings.

Commissioner Lindberg said there could be a finding that says a committee will be established.

Commissioner Kafoury said she wants to be clear that Council is not adding a condition that would throw this back into the land-use process if someone is not satisfied with some part of it.

Commissioner Lindberg asked if that was in the findings now?

Ms. McKinney said yes and read the language from her June 6 memo regarding development of a monitoring plan to measure impacts of the shelter and to maintain open communication with the surrounding committee. The plan will not monitor programmatic components of the facility. She said the goal is to hold a meeting of interested parties by September 1 and to finalize the plan by December 31, 1995.

Council agreed that this met Council intent.

Kristin Paustenbach, attorney with Robert Simon, representing the Chinese Consolidated Benevolent Association, asked for clarification regarding the four months that is specified for completion of the plan.

Mayor Katz said they will try to put it together within four months.

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Ms. Paustenbach asked if the committee would be ongoing during the life of Mental Health Services West.

Commissioner Kafoury said usually such committees disband after a period of time but the length of time can be written into the agreement.

Mayor Katz said the group will decide the length of the monitoring process.

Ms. Paustenbach asked if the Chinese community would be involved not only with the monitoring committee but also with the plan that sets it up.

Commissioner Kafoury said she assumes they would be.

Mayor Katz said the details will be spelled out and Council will monitor the resolution to make sure the Chinese-American community is involved.

Ms. McKinney said Mental Health Services West wants to stress that it does not want this delayed if the Chinese community does not choose to participate. She said they will return by the end of the year with a plan for the monitoring committee.

Mayor Katz recommended that the Chinese community be involved in the development of the plan and on the committee. There is no other win situation if it is not.

Michael Holstun, Senior Deputy City Attorney, said he thought Ms. McKinney was recommending that Council adopt the supplemental findings and also adopt, as a condition of approval, the material in the indented language on the front page of her memorandum. He asked if the expectation is that the Bureau of Planning would return with a resolution to do this.

Mayor Katz said it would be nice if they had a model monitoring plan to follow.

Commissioner Lindberg said the proposed language mentions a monitoring plan but does not call for a monitoring committee. Council is assuming that a committee would be part of the plan.

Ms. McKinney said she referred to it as a development team. She asked when Council was expecting the resolution -- after the plan was complete or prior to development?

Commissioner Kafoury said the whole point of setting this up is to get it out of Council so it is not a land-use condition. This is not a technical

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requirement but a separate process which makes clear that the operations of the facility would not be monitored, only the impact on the surrounding neighborhood. With a resolution, this takes on more life than she had thought necessary.

Commissioner Hales said if this language is sufficient and inclusive enough, then a resolution may not be necessary. Nevertheless, this takes operation of the committee and the plan it develops out of the land-use process.

Mayor Katz said it is important for Council to send the right message about what it expects. She said she would like to see what the plan looks like when it is completed.

Ms. McKinney said once it is put together, hopefully by the end of the year...

Mayor Katz said it should not take to the end of the year.

Commissioner Hales said Council wants to make sure the specific ingredients and outcomes of the monitoring process are not attached to formal land-use findings so that people end up appealing over the operation of the monitoring committee. Council is very interested in having that be an inclusive process and is committed to making sure that happens. However, it does not belong in the land-use decision Council has already made. It is Council's intention that its earnest desire for negotiations should not become something people can appeal.

Mayor Katz said let Council first agree that this is not part of the land-use decision.

Mr. Holstun said Council's intent in imposing this condition is an obligation for the parties to engage in a collaborative process to try to work out a monitoring plan to assess the impacts of this facility. Failure to agree about the results of that plan would not be a land-use decision appealable to LUBA. He said in his opinion including this as a condition of approval would not be a land-use decision.

Roll was called on adoption of the findings. (Y-4)

Mayor Katz asked Rachael Silverman to share with Council what she thinks will happen.

Rachael Silverman, Siting Coordinator, Bureau of Housing and Community Development, said she works with community groups and housing providers to develop and implement good neighbor plans. This, although not called a good neighbor plan, has many of the same elements.

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Mayor Katz said it was called a good neighbor plan at the hearing, but not today.

Ms. Silverman said usually she finds developing the plan as important as the final product and that process should involve all the parties willing to come to the table. The product should be a document flexible enough to address the concerns that might come up. Essentially one ends up with a way for people to talk with each other. That would be her goal.

Mayor Katz asked if she would then bring the plan back to Council in resolution form for adoption.

Ms. Silverman said she would be happy to do that if they need to.

Mayor Katz asked her to let Council know.

Disposition: Findings adopted as modified. (Y-4)

At 2:50 p.m., Council recessed.

JUNE 8, 1995

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF JUNE, 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; Pete Kasting, Senior Deputy City Attorney; and John Hodges, Sergeant at Arms.

Council members presented Safety Recognition Awards to bureaus whose efforts have made a positive difference within the City in the area of Occupational Safety and Health.

***915**

TIME CERTAIN: 2:00 PM - Adjust FY 1994-95 Budget for Period Two adjustments

Discussion: Ruth Roth, Bureau of Financial Planning, said this is the second period budget monitoring ordinance which they customarily do at year's end, transferring various appropriations within bureau budgets and distributing the cost of living adjustment. There is also a minor Supplemental which makes minor resource and requirement adjustments in various funds.

Mayor Katz asked if there is anything significant in terms of policy changes.

Ms. Roth said no. She said the reason Contingency is suddenly so big, \$6 million, is because projects bureaus have requested be carried over are placed in Contingency so that the remaining dollars are not spent by accident. It is then reappropriated as a technical adjustment in the FY 95-96 budget.

Disposition: Ordinance No. 168913. (Y-4)

At 2:27 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council