



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF APRIL, 1996 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

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

464

TIME CERTAIN: 9:30 AM - Accept report of City Attorney reviewing City's emergency response to a December 25, 1995 fire at 8217 SE 74th Avenue (Report introduced by Mayor Katz and Commissioners Blumenauer and Hales)

Discussion: Commissioner Blumenauer said because circumstances in this case raised questions, both Commissioner Hales and he committed to a full, independent review and a public report. Today's report follows through on this commitment.

Commissioner Hales said today Council will examine the record of the City's response and determine accountability. He said he appreciates the work done by the emergency response staff and knows that everyone in the Bureau of Emergency Communications (BOEC) and the Fire Bureau wants to avoid similar incidents. Reviewing this record will help the City find out where it can improve and institutionalize those improvements in the future.

Jeff Rogers, City Attorney, noted that this review was done earlier in the sequence than normal at the request of Commissioner Blumenauer and Hales. He stressed that this was not a disciplinary investigation and that there is no indication to date that one is either appropriate or contemplated. The review does not attempt to answer all legal questions but was based on the belief that it is important to improve City operations regardless of the potential legal consequences. The review was not an attempt to assign or apportion blame, nor was it intended to be an examination of whether lives could have been saved if emergency responders had gotten to the scene earlier. However, in the course of this review they came to believe that it is impossible to conclude that the delay caused loss of

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life. For example, the fire was burning for approximately 10 minutes before the first call to 9-1-1 and the two occupants who died are thought to have been trying to rescue others, making them more vulnerable to being overcome by smoke and gases. While it is unlikely that anyone will ever know if a quicker response could have made a difference, any avoidable delay must be examined to see what could have been done better and what steps need to be taken to improve future emergency responses. This review examines what occurred and makes recommendations about how to prevent those problems from reoccurring in future similar situations. He described how the review was conducted and thanked staff in the affected bureaus for their cooperation. He said they now know what happened and why and have concluded that in this case some subtle and usually benign communication problems developed into an avoidable delay in arrival at the fire. Communication protocols used by the two bureaus did not prevent the delay and no single mistake or person caused it. And while there were several opportunities to prevent the delay and correct prior mistakes, those opportunities were not fully acted upon. He said it should be remembered that two people died in this fire and that others might have without the heroic efforts made by family members, neighbors and emergency staff responders.

David Woberil, Deputy City Attorney, presented a detailed factual analysis of what happened and why, beginning with the first of six citizen calls to 9-1-1. He played tapes of those calls demonstrating the time lines and displayed maps to indicate the responses and procedures followed by both BOEC and Fire Bureau staff up until the time the firefighters actually arrived. He noted that some additional information that came in later to BOEC did not get through to the responders, resulting in some delay.

Mr. Rogers said there are three types of lessons to be learned. First, some individual responders could have done a better job. Information could have been broadcast more accurately. Maps could have been relied on more thoroughly and responders could have listened more thoroughly to their radios and so forth. However, those involved should not be attacked individually or put on the defensive as they have already lost sleep second guessing these obvious mistakes. He said both bureaus are working hard to make sure that such mistakes are not be made in the future. Two, sophisticated technology is only as good as those who use it and in this case its use did not prevent a fire engine from going to the wrong place despite the large amount of information available. Some could argue that the way the technology was utilized may even have exacerbated the problems. He said efforts should continue to improve the technology and the training and make it more "user friendly." Third, certain procedures used by

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both BOEC and Fire Bureau during emergency responses should be modified and put into written protocols. Some have already been put into place.

Mr. Woberil summarized the recommendations regarding these procedural changes. One would require that BOEC confirm receipt of information about fire location, fire type and threat to human life and require that responding firefighters acknowledge the information. He said BOEC employees were hesitant in this case to interrupt the firefighters and the firefighters, in turn, had trouble obtaining all the information available in the system. This procedure will also let each bureau know what information the other has as in this case BOEC thought firefighters were operating with information they did not have. Firefighters had the same problem. The second recommendation is that the bureaus establish a "location alert" status if a location is not certain. In this instance, a false arrival message caused confusion. Third, the Fire Bureau should announce that it is in the vicinity of a fire rather than announcing that it has arrived. In this case the arrival announcements changed the nature of the communication between BOEC and the Fire Bureau in a damaging way. Announcing that firefighters are in the vicinity would signal to BOEC that they are close but still need continuing location information. Fourth, BOEC duty rotations should be modified. Currently operators spend two hours in each position in which they are qualified, rotating, for instance, between police, medical and fire dispatch. This study concludes, however, that immersion would create a greater understanding of the role of fire pod operators. Operators have indicated that if they do not do certain kinds of dispatch for longer than two weeks they lose some of their sharpness. It is recommended that BOEC rotate operators into the fire pod occasionally for immersion periods of two weeks and then rotate them back into the usual two-hour shifts. A fifth recommendation is for cross-training and to have call-takers and fire pod operators spend time with the firefighters during emergency responses. They also urge the Fire Bureau to send firefighters to BOEC for sit-alongs.

