



CITY OF

**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

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

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Hales and Kafoury, 3.

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

**NOTE:** All items on the Consent Agenda and all Emergency Ordinances on the Regular Agenda were continued to the 2:00 p.m. session.

**602**      **TIME CERTAIN: 9:30 AM** Approve Bight Ideas Employee Suggestion Program Committee's recommendations for awards (Report introduced by Mayor Katz)

**Discussion:** Karen Knudson, Bright Ideas coordinator, noted that the number of suggestions had increased notably over last year, as has the number of awards.

Mayor Katz presented awards to the winners and said this is a small way to empower employees and increase savings to the taxpayers at the same time.

**Disposition:** Approved.

**603**      **TIME CERTAIN: 10:00 AM** Presentation by third graders from Portland Public Schools as part of the "Architecture in Schools" program with special focus on the City Hall Renovation project (Presentation introduced by Commissioner Kafoury)

**Discussion:** Students and teachers involved in the "Architecture in Schools" project presented their work.

Kent Duffy, Regional Arts and Culture Commission, described the program.

**Disposition:** Placed on File.

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Trudy Jones and representatives of the Parkrose Heights Association of Neighbors presented a \$17,000 check to the City and the Parks Bureau to be used to pay for improvements to Knott Park.

At 10:00 a.m., Council recessed.

**APRIL 24, 1996**

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

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

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

Agenda Nos. 627 and 629 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

**604** Accept bid of M. Stearns Construction Co., Inc. for Hillside Community Center and Park renovations for \$556,000 (Purchasing Report - Bid 89)

**Disposition:** Accepted; prepare contract.

**605** Accept bid of Cedar Landscape, Inc. for Duniway Park renovation for \$141,917 (Purchasing Report - Re-Bid 110)

**Disposition:** Accepted; prepare contract.

**606** Accept bid of Boyington Construction, Inc. for the corrosion control treatment facility construction for \$1,110,500 (Purchasing Report - Bid 120)

**Disposition:** Accepted; prepare contract.

**607** Reject all bids for janitorial services for NE Community Policing Center (Purchasing Report - Bid 122-A)

**Disposition:** Accepted.

**608** Accept bid of Cedar Landscape, Inc. for Grant Park improvements for \$319,342 (Purchasing Report - Bid 127)

**Disposition:** Accepted; prepare contract.

**609** Accept bid of K & R Plumbing Construction Co Inc for SE 17th Ave./SE Milwaukie Ave. sewer reconstruction for \$337,212 (Purchasing Report - Bid 136)

**Disposition:** Accepted; prepare contract.

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**610** Accept bid of Ameron, Inc. for materials purchase - pipe and pipe fittings for Inverness Force Main for the Bureau of Environmental Services for \$4,142,000 (Purchasing Report - Bid 140)

**Disposition:** Accepted; prepare contract.

**611** Accept bid of B L & B Contractors for Willamette River Basin CSO Sump Unit 8 for \$109,335 (Purchasing Report - Bid 152)

**Disposition:** Accepted; prepare contract.

**612** Accept bid of J L S Inc for North Portland sewer extension No. 1 for \$134,289 (Purchasing Report - Bid 154)

**Disposition:** Accepted; prepare contract.

**613** Accept bid of Farwest Equipment & Supply for one self-propelled tractor mower for \$46,578 (Purchasing Report - Informal Bid)

**Disposition:** Accepted; prepare contract.

**\*614** Authorize the Livable City Housing Council to enter into a loan secured by a first deed of trust with the Housing Authority of Portland not to exceed \$500,000 to finance development of the Richmond Place project at SE 41st and Division (Ordinance; introduced by Mayor Katz, Commissioner Hales and Kafoury)

**Disposition:** Ordinance No. 170011. (Y-4)

**Commissioner Earl Blumenauer**

**\*615** Declare the purpose and intention of the City of Portland to construct street and storm sewer improvements in the SE Ankeny Street from SE 97th Avenue to SE 99th Avenue Local Improvement District (Resolution; C-9877)

