



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF JANUARY, 1996 AT 9:30 A.M.

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

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

95 **TIME CERTAIN: 9:30 AM** - Swear in 16 Fire Bureau apprentices (Ceremony introduced by Commissioner Hales)

Discussion: Commissioner Hales commended the Bureau for its outstanding efforts in increasing the number of women and minorities in this group of apprentices.

Fire Chief Robert Wall noted that the 16 apprentices were selected from a pool of 300 applicants, of whom 75 were interviewed.

Disposition: Placed on File.

Agenda No. 99 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

97 Cash investment balances December 14, 1995 through January 10, 1996 (Report; Treasurer)

Disposition: Placed on File.

98 Accept bid of Jim Miller Construction for restroom renovations at Custer, Duniway and Sellwood Parks for \$230,000 (Purchasing Report - Bid 70)

Disposition: Accepted; prepare contract.

100 Accept bid of Paul Brothers, Inc. for Portland Waterfront Park Utility Implementation Plan for \$1,591,800 (Purchasing Report - Bid 76)

Disposition: Accepted; prepare contract.

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Mayor Vera Katz

101 Confirm appointment of Marcy McInelly to the Historic Landmarks Commission (Report)

Disposition: Confirmed.

102 Confirm appointment of Kim Huey to the Civil Service Board (Report)

Disposition: Confirmed.

103 Confirm appointment of Rick Holt and Paul Schuback to the Planning Commission (Report)

Disposition: Confirmed.

***104** Accept donation of traffic equipment for enhanced traffic enforcement use by the Police Bureau (Ordinance)

Disposition: Ordinance No. 169721. (Y-4)

Commissioner Earl Blumenauer

105 Set hearing date, 9:30 a.m., Wednesday, February 21, 1996, to vacate a portion of NW 90th Avenue and NW Bella Vista Drive (Report; Petition; C-9899)

Disposition: Adopted.

106 Accept completion of contract with Parker-Northwest Paving Co. for the HCD improvement project of SE Lafayette Street and SE 88th Avenue, approve Change Orders No. 1, 2, and 3 and make final payment (Report; C-9880)

Disposition: Accepted.

107 Accept completion of contract with Copenhagen Utilities & Construction Co. for NE Multnomah Street lighting project, authorize final payment and release of retainage (Report; Contract No. 29730)

Disposition: Accepted.

***108** Amend contract PRC, Public Sector, Inc., to increase total contract by \$151,783 for computer hardware and software maintenance (Ordinance; amend Contract No. 28320)

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Disposition: Ordinance No. 169722. (Y-4)

Commissioner Charlie Hales

109 Authorize the Bureau of Planning to enter into an Intergovernmental Agreement between the City and Metro for westside station area planning (Second Reading Agenda)

Disposition: Ordinance No. 169723. (Y-4)

***110** Contract with Paul Brothers, Inc. for the sum of \$1,591,800 to provide materials and labor for the Waterfront Park Utility Implementation Plan and provide payment (Ordinance)

Disposition: Ordinance No. 169724. (Y-4)

***111** Authorize a contract and provide payment for the renovation of Sellwood Park (Ordinance)

Disposition: Ordinance No. 169725. (Y-4)

112 Add Section 31.10.145, Maintenance of fire protection systems in five story apartment buildings, to Code Chapter 31.10, Administration (Ordinance; amend Chapter 31.10)

Disposition: Passed to Second Reading January 31, 1996 at 9:30 a.m.