Commissioner Blumenauer said this is an excellent report with solid recommendations and he is committed to doing everything possible to implement them.

Commissioner Hales said people expect their government to be accountable, professional and to care and this effort shows that all these things are true about Portland. He said both he and Chief Wall are fully committed to putting these recommendations into effect.

Mayor Katz said Mr. Rogers responded to the question of why the information was not received in a timely fashion and that is the

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critical discussion that needs to continue.

Disposition: Placed on File.

Agenda No. 497 was pulled from Consent. On a Y-4 roll call (Kafoury absent), the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

465 Accept bid of Schommer & Sons, Inc. for North Precinct renovation for a fee of 13.34 percent of the Guaranteed Maximum Price (Purchasing Report - RFP 108)

Disposition: Accepted; prepare contract.

***466** Authorize the Livable City Housing Council and Bureau of Planning to enter into an intergovernmental agreement to provide a loan for the development of Goose Hollow sites purchased for the West Side Light Rail project (Ordinance introduced by Mayor Katz and Commissioners Hales and Kafoury)

Disposition: Ordinance No. 169918. (Y-4)

Mayor Vera Katz

467 Confirm reappointment of Douglas Golden, Bruce Brown, Gray Haertig and Elizabeth Yeats to the Healy Heights Advisory Board (Report)

Disposition: Confirmed. (Y-4)

***468** Pay claim of Svetlana Yamalova (Ordinance)

Disposition: Ordinance No. 169919. (Y-4)

***469** Authorize term loan agreement and full faith and credit revenue bond to provide permanent financing for improvements to Memorial Coliseum (Ordinance)

Disposition: Ordinance No. 169920. (Y-4)

***470** Authorize the Purchasing Agent to sign a Purchase Order as a contract with Computer Associates International, Inc. for six years of software license and maintenance (Ordinance)

Disposition: Ordinance No. 169921. (Y-4)

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Commissioner Earl Blumenauer

***471** Authorize the Purchasing Agent to sign a Purchase Order as a contract with Creative Pipe, Inc. to provide 45 bicycle cabinets at an amount of \$44,775 and provide for payment (Ordinance)

Disposition: Ordinance No. 169922. (Y-4)

***472** Amend agreement with Lloyd Lindley, ASLA, to provide professional services for the Broadway/Weidler corridor study (Ordinance; amend Agreement No. 30099)

Disposition: Ordinance No. 169923. (Y-4)

***473** Waive City Code Section 5.32 to facilitate contracting for emergency landslide repair (Ordinance)

Disposition: Ordinance No. 169924. (Y-4))

***474** Authorize contract with Hong West and Associates, Inc. for geotechnical engineering services for emergency landslide repair and waive Section 5.68 of City Code (Ordinance)

Disposition: Ordinance No. 169925. (Y-4)

475 Authorize an Intergovernmental Agreement with the Tri-County Metropolitan Transportation District (Tri-Met) to provide inspection services for the Westside Light Rail project (Ordinance)

Disposition: Passed to Second Reading April 10, 1996 at 9:30 a.m.

***476** Agreement with Oregon Department of Transportation to provide for the SW/NW Front Avenue, Harrison to Everett Streets project (Ordinance)

Disposition: Ordinance No. 169926. (Y-4)

Commissioner Charlie Hales

***477** Apply to Meyer Memorial Trust for a grant in the amount of \$84,577 to fund the start-up of the SeniorNet Learning Center (Ordinance)

Disposition: Ordinance No. 169927. (Y-4)

***478** Release Performance Bond of Festival Service, Inc. at Portland International Raceway (Ordinance)

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Disposition: Ordinance No. 169928. (Y-4)

***479** Contract with Davis Landscape Nursery, Inc. for material and labor to construct Bloomington Park improvements for \$131,150 and provide for payment (Ordinance)

Disposition: Ordinance No. 169929. (Y-4)

***480** Amend contract with Jim Miller Construction to increase contract by \$14,673 for construction of ADA improvements at Columbia Pool (Ordinance; amend Contract No. 30290)

Disposition: Ordinance No. 169930. (Y-4)

481 Accept donation of \$10,000 to the Fire Bureau from Portland General Electric (Second Reading Agenda 438)

Disposition: Ordinance No. 169931. (Y-4)

482 Contract with Shaw West Co. for emergency standby generator systems for five fire stations at a cost of \$113,700 (Second Reading Agenda 439)

Disposition: Ordinance No. 169932. (Y-4)

Commissioner Gretchen Miller Kafoury

483 Amend bylaws of Metropolitan Human Rights Commission (Ordinance)

Disposition: Passed to Second Reading April 10, 1996 at 9:30 a.m.