**Disposition:** Resolution No. 35513. (Y-4)

**\*616** Authorize continuance of the Bureau of Maintenance Sidewalk Repair Program aimed at minority, women-owned and emerging small businesses (Ordinance)

**Disposition:** Ordinance No. 170012. (Y-4)

**\*617** Agreement with the Oregon Department of Transportation to provide for the SW Capitol Highway at Taylors Ferry Road Intersection Improvement Project (Ordinance)

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**Disposition:** Ordinance No. 170013. (Y-4)

- \*618 Revocable permit to Concordia College Foundation to close N Russell between Interstate and Mississippi on May 4, 1996 (Ordinance)

**Disposition:** Ordinance No. 170014. (Y-4)

- \*619 Revocable permit to the Portland Art Museum to close SW Park West between Jefferson and Madison; and to restrict access of vehicular traffic, allowing for buses only on SW Park West between Madison and Main, and on SW Madison between Park East and Park West from May 1, 1996 through September 15, 1996 (Ordinance)

**Disposition:** Ordinance No. 170015. (Y-4)

- \*620 Grant a temporary revocable permit to KBL Portland Cablesystems, L.P. fixing the terms and conditions of the permit (Ordinance)

**Disposition:** Ordinance No. 170016. (Y-4)

- \*621 Amend agreement with Portland Cable Access to extend time for performance (Ordinance; amend Contract No. 50072)

**Disposition:** Ordinance No. 170017. (Y-4)

- \*622 Amend Contract with Sam Gillispie for janitorial services at Water Bureau/Sandy River Station (Ordinance; amend Contract No. 40198)

**Disposition:** Ordinance No. 170018. (Y-4)

#### Commissioner Charlie Hales

- 623 Intergovernmental Agreement with jurisdictions within Washington, Multnomah, Clackamas, and Columbia counties, Oregon, and Clark County, Washington, for regional emergency management and approve regional emergency management workplan (Ordinance)

**Disposition:** Passed to Second Reading May 1, 1996 at 9:30 a.m.

- 624 Intergovernmental agreement with the Department of State Police, Oregon Emergency Management, for Portland to provide training to local emergency management and disaster services personnel (Ordinance)

**Disposition:** Passed to Second Reading May 1, 1996 at 9:30 a.m.

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**\*625** Authorize appointment of Judith Rees to the position of 26-26 Program Manager at a rate of pay above mid-range (Ordinance)

**Disposition:** Ordinance No. 170019. (Y-4)

**\*626** Authorize a contract and provide for payment for the renovation of Knott Park (Ordinance)

**Disposition:** Ordinance No. 170020. (Y-4)

**Commissioner Gretchen Miller Kafoury**

**628** Accept completion of Interstate Mechanical, Inc. project for installation of new heating, ventilation and air conditioning system at Columbia Boulevard Wastewater Treatment Plant, and pay \$7,471 (Report; Contract No. 29519)

**Disposition:** Accepted.

**\*630** Contract with Lile Moving and Storage to provide City Hall moving services for an estimate of \$53,936 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 170021. (Y-4)

**\*631** Adopt the February 1994 edition of the Erosion Prevention and Sediment Control Plans Technical Guidance Handbook (Ordinance; amend Code Subsection 24.70.110(c))

**Disposition:** Ordinance No. 170022. (Y-4)

**Commissioner Mike Lindberg**

**632** Accept completion of the Stark Basin CSO Sump Project Unit 2 and authorize payment to Moore Excavation, Inc. (Report; Contract No. 29915)

**Disposition:** Accepted.

**633** Accept completion of the sewer reconstruction on NW Irving Street from 11th to 12th and authorize final payment to Moore Excavation, Inc. (Report; Contract No. 30311)

**Disposition:** Accepted.

**634** Accept completion of the SW 37th Avenue & Coronado Street sanitary sewer extension and authorize final payment to Casper and Magera, Inc. (Report; Contract No. 30158)

**Disposition:** Accepted.

- \*635 Call for bids for the Robinwood Sanitary Sewer System, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 170023. (Y-4)

