



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF JULY, 1996 AT 9:30 A.M.

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

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

Agenda No. 1212 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

1200 Cash investment balances May 30 through June 30, 1996 (Report; Treasurer)

Disposition: Placed on File.

1201 Accept bid of Brundidge Construction for Wheeler Basin phase 2-unit 3A for \$51,415 (Purchasing Report - Informal Quotation)

Disposition: Accepted; prepare contract.

1202 Accept bid of Eoff Electric Co. for variable frequency drive equipment for the Bureau of Environmental Services for \$83,332 (Purchasing Report - Rebid 190)

Disposition: Accepted; prepare contract.

1203 Accept bid of Brundidge Construction for the Hayden Island crossing project for \$587,745 (Purchasing Report - Bid 196)

Disposition: Accepted; prepare contract.

1204 Accept bid of Andersen Pacific Contractors, Inc. for the N Greeley Avenue slide repair project for \$138,965 (Purchasing Report - Bid 218)

Disposition: Accepted; prepare contract.

1205 Reject all bids for Kern Park improvements for the Bureau of Parks and Recreation (Purchasing Report - Bid 220)

Disposition: Accepted.

JULY 17, 1996

1206 Accept bid of Parker Northwest Paving Co. for SE Ankeny Street local improvement for \$82,616 (Purchasing Report - Bid C-9877)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

1207 Confirm appointment of Barbara Zappas to the Portland Private Industry Council (Report)

Disposition: Confirmed.

1208 Adopt Oregon Arena Finance Management Plan (Resolution)

Disposition: Resolution No. 35535. (Y-4)

***1209** Pay claim of Brent Allison (Ordinance)

Disposition: Ordinance No. 170372. (Y-4)

***1210** Authorize appointment of Lee Running to the position of Employee Benefits Manager at a rate of pay at the top of the range (Ordinance)

Disposition: Ordinance No. 170373. (Y-4)

Commissioner Charlie Hales

1211 Accept completion of contract with Leed, Inc. for the Old Town ornamental street lighting project and make final payment (Report; Contract No. 29975)

Disposition: Accepted.

***1213** Amend agreement with BOORA Architects to include an expanded scope of services and additional compensation not to exceed \$148,050 for design of the Southwest Portland Community Center (Ordinance; amend Contract No. 30064)

Disposition: Ordinance No. 170374. (Y-4)

Commissioner Gretchen Miller Kafoury

***1214** Authorize a contract with Oregon Litho Print for production of Parks and Recreation fall schedule of activities for \$77,560 without advertising for bids and provide for payment (Ordinance)

Disposition: Ordinance No. 170375. (Y-4)

JULY 17, 1996

Commissioner Mike Lindberg

1215 Accept contract with Copenhagen Utilities & Construction for the Essex sanitary sewer project as complete and provide for final payment (Report; Contract No. 29867)

Disposition: Accepted.

1216 Accept contract with Werbin West Contracting, Inc. for 12-, 8- and 6-inch water mains in NE Simpson and Holman Streets, NE 42nd and 60th Avenues, NE Roselawn and Fargo Streets as complete and authorize final payment (Report; Contract No. 29973)

Disposition: Accepted.

1217 Accept completion of the NE 47th Avenue sewer reconstruction and authorize final payment to System Construction (Report; Contract No. 30455)

Disposition: Accepted.

***1218** Authorize the Purchasing Agent to issue a purchase order to serve as a contract with the lowest responsible bidder for the purchase of seven variable frequency drives for the Bureau of Environmental Services (Ordinance)

Disposition: Ordinance No. 170376. (Y-4)

***1219** Intergovernmental Agreement with Portland State University for \$84,396 for professional services in assisting businesses and measuring their implementation of Portland's new business recycling ordinance (Ordinance)

Disposition: Ordinance No. 170377. (Y-4)

***1220** Authorize a contract and provide for payment for the Wheeler Basin phase 2-Unit 3A sewer reconstruction (Ordinance)

Disposition: Ordinance No. 170378. (Y-4)

***1221** Authorize the continuance of negotiations for the purchase of property and easements required for Columbia Slough consolidation conduit, authorize the City Attorney to commence condemnation proceedings and to obtain early possession (Ordinance)