***113** Apply to the Columbia Willamette Area Health Education Center for a \$5,000 grant for CPR training to targeted populations in 1996 (Ordinance)

Disposition: Ordinance No. 169726. (Y-4)

Commissioner Gretchen Kafoury

***114** Agreement with Multnomah County Emergency Management for access to the City of Portland's 800 MHz trunking radio system (Ordinance)

Disposition: Ordinance No. 169727. (Y-4)

***115** Contract with Roger McGarrigle, PE Civil & Structural Engineering, for design of solution to Portland Building fifteenth floor structural damage and provide for payment (Ordinance)

Disposition: Ordinance No. 169728. (Y-4)

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- *116** Contract with Culver Glass Co. for Portland Building south window repair Phase 2 project and provide for payment (Ordinance)

Disposition: Ordinance No. 169729. (Y-4)

- *117** Amend City Code to add new building construction regulations (Ordinance; add new Chapter 24.95)

Disposition: Ordinance No. 169730. (Y-4)

Commissioner Mike Lindberg

- 118** Accept completion of the NE 148th Avenue and private property sanitary sewer construction project and authorize final payment to Tri-State Construction (Report; Contract No. 29368)

Disposition: Accepted.

- 119** Accept completion of the Beaumont sewer reconstruction and authorize final payment to Marshall Associated Contractors, Inc. (Report; Contract No. 29908)

Disposition: Accepted.

- *120** Authorize the Mayor to submit a proposal to the U.S. Environmental Protection Agency for a grant of \$5,821 to implement an environmental education series (Ordinance)

Disposition: Ordinance No. 169731. (Y-4)

- *121** Authorize the Purchasing Agent to sign an Emergency Purchase Order to serve as a contract with Ashbrook Corporation for the overhaul and repair of two belt presses for the Bureau of Environmental Services at an estimated cost of \$157,840 without advertising for bids and waiving performance bond requirements (Ordinance)

Disposition: Ordinance No. 169732. (Y-4)

- *122** Authorize a contract and provide for payment for the SW Broadway, College Street to I-405 sewer reconstruction project (Ordinance)

Disposition: Ordinance No. 169733. (Y-4)

- *123** Authorize a contract and provide for payment for the Tryon Creek interceptor sewer reconstruction project (Ordinance)

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Disposition: Ordinance No. 169734. (Y-4)

- *124** Authorize application to Metro 2040 Water Quality and Growth Management Grants Program for local governments for a grant in the amount of \$20,000 for the construction of a pollution reduction facility at Parkrose Middle School (Ordinance)

Disposition: Ordinance No. 169735. (Y-4)

- *125** Authorize application to Metro 2040 Water Quality and Growth Management Grants Program for local governments for a grant in the amount of \$20,000 for implementation of the NE 122nd and I-30 interchange planting project (Ordinance)

Disposition: Ordinance No. 169736. (Y-4)

- *126** Contract with Southern Nevada Water Authority for a study to evaluate inactivation of Cryptosporidium in natural waters (Ordinance)

Disposition: Ordinance No. 169737. (Y-4)

- *127** Call for bids for the construction of the SW supply main improvements (Ordinance)

Disposition: Ordinance No. 169738. (Y-4)

- *128** Contract with Brown and Caldwell for professional engineering services for sewer pipeline seismic resonance testing (Ordinance)

Disposition: Ordinance No. 169739. (Y-4)

REGULAR AGENDA

- 99** Accept bid of Brundidge Construction for 6", 8", and 12" water mains in the SE Harney mains package for \$420,353 (Purchasing Report - Bid 72)

Discussion: Ken Crawford, 17200 Littlepage Rd., Sandy, OR, an estimator with Moore Excavation, said their bid on this project was \$60,000 lower than Brundidge's and they were notified that they were the apparent low bidder. However, they were later told it was non-responsive because several pages, including the signature sheet, were missing from the good faith effort compliance form. He said disqualifying their bid is not a very good use of taxpayer dollars because their bid was so much lower than the one now before Council.

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Mayor Katz asked why these two pages were not submitted.

Mr. Crawford said all the required documents were there when he turned the bid in.

Kenneth Anton, attorney representing Moore Excavation, asked that Council either throw out all the bids or award the contract to Moore Excavation.