- \*636 Authorize a contract and provide for payment for the construction of 16", 12", 8", 6", and 4" water mains in the SE 104th Ave., SE Thorburn St., SE 174th Ave. package (Ordinance)

**Disposition:** Ordinance No. 170024. (Y-4)

- \*637 Amend contract with Brown and Caldwell for professional engineering services for Columbia Boulevard Wastewater Treatment Plant secondary bypass modification project and provide for payment (Ordinance; amend Contract No. 29991)

**Disposition:** Ordinance No. 170025. (Y-4)

- \*638 Consent to transfer of Baldwin Sanitary Service, Inc. solid waste and recycling franchise to Portland Disposal & Recycling, Inc. (Ordinance)

**Disposition:** Ordinance No. 170026. (Y-4)

### REGULAR AGENDA

- \*627 Purchase land in southwest Portland along Terwilliger Boulevard (Ordinance)

**Discussion:** Commissioner Hales said the determined efforts of the Friends of Terwilliger and other community activists made the purchase of this threatened natural area possible. It will be added to the greenway along Terwilliger Boulevard.

Doug Weir, President, Friends of Terwilliger, said he is extremely happy not to be testifying in opposition to development of this site as the approval hearing had originally been scheduled for today. This is an extremely important property, not just for the neighborhood, but for the entire City.

Jay Mower, Friends of Terwilliger, said after he learned about the proposed development at this site, he was galvanized into action. Now, five years later, their efforts have paid off.

Rich Davidson, Co-Chair, Homestead Neighborhood Association, thanked the City for its support to the activists.

Mr. Weir described plans to purchase more parcels along Terwilliger with Open Spaces bond measure funds. He said there is still about 150 acres of open space and while some of it is protected, there is still a lot there that should be part of an ongoing land acquisition project.

Commissioner Blumenauer asked if that 150 acres remained in private ownership.

Mr. Weir said it is open space that is not park. Some is private, such as two undeveloped parcels and 30 acres owned by Oregon Health Sciences University, plus about 25 acres owned by the Nature Conservancy.

**Disposition:** Ordinance No. 170027. (Y-4)

**Commissioner Earl Blumenauer**

- 639** Consider vacating NE Halsey Street between 3rd Avenue and NE Martin Luther King, Jr Boulevard, at the request of Holy Rosary Church of Portland (Hearing; Report; C-9838)

**Disposition:** Approved; City Engineer prepare ordinance. (Y-4)

Mayor Katz left the meeting and the chair was assumed by Commissioner Blumenauer.

- 640** Consider vacating portions of NE Irving Street, NE 49th and 52nd Avenues, at the request of Providence Health Services (Hearing; Report; C-9904)

**Disposition:** Approved; City Engineer prepare ordinance. (Y-3)

- 641** Grant a franchise to Electric Lightwave, Inc. for a period of ten years (Ordinance)

**Disposition:** Rescheduled to May 15, 1996 at 9:30 a.m.

- \*642** Grant a temporary revocable permit to Electric Lightwave, Inc., and establish terms and conditions (Ordinance)

**Disposition:** Rescheduled to May 15, 1996 at 9:30 a.m.

**Commissioner Charlie Hales**

- 644** Accept a \$2,295 grant from the Columbia-Willamette Area Health Education Center for CPR training (Ordinance)

**Disposition:** Passed to Second Reading May 1, 1996 at 9:30 a.m.



- 646** Authorize appointment of Deborah Stein to the position of Program Manager III (Principal Planner) in the Bureau of Planning at a rate above mid-range (Second Reading Agenda 582)

**Disposition:** Ordinance No. 170028. (Y-3)

**City Auditor Barbara Clark**

- 650** Assess benefitted property for the costs of street improvements within the SW 41st Avenue LID (Second Reading Agenda 597; C-9799)

**Disposition:** Ordinance No. 170029. (Y-3)

Mayor Katz returned to the meeting.