***484** Authorize application to Equity Foundation for a grant in the amount of \$710 for production of materials for the "Civil Rights Is The Issue" project (Ordinance)

Disposition: Ordinance No. 169933. (Y-4)

***485** Increase Agreement with Portland Development Commission to fund a homebuyer project selected under the City's Homebuyer Pilot Program by \$55,800 and provide for payment (Ordinance; amend Contract No. 30090)

Disposition: Ordinance No. 169934. (Y-4)

***486** Contract with Portland Habitat for Humanity for \$40,000 to acquire properties for the development of five units of affordable housing and

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provide for payment (Ordinance)

Disposition: Ordinance No. 169935. (Y-4)

***487** Agreement with American Medical Response Northwest, Inc. for access to the City's 800 MHz trunking radio system (Ordinance)

Disposition: Ordinance No. 169936. (Y-4)

***488** Authorize appointment of Ronald Hansen to the position of Management Auditor at a rate of pay above mid-range (Ordinance)

Disposition: Ordinance No. 169937. (Y-4)

Commissioner Mike Lindberg

489 Accept completion of the modification of the Columbia Boulevard Wastewater Treatment Plant outfall and authorize final payment to Fletcher General, Inc. (Report; Contract No. 29548)

Disposition: Accepted.

***490** Contract in the amount of \$19,500 with Headwaters to Ocean (H2O) for educational tours of the Willamette River for school children and the general public (Ordinance)

Disposition: Ordinance No. 169938. (Y-4)

***491** Approve ground lease with the Port of Portland for the Ramsey Lake stormwater treatment facility (Ordinance)

Disposition: Ordinance No. 169939. (Y-4)

***492** Authorize a contract and provide for payment for reconstruction of the sewers in SE Milwaukie Avenue; Flavel to Malden and Knapp to Ogden and SE 17th Avenue; Claybourne to 300 feet north of Tolman (Ordinance)

Disposition: Ordinance No. 169940. (Y-4)

***493** Authorize and approve a cooperative service agreement with the United States Department of Agriculture (Ordinance)

Disposition: Ordinance No. 169941. (Y-4)

***494** Authorize a contract and provide for payment for the Insley Basin CSO sump project, Unit 1 (Ordinance)

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Disposition: Ordinance No. 169942. (Y-4)

- *495** Contract with Audubon Society of Portland for the restoration of three sites on Balch Creek for water quality, riparian and fish habitat improvement and the demonstration of restoration, monitoring and maintenance techniques (Ordinance)

Disposition: Ordinance No. 169943. (Y-4)

- *496** Authorize an Intergovernmental Agreement with Clackamas County, Unified Sewerage Agency and City of Gresham to coordinate, develop and implement a regional stormwater pollution prevention awareness campaign consistent with certain National Pollutant Discharge Elimination System stormwater permit conditions (Ordinance)

Disposition: Ordinance No. 169944. (Y-4)

- *498** Increase the amount of contract with Dames & Moore, Inc. from \$137,428 to \$176,428 for additional engineering services (Ordinance; amend Contract No. 29835)

Disposition: Ordinance No. 169945. (Y-4)

- *499** Call for bids for the construction of the Hayden Island crossing (Ordinance)

Disposition: Ordinance No. 169946. (Y-4)

City Auditor Barbara Clark

- 500** Transmit Certificate of Completion for the SW Pasadena Street and SW 37th Avenue LID (Report; C-9820)

Disposition: Accepted.

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- *497** Contract with Brown and Caldwell for professional engineering services for large diameter sewer inspection and engineering assessment (Ordinance)

Discussion: Commissioner Lindberg said he pulled this off Consent because this is a very large Bureau of Environmental Services engineering contract. He said staff briefed all commissioners' offices and there seemed to be total support.

Commissioner Hales thanked the Bureau for doing a very credible job

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of justifying this contract. He said he has been very critical of some of the contracts but, in this case, the quality of information and analysis has improved and he will support it.

Disposition: Ordinance No. 169947. (Y-5)

Mayor Vera Katz

***501** Amend the City Code regarding eligibility for the payment of overtime (Previous Agenda 454; amend Section 4.12.040)

Disposition: Ordinance No. 169948. (Y-5)

Commissioner Charlie Hales

***502** Contract with Gabrielle Development Services for pre-development services at the estimate amount of \$72,000 without advertising for bids and provide for payment (Ordinance)

Discussion: David Knowles, Director, Planning Bureau, said this funds predevelopment work with the Goose Hollow neighborhood. The sole source agreement is not the Bureau's typical approach but one they believe is justified because of prior work by this contractor with the neighborhood, Tri-Met and the City. They have developed a collaborative approach that should serve as a model for other site-specific development opportunities around the City, particularly those related to transit and light rail. The initial contract was competitively bid and it would be a detriment not to go forward with this now.