Carleton Chayer, Purchasing Agent, said his office follows very strict procedures in opening formal bids. The buyers open and read all the documents before returning them to the envelopes to make sure nothing is lost or mixed up with other bids. A further verification that all documents are there takes place in the presence of another staff person. It was at that point that it was determined that documents were missing from the Moore bid and a third person was then asked to review them. That person also determined that two pages were missing. As a result, he had no alternative but to consider the bid non-responsive. Mr. Chayer said after confirmation by the City Attorney that the second lowest bid was viable, as it was within the City's estimate, he had no choice but to recommend awarding the contract to the second low bidder. This is the normal procedure.

Mr. Anton questioned the fairness of the procedure in a case where one honest person says he submitted the documents and another says he did not get them. Under those circumstances, should this cost the City \$60,000.

Mr. Chayer said he is confident those document pages were not received in his office.

After roll call resulted in a tie vote as to whether to accept Brundidge's bid, Commissioner Blumenauer asked what the dissenting voters, Commissioner Kafoury and Mayor Katz, wanted to do.

Commissioner Kafoury suggested returning this to Purchasing for further review. She said she does not think those two pages were substantive and believes the process may be too rigid. She said \$60,000 is a significant amount of money.

Commissioner Blumenauer said everything in the packet is there for a reason. He suggested returning the bid to his office for review, by the City Attorney, of the Purchasing Agent's discretion regarding missing documents. Perhaps Council has the discretion to do some things he is not able to do. Also, a review of the packet will be done

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to see if there are things Council does not think are important that could be eliminated.

Mayor Katz said a group is working now with Mr. Chayer on all these issues. She agreed with Commissioner Kafoury and said this should be reviewed to see whether the missing pages are required if the substance of the document is met.

Commissioner Blumenauer stressed the need to keep Council out of court and treat everyone exactly the same. People can differ on what is substantive and Council needs to be careful about putting Mr. Chayer in the position of having to guess what is and what is not. Perhaps Council can make the decision in a case such as this.

Disposition: Continued to January 31, 1996 at 9:30 a.m.

96

TIME CERTAIN: 10:00 AM - Adopt the Parking Meter District Policy (Resolution introduced by Commissioner Blumenauer)

Discussion: Commissioner Blumenauer reviewed the need for an overall policy and noted the wide variety of interests represented in developing this one. He said this policy could provide a framework for future meter increases, if needed, and to make sure that all policy considerations are dealt with.

Ethan Seltzer, 3082 NE Regents Dr., Chair, Parking Meter Task Force, said the committee asked two questions in preparing the policy: 1) under what circumstances should parking meters be used; and 2) what happens to revenues and when are rates raised. There was concern about using parking meters as a general revenue-raising device because the cost is borne so narrowly by the local merchants and districts. On the other hand, there was concern about using parking meter revenues to bridge the gap and establish meter districts in other areas of the City when needed. The committee concluded that the first priority for revenues is to cover the significant cost of the system but that funds should also be available to assist in transportation management. There is some potential to generate more revenue that is needed to operate the system downtown but it is unlikely that could occur in other districts throughout the City. In all cases, the allocation of those funds should be part of the budget process.

Mayor Katz asked Mr. Seltzer to identify any areas of disagreement.

Mr. Seltzer said there was disagreement about whether revenues from parking meter districts should flow to other parts of the City and non-transportation uses. He said there is a direct impact on a

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meter district when rates are increased but the activities that occur in such districts are shared in other parts of the City. It was recognized that at times Council will have to be very creative in the way it raises revenues but the Task Force wanted to make sure there was a clear process when that occurs.

Mayor Katz said one reason for this policy resulted from concern by the Association for Portland Progress (APP) that downtown meter rates would be raised but the revenues would go elsewhere. Does APP agree with this policy?

Bob Stacey, attorney representing APP on the Task Force, said APP started at a higher level of discomfort than it feels today.

Mayor Katz said that is comforting.