- 651** Assess property for sewer connection contracts processed through the Private Plumbing Loan Program for the period ending April 9, 1996 (Second Reading Agenda 598; P0017)

**Disposition:** Ordinance No. 170030. (Y-4)

- 652** Assess property for sewer development contracts of the Mid County Sewer Project for the period ending March 19, 1996 and Non Mid-County for the period ending March 19, 1996 (Second Reading Agenda 599; Z0631, Z0632)

**Disposition:** Ordinance No. 170031. (Y-4)

- \*645** Accept a grant from Multnomah County in the amount of \$42,000 for FY 95-96 for operation of a work readiness, mentoring, tutoring program for children in the Columbia Villa/Tamarack neighborhood (Ordinance)

**Disposition:** Continued to May 1, 1996 at 9:30 a.m.

**Commissioner Gretchen Miller Kafoury**

- S-\*629** Negotiate and enter into a lease for space at 1900 SW 4th (Ordinance)

**Discussion:** Commissioner Kafoury moved the Substitute; Commissioner Hales seconded and, hearing no objections, the Mayor so ordered.

Commissioner Kafoury said the City has been negotiating with Portland State University (PSU) as having the City as a tenant helps tremendously with their ability to purchase the U.S. West building. This is also an excellent opportunity for the City to secure additional space to alleviate crowded space conditions in the Portland Building.

David Kish, Director, Bureau of General Services, said the City now has a 12,000 square-foot space deficit in the Portland Building and when seismic repairs begins there at least one floor will have to be vacated. He said several weeks ago they were approached by PSU and Gerding Development about the possibility of leasing this space. He said the bureaus they are considering for location there include the Portland Development Commission and the Bureau of Buildings and Planning Bureau. While he does not know exactly what the mix will be, he expects to know within a week or two. Leases need to be signed this week to allow PSU to secure a public tenant and obtain some public financing which is crucial to seeing the deal go through.

Mayor Katz asked what PSU planned to do with this building.

Mr. Kish said this fits in with their plans to open a computer engineering graduate center as a regional resource for high tech companies. Their preference was for a location close to downtown and this also happens to fit with the City's need for additional space. He said lease rates are more reasonable than in the Portland Building so the City will be able to move people and pay for tenant improvements at the same rate as people are paying in the Portland Building now.

Mayor Katz said in the fifth year, the City should then begin to see real savings.

**Disposition:** Substitute Ordinance No. 170032. (Y-4)

647

Accept report on Guaranteed Maximum Price and budget revisions for the City Hall Renovations Project (Report)

**Discussion:** Mr. Kish said they are here today to propose the final Guaranteed Maximum Price for construction. The bids came in higher than the estimate and construction costs are now projected at \$18.8 million with a total budget of \$28.1 million. The difference includes the cost and renovation of temporary space, moving costs, architectural and engineering fees, etc. He said this is still a cost-effective option and cheaper than building a new facility. It will last at least another 100 years, with efficient electrical and mechanical systems. To meet the projected shortfall, they looked at cutting the budget, reprioritizing other capital projects or cancelling other projects, such as the North Precinct project. With the Office of Finance and Administration, they are recommending a package of about \$642,000 in cash which they can bring to the table to diminish the effect of the \$3.5 million increase in the budget. If the financing package is extended from 17 to 20 years, the effect on the General Fund will be about \$150,000 a year. Therefore, they recommend signing the contract with Drake for \$18.8 million, with a total budget of \$28.1 million. A \$1.2 million contingency fund is built

in to cover anything unforeseen.

Jack Winter, 111 SW Columbia, Suite 1400, Chair, City Hall Renovation Committee, said a subcommittee, dubbed the "Golden Hammer Committee," took a hard look to see if the renovation could be done within the original estimated bid but it became clear to them that anything less than what is proposed here would cut the heart out of the project. For the additional \$3.5 million the City can accomplish three major objectives for City Hall: 1) restore its historic character; 2) provide efficient, modern working space; and 3) update the exterior to make it appear new. They recommend that Council go forward with the total program.