Disposition: Ordinance No. 169949. (Y-5)

503 Change City Code provisions relating to public docking in parks (Ordinance; amend Code Section 19.16.060)

Discussion: Commissioner Kafoury said when they did the sole contract with the "Spirit of Portland" some people worried about their ability to use the docks.

Commissioner Hales said this gives the City a structure to use in dealing with other applicants.

Commissioner Kafoury said she hoped there was a policy that did not favor just one or two parties.

Commissioner Hales said this is a scarce resource and the investment of the first applicant, who made the dock improvements, also needs to

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be recognized. There will be some opportunity for other operations to use it too, however.

Commissioner Kafoury asked if the "boat people" knew about it as they had been upset earlier.

Commissioner Hales said he will check between now and the second reading.

Disposition: Passed to Second Reading April 10, 1996 at 9:30 a.m.

***504** Designate twenty-four Heritage Trees in the City of Portland (Ordinance)

Discussion: Jane Glazer, Urban Forestry Commission, showed slides and described the 24 designees. She also asked Council to give the City Forester more authority and resources to protect existing trees as the City is losing some significant mature trees.

Disposition: Ordinance No. 169950. (Y-5)

Commissioner Gretchen Miller Kafoury

505 Transmit final report on Central City Public Parking Facilities Plan and approve the plan (Report)

Disposition: Continued to April 3, 1996 at 2:00 p.m.

***506** Authorize change in rates for parking in City-owned parking garages for periods greater than four hours (Ordinance)

Disposition: Continued to April 3, 1996 at 2:00 p.m.

Commissioner Mike Lindberg

***507** Authorize the Mayor to submit a proposal to the United States Department of Energy for a grant of \$500,000 to implement the Rebuild America Program in Portland (Ordinance)

Discussion: Commissioner Lindberg said Portland, if chosen, would be one of five cities selected to implement an energy efficiency program in commercial buildings. He said it could reduce energy costs by more than \$5 million per year.

Disposition: Ordinance No. 169951. (Y-5)

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City Auditor Barbara Clark

508 Assess benefitted property for the costs of the NW 9th Avenue Local Improvement District (Hearing; Ordinance; C-9693)

Discussion: Dan Vizzini, Auditor's Office, said work on this district began in 1989 but issues regarding the railroads and controlled crossings delayed its completion. Now the City is ready to do the final assessments on property owners who were preassessed in 1990 in anticipation of Ballot Measure 5. Those preassessments are now being corrected to reflect the actual amounts and for most property owners it results in a reduction of between 10 and 12 percent. No remonstrances were filed.

Disposition: Passed to Second Reading April 10, 1996 at 9:30 a.m.

510 Assess property for sewer system development contracts of the Mid-County sewer project for the period ending February 26, 1996 and non Mid-County for the period ending February 26, 1996 (Second Reading Agenda 457; Z0629, Z0630)

Disposition: Ordinance No. 169952. (Y-5)

***509** Create the NE Jarrett Street and 138th Avenue Local Improvement District (Hearing; Ordinance; C-9896)

Discussion: Mr. Vizzini said he would like Council to hear the testimony today and then perhaps return to deal with the issues raised. He said this Local Improvement District (LID) involves both street, storm and sanitary sewer improvements.

Lola Gailey, Office of Transportation, said this project is in the Columbia South Shore area, between Airport Way and Marine Drive. A 38-foot-wide street is planned with two six-foot sidewalks as called for in the Airport Way Secondary Infrastructure Plan. The project was initiated with a petition supported by 71 percent of property owners. One remonstrance was filed, representing four percent of the properties, and one property owner with a street waiver filed a letter of objection. Staff recommends that the remonstrance be overruled and the ordinance passed.

Tony Reser, commercial realtor with Cushman & Wakefield, representing Spieker Properties, said because of the complexities of the LID process, they were unable to proceed with construction of an industrial park as intended. Because of the narrow construction window in this area, it is imperative that the street improvement be done at the same time construction occurs. This is also an infill

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project of a type favored by City Council and Metro. Originally they had not considered extending the sewer down Jarrett Street, but City staff indicated that the Secondary Infrastructure policy calls for Jarrett to have a sanitary sewer despite the fact that this property is served by Airport Way and his clients are already paying LID assessments there. He said he finds Ingersoll Rand's position -- "I got mine, to heck with you"-- outrageous. Ingersoll-Rand's predecessor signed a waiver of remonstrance and without the signing of that remonstrance they would have no facility. The purchase price of the property reflected the probability that Jarrett would eventually be improved so this LID comes as a mystery to no one. Finally, the improvement of Jarrett will markedly increase the property value and the owners, in short, wish to accept the benefit of the street extension without the burden. He asked Council to overrule the remonstrance.