Mr. Stacey said their first choice was to have the City adopt a policy stating the purpose of meter revenues is to achieve the objectives those meters were placed there to serve -- to manage the parking supply and pay the bills. Their second choice was to earmark the earned revenues to the district where they were raised because of the significant transportation needs in the Central City area. He said the money from parking meters is not tied down by any constitutional limits and could be spent for a variety of public objectives. But raising it has an economic impact on the core area where it is raised and that is why APP brought up these issues after Council authorized a 24 percent rate increase last year. This policy represents their third choice and they do support it as it reflects Council's recognition that the first priority of meter revenues is to protect the economic vitality of the area where the meters are located. They are pleased to have Council adopt this policy and recognize this special revenue source, with a special set of rules.

Mayor Katz asked what "fairly allocate" means in the policy statement.

Mr. Stacey said as a general rule, the majority of net revenues should go to supporting transportation and parking services and programs within the meter district. APP recognizes there will be exceptions but will be on hand to remind Council of this general rule.

Lee Dayfield, 2645 NE 39th, Steering Committee member, said this policy establishes clear guidelines and urged adoption by Council. She said the needs of the entire region should be considered, not just individual districts.

Steve Fosler, 921 SW Morrison, Steering Committee member, said

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this policy should be adopted. It is broad-based and comprehensive. It allocates parking meter revenues as part of the budget process and also sets clear criteria for resolving contentious issues.

Steve Rogers, President, Broadway/Weidler Corridor Coalition, said this policy is a good idea but asked Council to consider four issues. He said the only criteria for parking meters seems to be economic vitality and the issue of livability or usability by a district also needs to be added. Usability and livability within a commercial district, as well as within neighborhoods, needs to be mentioned. He recommended clarifying the sentence on Page 4, beginning: "Efficient management of the on-street parking system...." as it is very awkward. On Pages 7 and 8, he recommended that a higher value be given the fourth priority -- citywide use of revenues. He said it is very important to recognize, particularly in the Lloyd District, the need to apply revenues for mitigation in that District and its surrounding neighborhoods. He stressed the long-term need to use these revenues to support district needs.

Mayor Katz said she does not think Council would mind if staff feels some further editing should be done.

Commissioner Blumenauer said this policy points up many issues the community is struggling with now. Some people argue that the automobile does not pay enough of its cost while others believe free and unlimited parking is the key to economic vitality. He said Portland, despite its emphasis on other transportation modes, knows that downtown does not work if there is no workable auto access. The City also wants affordable parking and is in partnership with the private sector to ensure that shoppers park free. This policy strikes a balance. There is a commitment to fund the system first and it is important to make sure that districts with meters know they are there to make the transportation system work better. He strongly believes the bulk of the money should go to the districts and surrounding neighborhoods.

Commissioner Hales said he appreciated the executive summary which shows how the balance was struck. This policy offers a fair level of comfort to ensure that the revenues are used in a responsible way.

Mayor Katz said there are sure to be differences of opinion about the negative impact of meters in a commercial or retail part of town. Allocation of parking meter dollars is not as big an issue this year as last because General Fund dollars will be needed to mitigate the neighborhood impacts. She said it is important to note that neighborhoods will not survive if the downtown core is not strong.

Downtown is a very fragile area and it is essential not to impact areas negatively even when they appear healthy today.

Disposition: Resolution No. 35486. (Y-4)

***129**

Authorize the Livable City Housing Council to enter into a loan secured by a first deed of trust with R.G. Investments Limited Liability Company not to exceed \$386,000 to finance environmental abatement and limited demolition of property for the redevelopment of the Pine Street site at SW Second and Pine (Ordinance introduced by Mayor Katz and Commissioners Hales and Kafoury)

Discussion: Neyle Hunter, Executive Director, Livable City Housing Council, said this would authorize a loan to the private owner of a parking garage connected to a housing project. The parking garage needs a limited amount of environmental work and the owner has agreed that if he can get financing, housing will be an allowed use above the garage. A total of 113 units is proposed, introducing a new concept in housing called "risk share" where HUD and the State assume an equal share of the risk and insure a mortgage. These housing units are proposed to replace the Hamilton and Lonsdale units lost when the federal building was constructed. The developer, Brian McCarl, was told that \$1.2 million was set aside by the Portland Development Commission (PDC) for this project, with rents set at \$275 per month. He has been given one more year to get the financing in place and to do that PDC will need to move fast to evaluate the pro forma and make a recommendation. The financing is contingent upon the investment of \$1.2 million, whether from the Hamilton Hotel funds or some other source.