Disposition: Ordinance No. 170379. (Y-4)

***1222** Authorize a contract with the Private Industry Council to hire 51 youths in work experience positions in the Water Bureau and provide for payment of \$125,000 (Ordinance)

JULY 17, 1996

Disposition: Ordinance No. 170380. (Y-4)

City Auditor Barbara Clark

1223 Update requirements for Audit Services Division (Second Reading Agenda 1190; amend Code Chapter 3.05)

Disposition: Ordinance No. 170381. (Y-4)

REGULAR AGENDA

S-*1212 Authorize a contract with Lloyd D. Lindley, ASLA for design of the NE Broadway, NE Weidler, NE Halsey and NE 9th Avenue project (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, noted that a Substitute had been filed to add a direction authorizing payment. Commissioner Kafoury moved the Substitute. Commissioner Hales seconded and, hearing no objection, the Mayor so ordered.

Disposition: Substitute Ordinance No. 170382. (Y-4)

1198 **TIME CERTAIN: 9:30 AM** - Hear appeal #96-11 to the Police Internal Investigations Auditing Committee per City Code 3.21.085(4)(d) (Hearing; Report introduced by Mayor Katz)

Discussion: Lisa Botsko, staff to the Police Internal Investigations Auditing Committee (PIAAC), said this matter was appealed to the PIIAC Advisors because the Police Internal Affairs Division (IAD) declined to investigate the complaint. The complaint was made because of several alleged errors in a police officer's report based on appellant's hit-and-run statement made after his parked vehicle was damaged. The officer subsequently filed a supplemental report which inadvertently perpetuated one of the errors, again mistakenly stating that the complainant's car hit a tree, not a concrete post. Both IAD and the PIIAC Advisors agreed that the errors were minor and, as the case did not involve police misconduct, was therefore beyond their charge.

Mr. Fishman, the appellant, said there was no misconduct and he made the complaint only because the police made several errors that contradicted his statement. He said errors deserve correction but when he requested this he got the run-around from the Police who told him he should not bother since the insurance company was not disputing his claim. He said he wants the report amended to describe the situation accurately,

Commissioner Hales said this is a customer service issue, not a matter of police misconduct.

JULY 17, 1996

Mayor Katz said this is an administrative matter and she will take it up with the Police Chief when she meets with him.

Disposition: Referred to Commissioner of Finance and Administration.

1199 **TIME CERTAIN: 9:45 AM** - Recognize the successful partnership between Bonneville Power and the Bureau of Parks and Recreation for the Hydromania Science Camp (Presentation introduced by Commissioner Hales)

Discussion: Darryl Johns, Bonneville Power Administration, and Rod Strang, science teacher, described the science camp, which is targeted to inner-city children in the fourth through sixth grades. They introduced several counselors and campers who helped Council members conduct a science experiment to illustrate the "hands on" approach the camp takes to foster an interest in science.

Disposition: Placed on File.

City Auditor Barbara Clark

***1224** Create the SE 81st Avenue/SE Claybourne Street HCD Local Improvement District (Hearing; Ordinance; C-9897)

Discussion: Dan Vizzini, Auditor's Office, said both this Local Improvement District (LID) and the following one were federally subsidized. He said one remonstrance was filed by the Francis Center on the basis that the assessment was too high for a non-profit agency.

Commissioner Lindberg asked if non-profits are always treated the same.

Mr. Vizzini said only U.S. government and Housing Authority properties are exempt.

Commissioner Lindberg asked if Council could arbitrarily exempt any others without a Code change.

Mr. Vizzini said the whole apportionment policy would have to be changed and this could have a significant impact, as either everyone else's assessments would be higher or the City would have to eat those costs. The City Attorney has advised them that it is better not to mess with the current policy although a grants program could be created. He noted that the assessment will cost the Francis Center \$90.00 a month over 20 years.

Commissioner Kafoury moved to overrule the remonstrance. Commissioner Hales seconded and, hearing no objection, the Mayor so ordered.