Commissioner Blumenauer asked when the waiver was executed.

Mr. Reser said in 1993.

Kent Barnes, 5410 SW Macadam Ave., Suite 100, 97201, attorney representing property owners Mr. and Mrs. Norman Prior, said they filed an objection to the assessment which he is now withdrawing based on the assessments contained in the March 6 Auditor's Report. A second objection concerned the lack of a water line in the LID and the fact that they would unilaterally have had to bear the burden of running a line which would then serve other LID members who could tap in later if they chose to further subdivide their properties. They have now reached an accommodation with Spieker Property which will assist the Priors through a lot line adjustment procedure to allow them to obtain water outside the LID procedure. The Priors now withdraw that objection also.

John Souther, Spieker Properties, 4380 SW Macadam Ave., Suite 100, 97201 said they have been working for a long time to reach agreement with Ingersoll-Rand but have been unable to do so. He said they are under contract to buy this property and plan to build a 205,000-square-foot facility. The last contingency is to assure access on Jarret. Their proposed assessment is \$282,000 plus a \$92,000 assessment for water and sewer from Airport Way. He said they are willing to accept those charges and move forward on this project. He said he offered Ingersoll-Rand \$25,000, even though the prior owner had signed non-remonstrance agreements on the storm and street portions, to pick up their portion of the sanitary sewer assessment of this project and is frustrated at not even getting a counter offer from them.

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Nancy D'Urso, Portland Pacific Properties and Specht Development, owner of the property west of 130th, supported the LID provided the design of the sanitary line includes an 100-foot, 8-inch extension north of manhole 1, going to manhole 2, with a 6-inch lateral line going to Specht Industrial properties so that future service can be provided if required.

Phil Grillo, 101 SW Main, Suite 1500, attorney representing Ingersoll-Rand (which objects to both the sewer and street LID) and Kaiser (which objects only to the sewer), said the issue here is one of fairness. He said the waiver of the non-remonstrance executed in 1993 had to do only with the street, not the sanitary, improvements. Furthermore, while they may not remonstrate against formation of a district they do have the right to remonstrate against a disproportionate assessment for improvements which are of no present benefit to them. He said this property was developed with access onto 138th and developed in such a way to keep vehicles off what is now the Jarrett Street right-of-way. From both a practical and security standpoint, they do not want access onto Jarrett. They already connect to the sewer on 138th and spent a good deal to do that and oversize it for other development. He suggested that Spieker Properties do a private LID as the cost of improvements done publicly is about \$600 per linear foot while the average cost in the private market for doing these improvements is less than \$200 a linear foot. He noted that the Airport Secondary Infrastructure Plan the City adopted in 1995 quotes a roadway cost estimate for Jarrett Street of \$290 per linear foot. He said just the street improvements alone have doubled because this is a public project. He asked Council to consider reducing the scope of the street improvements on Jarrett from a 38-foot wide improvement with sidewalks on both sides to a 30-foot improvement with a sidewalk on one side. That is precisely the improvement which exists at the Specht Development across 138th Street, which was done privately. He said he does not think any property owners in that area would object to reducing the scope of these improvements, particularly as Jarrett is a cul-de-sac and will only serve a few properties. Once the scope has been reduced, the City should proceed with Plan B which is the eventual vacation of Jarrett Street at that location so that it can go private. The improvements would then not have to go through an LID process and would cost half or less than what is proposed here. Then Spieker Properties, the major beneficiary, could finance the entire cost without having to do an LID that shifts the cost of the street to Ingersoll-Rand. He said the bulk of the Spieker property is being assessed nothing for the street improvement even though it benefits because of the lack of access onto Airport Way. At the very least, the entire property needs to be included in this LID. He said there is no benefit to either Kaiser for the sewer or Ingersoll-Rand for either the

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sewer or street improvements. The Spieker property is by far the biggest benefactor. The solution is to reduce the scope and make it private. He asked to keep the written record open in order to respond to late information.

Mayor Katz noted that Transportation has narrowed the width of the street.

Commissioner Hales asked why the Spieker property was divided and only a portion assessed for the sewer line. He said he can see the rationale for the public street and street standards. He also asked about the request from Specht Development for extension of the sewer line.

Mr. Vizzini said each remonstrance should be addressed. First, there is the question of whether the street design can be changed, i.e. narrowed.

Ms. Gailey said Jarrett Street east of 138th has been compared to what is on the west side. She said Jarrett on the west side is a private street accessed by a single property owner and built under a City permit and maintained by the property owner. However, on the east side, there is existing public right-of-way serving several properties and the City would like to see it built to the 38-foot width with two sidewalks. Also, even though the street to the west is a 30-foot street at the intersection, it is still required to be 38 feet to accommodate truck traffic and, in the future, it is possible Ingersoll-Rand would need that width for its trucks.