Commissioner Kafoury said she is not positive this housing can meet the rigid requirements in place for the Hamilton Hotel replacement housing as the units may not come within the \$275 per month limit. She remains committed to getting the \$1.2 million as this is a wonderful project and desperately needed. The City may be able to do another project, managed by the Housing Authority or some other non-profit, which could guarantee the very, very low rents. The rents that would pencil out for Mr. McCarl may end up about \$395 per month, still very affordable but not within the goals of the replacement policy.

Disposition: Ordinance No. 169740. (Y-4)

Commissioner Earl Blumenauer

***130**

Agreement with Rick Williams Consulting for development of a Transportation Management Association in the Lloyd District in the

amount of \$130,000 without advertising for bids (Ordinance)

Disposition: Ordinance No. 169741. (Y-4)

Commissioner Charlie Hales

131

Authorize and direct the City's emergency management staff to work with the emergency management staff of Multnomah County and the City of Gresham to develop an intergovernmental agreement which creates a county-wide emergency management program (Resolution)

Discussion: Fire Chief Robert Wall said these three governmental entities looked at areas where their services overlapped and came up with recommendations for consolidating them.

Tanya Collyer, Multnomah County Commissioner, said this consolidation reflects the vision of the City/County Consolidation Committee, which was formed three years ago. She said the aim is to have a seamless emergency system that goes from field command to the governor, from the local to regional level. It will be implemented over the next several years.

Chief George Houston, Emergency Management Coordinator, Fire Bureau, said this allows the Bureau to team up with Multnomah County and Gresham to provide a consolidated and seamless regional response.

Commissioner Hales said this reflects the success of a collegial staff approach and leadership by the governmental entities.

Commissioner Kafoury said this effort started longer than three years ago and she is happy to see it finally happening, with the lead taken by the Fire Bureau.

Disposition: Resolution No. 35487. (Y-4)

Commissioner Gretchen Kafoury

132

Transmit Bureau of General Services report on status of structural damage to the 14th and 15th floors of the Portland Building (Report)

Discussion: David Kish, Director, Bureau of General Services (BGS), updated Council on what is needed to provide a permanent fix to the cracks in the Portland Building. The estimated \$820,000 cost for bracing those floors includes the \$96,000 spent on the temporary bracings. Roger McGarrigle, the seismic consultant, also tested the entire building and unfortunately found that it is not seismically

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sound, even by the 1970 Codes under which it was built. The engineering team has advised that seismic upgrades be done to bring it up to the 1993 Code over the next several years. This would entail strengthening the corners of the building and reinforcing some floors. The total cost is about \$3.5 million and a package for this is included in the capital improvement plan. Work on the 14th and 15th floor repairs can begin fairly soon and BGS is working with Multnomah County to determine its plan and a construction schedule.

Commissioner Kafoury said the Bureau of Buildings will not order the City to bring the building up to the 1993 Code because the estimated cost of the repairs does not trigger the seismic upgrade requirements. However, both she and the Bureau recommend that the City bring the building up to the 1993 Code anyway to avoid creating a double standard in comparison with private property owners.

Mayor Katz asked about liability.

Mr. Kish said they are still doing some tests to see if the footings will be able to withstand the additional weight. The City Attorney has informed them that State statutes limit liability to 20 years, unless the City can prove fraud. No final determination about liability can be made until all the testing is done.

Steve Sivage, BGS, said Hoffman Construction served as the local representative in partnership with a New York firm.

Mayor Katz said she hopes there is closure on the legal issues before any funds are appropriated.