Bing Sheldon, SERA Architects, 123 NW 2nd, said the good news is that the mechanical and electrical bids came in virtually on budget. The bad news includes the cost of additional steel and concrete work to reinforce existing walls and plasterwork. Because lead was found in existing paint and varnish layers, the wood will have to be stripped, increasing the scope of work in this area. He said the building has been researched very thoroughly and they do not anticipate any further contingencies.

**Disposition:** Accepted.

643

Appeal of Marty Rowe, Pacific Gateway Hospital and Counseling Centers, of decision of Urban Forestry Commission (Hearing on Appeal; Previous Agenda 558)

**Discussion:** Marty Rowe, Pacific Gateway Hospital and Counseling Centers, reviewed his company's request, which was denied by the Urban Forestry Commission, to remove eight hawthorne trees on SE Harney Street, in front of the hospital. He said they spent \$18,000 two years ago to repair the sidewalk and are now beginning to see it rising again. In addition, the trees smell bad, are messy, and attract many bees, creating a hardship for clients. As a compromise, he asked that the City allow him to remove four trees, or to remove the two trees closest to the hospital entrance and replace them with Armstrong red maples. He said the red maple has a restricted root system and will not grow into the power lines.

Brian McNerney, Urban Forestry Manager, said hawthornes are very good trees at this location although they present some maintenance challenges. He said the eight trees are part of a set and he would not want to see two removed. The smell can be managed by picking up the fruit. He said these are ideal trees for the site and require minimal sidewalk repair, noting that the \$18,000 Pacific Gateway spent on repairs was largely due to the presence of sweet gum trees. He said red maples actually grow taller than the hawthornes and would not be a

better choice.

Miles Black, Forestry Inspector, said these are healthy, appropriate trees.

Commissioner Hales moved to uphold the decision of the Forestry Commission and deny the appeal. He said while he is sympathetic about the extra maintenance demands, if Council said yes it would set a precedent and make it harder to hold to this policy.

**Disposition:** Appeal Denied. (Y-3)

Commissioner Blumenauer left the meeting.

653

**TIME CERTAIN: 2:00 PM** Accept Fourth Quarter 1995 and First Quarter 1996 monitoring reports to the Police Internal Investigations Auditing Committee (PIIAC) (Report introduced by Mayor Katz)

**Discussion:** Gerald Kling, PIIAC Chair and Chair of the Monitoring Subcommittee for the Fourth Quarter of 1995, reviewed the two quarterly reports and outlined the committee's recommendations. He said in 1995 they returned nine cases for additional work: five are still pending, three were sustained and PIIAC affirmed the original Police Bureau findings for the remainder. In four cases that were returned, the Bureau ended up changing the outcome.

Regarding a previous recommendation that Internal Affairs write all disposition letters, Chief Moose responded that Precinct Commanders would continue to author letters and explain decisions because of their leadership role in resolving citizen complaints. The Monitoring Subcommittee, in a majority opinion, and PIIAC itself disagree with the Chief's view and believe Internal Affairs should oversee the process from beginning to end. In a minority report, some subcommittee members proposed that letters to complaints include a statement that the Internal Affairs has reviewed the cases. They are now waiting for the Police Chief's response to that. Another previous recommendation asked that Bureau staff not describe a person or situation as "a mental" in public communications. While Chief Moose cautioned against always trying to find a Politically Correct (PC) term, the committee does not agree that this is a "PC Alert" and believe calling someone "a mental" is a slur.

Commissioner Kafoury congratulated the committee for taking on an issue that has been of concern to many people in the mental health community.

With regard to the use of Risk Management information, Mr. Kling said the committee agreed to reevaluate this component of the Mayor's

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Initiative. They are contacting other communities to see how best to approach this area.