Mr. Vizzini said the character of the improvement is set by City policy and zoning. The property owners could try to vacate this street but this right-of-way serves many ownerships and the City would have a problem eliminating the public right-of-way and locking in the other ownerships, one of which is the Bureau of Water Works.

Ms. Gailey said another issue raised was a possible site distance problem at this intersection. The Bureau of Traffic Management determined that not to be a problem at this time.

Regarding the Specht property concerns about the sewer lines, Mr. Vizzini said the plans show the extension of the sewer as serving the two properties abutting NE 138th. He said Lot 2 of their property was not included in the design of the sewer lines in 138th, only the two properties that fronted on that street. The Bureau of Environmental Services has discussed this with them and there is now a clear expectation of what services will be provided from the improvement. This design is intended to serve property that abuts

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NE 138th and NE Jarrett. The remaining issues regard benefit and apportionment. This project is similar to other projects the City has done elsewhere, such as Mason Street, and adheres to the basic assessment guidelines that define benefit as access to the service, not whether or not the current property owner will use it. The City is building a permanent physical improvement, permanently maintained by the City, so any future property owner has access to it.

Commissioner Hales asked about the Spieker property.

Mr. Vizzini said the Auditor's assessment policy is that if a property extends between two public rights-of-way, then they access half of the area from one and half from the other. The Spieker property is in exactly the same position Ingersoll-Rand was when it developed. It sat on two frontages and paid nothing for the sewer line on 138th and is now being asked to pay for Jarrett. Spieker did not pay a dime for Airport Way and is now being asked to pay for Jarrett. He said his office believes this is an equitable distribution and that issues of use and property values do not matter at all when talking about a permanent improvement.

Commissioner Blumenauer moved to overrule the remonstrance, set aside the remonstrance letter from Mr. Grillo for Ingersoll-Rand and his comments about Kaiser, and continue this item. He said what is being proposed here is consistent with past City actions and is, over a broader scheme, equitable. There is no reason to hold hostage one developer.

Commissioner Hales said the City's policy is sound and consistently applied.

Disposition: Remonstrance overruled. Continued to April 10, 1996 at 9:30 a.m.

At noon, Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 3RD DAY OF APRIL, 1996 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

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

511

TIME CERTAIN: 2:00 PM - Accept report and recommendation for the SW Corbett Avenue Traffic Calming project (Report introduced by Commissioner Blumenauer)

Discussion: Krys Ochia, Office of Transportation, showed slides of the area to be covered and said the primary goals are to improve neighborhood livability and discourage excessive traffic speeds, making the area more pedestrian friendly. The committee of neighborhood residents also wanted to discourage parking but determined that the traffic calming project was not the way to accomplish this goal and is now working on a parking permit program. Of the residents polled, 48 percent responded and 79 percent supported the project. The Fire and Police Bureaus have no objections to this project and he recommended approval.

Joe Wallis, Fire Bureau, expressed appreciation to the citizens who designed this project for taking into consideration the interests of the Fire Bureau and its need to respond. This is a good project and he looks forward to seeing more like it.

Gina Davis, Corbett Avenue Traffic Calming Project committee member, 7533 SW Corbett Ave., 97219, supported the project because of the positive impact it will have on livability. She noted that the upper portion of Corbett is often used as an alternate route from Barbur to Macadam. She said she does not object to that but does object to the excessive speeds at which many vehicles travel. She said she shared these concerns with members of the Corbett Terwilliger Lair Hill traffic committee and was able to persuade them to add speed bumps to the original project.

Lee Hill, 0214 SW Nebraska, 97201, Corbett Traffic Calming Project Chair, said the Comprehensive Plan mentioned these kinds of changes as early as 1977 and this process started in 1989. These treatments are not severe and are pleasing to the eye. He said the neighborhood recognizes the need to process traffic and noted that

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traffic levels are at 6,000 vehicles a day. He said when the City upped the speed limit and added a passing lane, this encouraged passing at too high speeds and he is happy to see this remedied.

Others speaking in support of the project included:

Tucker Haywood, 6033 SW Corbett Ave., 97201
Susan Helton, 5331 SW Macadam, Suite 200, 97201
Jan Tuttle, 2725 SW 1st Ave., 97201
Monika Stein, 5726 SW Corbett, 97201
Barbara Williams, Chair, Corbett Terwilliger Neighborhood
Association

Supporters said the speed bumps and curb extensions will slow down traffic and increase safety conditions for children and others who try to cross the streets. They said they recognize the need to move vehicles but believe lowering the speed to 25 miles per hour and removing the passing lane will improve neighborhood livability.

Commissioner Blumenauer said the neighbors have been exceedingly open in terms of their expectations here.