James Bela, President, Oregon Earthquake Awareness, said the Portland Building worked better in the abstract than the concrete and is cracked up to what it is not supposed to be. He said a 1993 seismic risk assessment of publicly-owned Portland buildings found that 16 fire stations had moderate, high and very high risks. The City should address the safety of those facilities first before one nickel is spent on City Hall or the Portland Building. He cited passage of Senate Bill 1067, pushed by the City, which provides that no seismic data or rehabilitation agreement is admissible in evidence to prove negligence in connection with injuries or loss in an owner's building as a result of its failure to adequately withstand a seismic event. Since the City would not be liable, he suggested that the \$3.5 million for the Portland Building and the \$24 million for updating City Hall be better spent on the fire stations.

Disposition: Accepted. (Y-4)

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Commissioner Mike Lindberg

- *133** Authorize a grant agreement with the International Council for Local Environmental Initiatives and Public Technology, Inc. for \$45,000 to promote the US EPA and US DOE Climate Wise Program to local industries (Ordinance)

Discussion: Susan Anderson, Director, Office of Energy, said Portland is one of five cities chosen to participate in this program, based on its track record, the BEST program and its strategy to reduce CO2 emissions.

Disposition: Ordinance No. 169742. (Y-4)

City Auditor Barbara Clark

- 134** Assess property for sidewalk repair for the period ending September 27, 1995 (Second Reading Agenda 89; Y1004)

Disposition: Ordinance No. 169743. (Y-4)

- 135** Assess benefitted property for the costs of the improvement of SE Valentine Drive from 92nd Avenue to the I-205 East right-of-way line and construction of storm sewer (Hearing; Ordinance; C-9836)

Discussion: Dan Vizzini, Auditor's Office, said the Office of Transportation has identified some additional adjustments that need to be made to the assessment roll, resulting in a nine to 10 percent reduction in the average assessment. The Auditor's Office will renotify the 13 property owners involved of the new assessments and return with a new ordinance encompassing those changes.

Disposition: Continued to February 14, 1996 at 9:30 a.m.

At 11:10 a.m., Council recessed.

JANUARY 24, 1996

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 24TH DAY OF JANUARY, 1996 AT 2:00 P.M.

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

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

136

TIME CERTAIN: 2:00 PM - Adopt the Outer Southeast Community Plan and ten neighborhood plans, one business plan, and implementing zoning code and map amendments (Ordinance introduced by Commissioner Hales)

Discussion: Commissioner Hales said this takes care of all the issues except for those in Glenfair and at the corner of 122nd and Division. Those will return to Council on March 20. Planning staff has also proposed a replacement page to correct a typographical error on Page 26 of Exhibit U. He moved to amend the ordinance to reflect those changes. Commissioner Kafoury seconded and, hearing no objections, the Mayor so ordered.

Commissioner Blumenauer said this plan reflects what is going on in regional planning and recognizes the unique characteristics of an area that for so long has not really had a government that gave it the kind of personal treatment the City is used to giving its neighborhoods. He said this plan should be the key to a really terrific future in East Portland.

Commissioner Kafoury asked about disposition of the Camp Fire issue.

Commissioner Hales said at this point the original zoning has been retained and no action is being taken on the Camp Fire proposed amendment.

Jerry Brock, Bureau of Planning, said staff recommends that Camp Fire go through a quasi-judicial process to change the zoning.

Commissioner Blumenauer said he hopes the record reflects that is the normal process, not an attempt to interfere with the disposition of the property or somehow depress the price.

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Mayor Katz noted the two amendments pulled out for more study. She said there was no reason to testify on either today.

Disposition: Passed to Second Reading as amended January 31, 1996 at 2:00 p.m.

137

Adopt the Vision Plan Map and Action Charts for the Outer Southeast Community Plan and Neighborhood and Business Plans developed with and as part of the Outer Southeast Community Plan (Resolution introduced by Commissioner Hales)

Disposition: Continued to January 31, 1996 at 2:00 p.m.

At 2:10 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council