Mr. Kling said during the Fourth Quarter 1995, the advisors reviewed five new appeals, affirmed two and returned three for additional work. One appellant had new information, which PIIAC could not legitimately accept, and that case was returned to Internal Affairs. Another case was returned because there was not enough information as to how it was reviewed by the precinct. A new process has also been initiated for Internal Affairs to report on the status of returned cases. In addition to the appealed cases, 43 more were monitored for trends and areas of concern. One concern was the inconsistent quality of investigations at the precinct level. To remedy this, the committee recommends that precinct investigators follow the same procedures as Internal Affairs, including taping their interviews. A second concern was the assignment of investigations to the precinct level, particularly for excessive use-of-force and other serious cases. The committee believes such cases should be sent to Internal Affairs and not the precincts. He said Captain Bennington, Internal Affairs Department (IAD), has already responded to this concern. Another concern is that precinct investigators sometimes recommend findings to their commanders, thereby compromising the neutrality of the investigations. The committee proposes the initial investigations include no recommendations and that statements about reputation, experience and credibility be included only when essential, with supporting detail to indicate that they are unbiased. Another committee recommendation is that update letters be sent to complainants when cases go over 45 or 60 days. They would also like to see Council assist IAD with staffing to allow it to take care of complaints in a more timely manner. Furthermore, the committee believes there is a need to specify clearly on letters of disposition exactly what in the complaint has been sustained and what exonerated. When investigating use of force complaints, they recommend obtaining photographs of alleged injuries, even when not obvious, as well as better treatment of them in the files. Finally, the need for better interviewing techniques was apparent in several cases and these skills need to be improved.

In the first quarter 1996 monitoring report, Mr. Kling said, the committee found that kicks and blows were described as "distraction techniques" in a few cases where officers justified use of force. However, PIIAC found that kicks are a last survival technique and are not recommended by the Bureau as normal tactics for control. If use of force is necessary for survival it should be listed as such rather than being called a "distraction technique." The Committee also found there was a lack of follow-up on medical release forms mailed by certified mail which were never returned. They recommend that investigators follow up when certified mail is not returned. There was also a complaint filed by

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the mother of an adult child. Because of the confidentiality of such information, the release did not allow the mother access to that information. There is a difference in legal opinion on this matter and the Committee held to the opinion issued by the City Attorney, although it still has some concerns. Finally, the committee would like to see the complaint mediation program revitalized. It was put on hold until Internal Affairs procedures were revised but a mediation committee composed of representatives from Internal Affairs, Portland Police Association and the Mayor's staff is now working to put mediation into effect. Several cases the PIIAC Advisors reviewed appeared to be prime candidates for mediation and they hope this program will be available soon.

Mayor Katz thanked the committee for the incredible job it has done, despite the change in Internal Affairs Captains.

Lisa Botsko, PIIAC Administrator, said when sustained cases go over a year it has a significant impact and is unfair, not only to the complainant but to the officer as well. It can also affect the command review process since cases are looked at the day they are closed out.

Dan Handelman, representing People Overseeing Policy Study Group (POPSG), 2600 NE Martin Luther King, Jr. Blvd., Suite 106, 97212, said PIIAC is doing a great job given its limited scope. He said it is very confusing trying to follow Internal Affairs statistics and recommended use of the number of allegations as a base so that the numbers all match up. Second, the reports do not contain the PIIAC case numbers and the City Attorney has stated that under the administrative rules they cannot be listed, much less the names of the officers. However, people need to know what kinds of issues were raised, how they were dealt with and the outcome. Regarding the Risk Management figures, he said they hope those can be used soon. Currently an officer is not disciplined even if a complainant wins a law suit against the City. Money just changes hands. He said they are glad to see that IAD has agreed to handle all the use-of-force complaints but would still like to see a review board investigate them directly. He objected to use of the phrase "in favor of the officer" as it implies an "us versus them" attitude. He questioned the comment in the First Quarter report that no cases were sustained in that quarter because they take longer to resolve. Presumably cases which have been sustained have been investigated since 1995 and some of those might have been sustained during that time. He also questioned the use of the word "customer" in the report to describe a person who might be a victim of police misconduct. Finally, he said medical release forms should be sent by both certified and uncertified mail to resolve the tracking issue.

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Captain Bennington, IAD, said he appreciates the assignment and has been impressed with the dedication of the citizens on the committee. He said he also believes outside review is helpful.

**Disposition:** Accepted. (Y-3)

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

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council