Disposition: Accepted. (Y-5)

REGULAR AGENDA

Commissioner Charlie Hales

512 Adopt Cultural Resources Protection Plan for Columbia South Shore (Second Reading Agenda 458; amend Comprehensive Plan, Title 33 and zoning maps)

Disposition: Ordinance No. 169953. (Y-5)

***513** Adopt fees for review of cultural resources (Previous Agenda 459; amend fee schedule for land use reviews, planning services and hearings)

Disposition: Ordinance No. 169954. (Y-5)

514 Amend Title 33, Planning and Zoning, to update regulations pertaining to the protection of Portland's Historic Resources (Second Reading Agenda 463; amend Title 33)

Discussion: Commissioner Hales said he agrees with the point raised by Steve Rogers about relying more on the neighborhood association network and not having a dual process for recognition

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with boards created by the Historic Landmarks Commission. He said that is the one amendment he would like to make and noted the language is on Page 3 of the amendment package. He said it does not appear that anyone will be seriously aggrieved by this change, which also simplifies the Code.

Commissioner Hales moved to amend the ordinance to recognize only boards sponsored by neighborhood associations and delete recognition of Historic District boards.

Commissioner Lindberg seconded and the motion carried (Y-5)

Disposition: Passed to Second Reading as amended April 10, 1996 at 2:00 p.m.

505 Transmit final report on Central City Public Parking Facilities Plan and approve the plan (Report)

Discussion: David Kish, Director, Bureau of General Services, said this is a joint effort between General Services, Transportation, the Portland Development Commission and the Office of Finance and Administration to look at short-term parking issues for the Central City. He said the plan is completely consistent with the Central City Transportation Management Plan. He said downtown planning efforts of the late 1960s and 1970s called for the City to control a large inventory of downtown short-term parking in order to control costs and as a strategic investment. That led to building and managing seven downtown parking lots with about 3,500 short-term parking spaces. However, because there is still a demand for more parking, further planning was needed. Early on they realized that building more garages was not feasible and have tried to come up with other creative means to add short-term parking spaces.

Beverly Bookin, consultant, described how the plan was developed and who was involved in shaping this five-year facility plan for all the Central City, not just downtown. She said 40 stakeholders were interviewed personally and two surveys, one of Central Eastside businesses and one in the Pearl District, were conducted.

Steve Goodrich, Office of Transportation, said in determining the demand they found that in the downtown retail core there is an existing shortage of 300 spaces. This plan allows them to respond to that shortage and to new parking demands where and when new development occurs. He said in addition to looking at the downtown core, they also looked at the Broadway/Weidler and Central Eastside districts. They found that currently there is no willingness to pay for parking and no need for a short-term facility in those areas. Things

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are changing, however, as meters are being added in the Broadway/Weidler corridor, and they will take another look in the future. One recommended strategy is rate adjustment and the next agenda item is a request for authorization to adjust rates in whatever way necessary to increase the number of short-term spaces. In this case it will be by discouraging long-term, all-day parking. They also propose to restripe some garages to create more compact spaces. This is a lot less expensive than building more spaces at about \$15,000 each. Regarding the construction of new spaces, he said plans are currently underway for an expansion of the 4th & Yamhill garage parking which, with restriping, will add 200 new spaces. That and other measures will just about allow them to meet current demand. For the future, the plan is for the City to partner with the developers of private office buildings and put Smart Parks in as part of those buildings. The City would own and operate them in a way that would meet the parking demands in that area. Mr. Goodrich said they are interested in seeing how this works and noted a lot of interest from developers. If none of those strategies work, they will consider new construction of a separate parking facility, although this is very expensive and would probably require a massive subsidy. That would be the last thing they would do. The committee also looked at the relation between parking and housing.

Ms. Bookin said they looked at ways to have public parking garages with several parking components, including residential and non-residential, particularly in areas further away from the retail core where there is less demand for short-term parking. They found that structured parking is one of the key costs of housing and if the City could subsidize the parking portion to make the housing portion feasible perhaps some of the lower and middle-income projects would become more of a reality. At the same time this would provide public parking in areas where some is needed but not a lot. Their analysis found that the subsidy rate would be lower than some traditional methods, ranging from \$2,000 to \$8,000, compared to a typical subsidy rate of about \$10,000 to \$20,000.

Mr. Kish said Council may wish to seek changes in State statutes that will allow more flexible use of parking funds. He said current short-term rates are below those of parking meters and Council might want to consider raising them and also to allow parking revenues to be used for other purposes relating to downtown livability. Raising the rates to equal the meter rates would generate \$1 million in revenues that could be pumped back into downtown.