Disposition: Remonstrance overruled; Ordinance No. 170383. (Y-4)

JULY 17, 1996

- *1225** Create the SE Ankeny Street from SE 119th Avenue to SE 122nd Avenue
HCD Local Improvement District (Hearing; Ordinance; C-9907)

Discussion: Dan Vizzini, Auditor's Office, noted that the federal government's subsidy on this project is close to 73 percent. There were no remonstrances.

Disposition: Ordinance No. 170384. (Y-4)

FOUR-FIFTHS AGENDA

- *1225-1** Approve the relocation of the Wallula Stone to the Umatilla Confederate Tribes' Veteran's Memorial and the eventual transfer of ownership of the stone to the proper custodian (Ordinance introduced by Mayor Katz)

Discussion: Mayor Katz said it has taken a long time to move this rock, defined as a sacred object by Native Americans. In this case the move was delayed while the tribes determined who the rock rightfully belonged to and where it should be placed.

Commissioner Kafoury noted that a special place has been designed for it at the Veteran's Memorial.

Disposition: Ordinance No. 170385. (Y-4)

- *1225-2** Authorize appointment of David Agazzi to the position of Bureau of Financial Planning Director at a rate of pay above the mid-range.

Discussion: Tim Grewe, Director, Office of Finance and Administration, said Mr. Agazzi was selected from among 100 original applicants in a search process conducted by City staff with the aid of a large and diversified selection committee. He noted that Mr. Agazzi has outstanding financial credentials and a record of innovation in his current job with the Chicago School District. He is taking a salary cut to come to Portland.

Disposition: Ordinance No. 170386. (Y-4)

At 10:40 a.m., Council recessed.

JULY 17, 1996

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF JULY, 1996 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Kafoury, Presiding; Commissioners Hales and Lindberg, 3.

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

1226 **TIME CERTAIN: 2:00 PM** - Amend the Comprehensive Plan Amendment in File No. 7012-PA to allow for a new master development plan; approve a master development plan for Eastport Plaza Shopping Center and change the zone to amend the buffer overlay zone (Hearing; Ordinance introduced by Commissioner Hales; LUR 95-00944 CP ZC AD)

Discussion: Steve Gerber, Planning staff, showed slides of the site and described the proposed project, including the planned zoning, improvements and access routes onto the mall. He noted that the project will be done in phases and includes several new anchor stores as well as seven stand-alone buildings. Improved pedestrian, bicycle and transit access, street trees and sidewalks are planned.

Mr. Gerber said one access point, at SE Bush Street and 85th, is proposed to remain in use; because it is an existing access it is allowed to remain open as a legal non-conforming use even though it goes through a buffer zone. The applicant now wants to amend the buffer zone but this request came after notification on this proposal was made and staff recommends that it be considered as part of a separate land division, LUR 96-00333 SU. That application was filed after this proposal and, because the creation of new lots would restore the prohibition on access through the buffer zones, it is only in that process that the zoning amendment becomes relevant.

Mr. Gerber noted that one of the bicycle and pedestrian accesses is proposed near the end of SE 87th at the eastern edge of the site. It will allow for emergency vehicle access but will be blocked from regular automobile use.

Ruth Spetter, Senior Deputy City Attorney, explained the guidelines to be followed in testifying today.

Mr. Gerber said other land-use actions on this site required a number of conditions of approval, which have already been met or are dealt with by this proposal or the Hearings Officer's recommendation. He noted the relevant approval criteria. He said the Hearings Officer has recommended conditions that eliminate the need for future Comprehensive Plan amendments on a new or modified master development plan, as required by the original Comprehensive Plan amendment. The Hearings Officer recommends that this

JULY 17, 1996

site be handled more as a conditional-use master plan but still requires the future planning called for in File 7012-PA, the original Comprehensive Plan amendment granted earlier. With this proposal, the applicant has provided the master development plan required by File 7012-PA but, to fully comply with the approval criteria on this specific development, staff and the Hearings Officer have recommended a number of adjustments. These include meeting the buffer zone land-shaping Code requirement, reducing the off-street parking ratio, approval of a transportation demand management program, protection of all internal pedestrian ways from automobile parking and maneuvering, provision for bicycle lanes, and parking. The applicant has revised the plans in order to comply with these requirements.