Bill Blanford, Chair, Meier and Frank, representing the Association for Portland Progress, supported adoption of the plan, particularly as it relates to the downtown area. A shortage of affordable, short-term

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parking will inhibit the survival and growth of the retail sector, particularly smaller shops and restaurants. Parking demand for short-term spaces now exceeds availability five to seven months a year; five years ago such a shortage was confined only to two months, November and December. As a result, discouraged shoppers flee to suburbia. Cost is also an issue as, under the current validation system, merchants pay about one percent of sales, a large amount when profit margins are between two and five percent. By validating only Smart Park parking tags, that cost can be reduced by three-fourths. He said this plan offers some very acceptable short-term moves until something more permanent can be done.

Commissioner Hales noted that a paid parking lot will be operating at the zoo for access to light rail and one possible strategy might be to validate those as well.

Disposition: Approved. (Y-5)

*506 Authorize change in rates for parking in City-owned parking garages for periods greater than four hours (Ordinance)

Disposition: Ordinance No. 169955. (Y-5)

Commissioner Gretchen Miller Kafoury

515 Liquor license application for Francisco and Norma Valenzuela, dba Taco Rico Mexican Restaurant, 5017 N Interstate Avenue, restaurant liquor license (renewal); Unfavorable recommendation (Report)

Discussion: Mike Sanderson, License Bureau staff, said this license was granted in 1993 after a hearing at which neighbors expressed concern that problems would return to this location if another bar was opened here. However, after changes at a package store across the street and the closure of the tavern at this site, the Bureau believed some improvement had occurred. But soon after Taco Rico opened, staff began receiving complaints about open drug dealing here and in September, 1994, 60 neighbors met with Police and License Bureau staff to express concern that nothing was being done. Since then the Police have established that drug dealing was a common occurrence at Taco Rico. Before the license was granted, the operators were warned that drug activity could be a serious problem if the outlet was not properly managed but despite that, it began almost immediately. The recommendation is for an unfavorable endorsement.

Perry Christianson, Drug and Vice Division, Portland Police, reviewed the police incident reports about drug dealing in and outside

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Taco Rico. He said they believe this operation has substantially contributed to the deterioration of neighborhood livability.

Nohemi (no last name stated), speaking for the Valenzuelas, said the police are blaming drug activity on Taco Rico even though this area already has long had a history of drug dealing and several nearby motels attract prostitution. There is also no evidence that any drugs have been found in Taco Rico. The Valenzuelas are professional people from Mexico who have worked hard to open this family restaurant and should be given a chance to prove themselves. She said the comments from neighbors in the written report are loaded with racist remarks like "I'd like to ship those Mexican illegals back to Mexico." She said she reported the names and addresses of drug dealers she had observed to the police but nothing was done. In response to a question by Commissioner Kafoury, she disputed the criminal incident noted in the Police report. She said getting rid of Taco Rico will not get rid of the drug problem in that area.

Richard Bricker, Commander, North Precinct, said Taco Rico has been a problem since he was assigned there. The problems have persisted in spite of the agreements they have entered into. From his perspective the only answer is to deny the application.

Lt. Brett Smith, North Precinct, said even though the Valenzuelas signed a Stipulated Agreement, they failed to meet all the conditions agreed to within the 30-day deadline. Although he afterwards had a conversation about the meaning of such agreements they never contacted him. Only after the January, 1996 meeting were any changes made, including adding a video camera and signs, but not all the conditions have been met as of today. The excuse is that they do not understand English but they did sign an agreement with an understanding of what the requirements were. He said he was told by their representative, Mr. Vidal, that they would not follow through on all the agreements because some required a confrontational approach they were not comfortable taking. He also indicated that there is a cash flow problem. He said all of these factors lead him to believe there will be future problems.

Sgt. John Anderson, District Supervisor, North Precinct, reported that the Valenzuela's previous business activity in Old Town was consistent with narcotics activity. He described his experiences, and those of his street officers, with drug and criminal activities at that site.

Bill Bender, 1416 N. Failing, representing the Overlook Neighborhood Association, said the problems at Taco Rico have been going on for over two years and this has become an intolerable situation. Some

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neighbors have been so intimidated that they are afraid to testify today. Taco Rico is also only three blocks from a grade school and children have to walk by there. He said they are vehemently opposed to renewal.

Vada Grimsrud, Crime Prevention Coordinator for North Portland, said her office receives three to four complaints a month about this establishment. She urged an unfavorable recommendation.

Commissioner Kafoury moved to adopt the staff report and forward the unfavorable recommendation. Mayor Katz seconded.

Commissioner Hales said statements that this activity should be tolerated because it is a bad neighborhood are false. This is a good neighborhood which unfortunately has been victimized by people operating businesses in this way.

Responding to the charge that neighbors are racist, Commissioner Kafoury said Council supports diversity in neighborhoods but not criminal activity, whether by minorities or anyone else.

Disposition: Unfavorably recommended. (Y-5)

At 3:25 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council