Mr. Gerber said requirements for right-of-way improvements have been imposed by both the City's Office of Transportation and the Oregon Department of Transportation and the applicant has agreed to them. Provisions for transit abutting the site and a complete pedestrian system in each phase of the development have also been agreed to, as well as designation of 10 percent of the designated parking for carpool and van pool parking. The concept of multiple pedestrian plazas as required for superblocks is acceptable and approvable as an adjustment only if the purpose of the superblock plaza has been met. With the changes to the proposal in the Phase IV plan dated April 26, 1996, the plazas satisfy the requirement for open area and circulation. Final design approval of the plazas through a Type II review has been recommended by the Hearings Officer and applicant has already submitted a proposal, which is now being reviewed. Staff and the Hearings Officer recommend approval with a number of conditions, which the applicant is willing to accept.

Charles Martinez, representing the applicant, said to say they made multiple changes in the plan is an understatement but they are prepared to live with the conditions imposed. He explained their efforts to achieve good design in the integration of the bus stops with the architectural treatment of the rest of the mall. He noted that the earlier master plan was an attempt to save the mall but there was no market support for it then. They have now developed the critical mass of tenants needed to actually implement the plan. Don Joy, 4210 SE 87th, said the assertion in the proposal that Cora Street has been vacated is untrue as it is still being used every day. He said 87th is a dead end street and Cora provides the primary access, as the only other access is 87th to Holgate, which is a very steep hill impassable in ice or snow. He said the original petition for a zone change said there would be no access east of 84th Avenue and that is how the owners got him to agree to it. A previous Council in the 1960s declined to allow traffic onto 87th and forced the mall owners to put the chain link fence back up. The original petition also called for a buffer zone to screen residents on 87th but that never happened. He asked who he will be able to call when the applicants do not comply with the plan. He said he has been doing the maintenance on their property for years, mowing the grass after the owners let it grow on their side of the street. He

JULY 17, 1996

said the City also lost revenue when the developers bought houses on Cora and Holgate and then let them run down, destroying property values. Now they want to put the primary anchor (Walmart) here which will run diesel trucks in front of his house day and night. He said the access through the buffer zone will be right in front of his bedroom window. He said it is not safe to turn left on Holgate because you cannot see to the right.

Mr. Gerber said the access across the street from Mr. Joy will be limited to pedestrians, bicyclists and emergency vehicles. Public traffic will be blocked.

Commissioner Hales asked how confident staff is that the conditions and phasing will be complied with when there are overlapping land-use requirements.

Mr. Gerber said Mr. Joy's frustration grows out of the fact that the previous approval given this shopping center was not acted upon because of market problems. However, this applicant will not be issued certificates of occupancy until the conditions are met.

Mr. Joy asked how he will be able to get in and out of 87th in the wintertime.

Mr. Gerber said while the left turn onto Holgate off 87th could be difficult, the right turn will be unimpaired. Staff did not want to turn 87th into a driveway to the shopping center.

Kevin Hottmann, Office of Traffic Management, noted that Cora Street was vacated five years ago so, although it continues to function as an access street for neighbors, it is really private property. He said because of cut-through traffic, their goal was to reduce access onto 87th and congestion on Holgate and 82nd. While residents have expressed concern about getting in and out in the winter, the difficulty in providing vehicle access to the shopping center is that it cannot be controlled and will attract a lot of other people, creating even more problems on 87th. Residents do have access via Holgate and while visibility is difficult, there are no real safety problems for people trying to get in and out of 87th.

Commissioner Hales said the cure could be worse than the disease because a lot more people would use this access if available. He thanked staff and the applicant for their hard work in taking a shopping mall, a type of development the City generally discourages in favor of concentrated main street retail areas, and doing it in a way that meets many City goals. He thanked the applicant for changing this plan to make it more pedestrian-oriented.

Commissioner Lindberg said he will support the application because the conditions reflect the desire to make this a high-quality development that will not negatively impact neighborhood livability. He said he has never seen so many conditions of approval on a project.

JULY 17, 1996

Commissioner Kafoury said she will support this but suggested that transportation staff continue to work with Mr. Joy as he seems to have had a tortuous relationship with past owners.

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

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

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council