



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF AUGUST, 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.

The Council declared that an emergency exists regarding the timely conduct of Council business that necessitates allowing Commissioner Kafoury to participate by telephone.

On a Y-4 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 1301** Cash investment balances July 1 through July 24, 1996 (Report; Treasurer)
Disposition: Placed on File.
- 1302** Reject all bids for Progress Downs Golf Course remodel (Purchasing Report - Bid 30)
Disposition: Accepted.
- 1303** Accept bids of Marsh Medical Service, Inc. and Excel Marketing Plus for furnishing medical supplies for \$118,125 annually for three years (Purchasing Report - Bid 211-A)
Disposition: Accepted; prepare contract.
- 1304** Accept bid of Graybar Electric for furnishing street light mast arms for \$32,273 annually for two years (Purchasing Report - Bid 222-A)
Disposition: Accepted; prepare contract.
- 1305** Reject all bids for street and storm sewer improvements on SW Palatine Street from SW 43rd to SW 45th Avenues (Purchasing Report - Bid C-9855)
Disposition: Accepted.

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Mayor Vera Katz

1306 Confirm reappointment of Benita Harris and Anthony Rufolo to the Investment Advisory Committee (Report)

Disposition: Confirmed.

***1307** Increase contract with Regional Financial Advisors (Ordinance; amend Contract No. 29693)

Disposition: Ordinance No. 170435. (Y-4)

***1308** Pay claim of Frank Kurz (Ordinance)

Disposition: Ordinance No. 170436. (Y-4)

Commissioner Charlie Hales

1309 Set hearing date, 9:30 a.m., Wednesday, September 4, 1996 to vacate a portion of right-of-way forming a triangle at the northwest corner of the intersection of NW 9th Avenue and NW Johnson Street (Report; Petition; C-9915)

Disposition: Adopted.

1310 Establish Environmental Zone Cost Responsibility Committee (Resolution)

Disposition: Resolution No. 35538. (Y-4)

1311 Formally request the transfer of certain Multnomah County tax foreclosed property to the City to be used as public right-of-way (Resolution)

Disposition: Resolution No. 35539. (Y-4)

***1312** Approve an alternative contracting process and create an exemption to competitive bidding for application for the renovation of various Portland Parks and Recreation swimming pool bathhouses and pool mechanical systems (Ordinance)

Disposition: Ordinance No. 170437. (Y-4)

***1313** Contract with twelve professional, technical and expert service firms for architectural services as required in support of Parks and Recreation projects (Ordinance)

Disposition: Ordinance No. 170438. (Y-4)

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***1314** Authorize an agreement with School District #1J, Multnomah County, to allow the expansion of the Wilson Pool fence line an additional thirty (30) feet onto school grounds (Ordinance)

Disposition: Ordinance No. 170439. (Y-4)

***1315** Contract with the lowest responsible bidder to provide construction and excavation services for landslide restoration at the Hillside Community Center property (Ordinance)

Disposition: Ordinance No. 170440. (Y-4)

***1316** Contract with the lowest responsible bidder to provide construction and excavation services for landslide and roadway restoration in Forest Park (Ordinance)

Disposition: Ordinance No. 170441. (Y-4)

***1317** Contract with the lowest responsible bidder to provide construction and excavation services for landslide restoration at Pittock Acres Park (Ordinance)

Disposition: Ordinance No. 170442. (Y-4)

***1318** Contract with the lowest responsible bidder to provide construction and excavation services for landslide and roadway restoration in the Japanese Garden at Washington Park (Ordinance)

Disposition: Ordinance No. 170443. (Y-4)

***1319** Contract with McDonald & Wetle, Inc. for roofing construction at Montavilla Community Center for \$82,100 and provide for payment (Ordinance)

Disposition: Ordinance No. 170444. (Y-4)

***1320** Contract with MG Construction, for roofing construction at Rose City Golf Course Clubhouse for \$50,546 and provide for payment (Ordinance)

Disposition: Ordinance No. 170445. (Y-4)

***1321** Authorize appointment of Glenn Meyer to the position of Senior Information Services Manager in the Bureau of Planning at a rate above mid-range (Ordinance)

Disposition: Ordinance No. 170446. (Y-4)

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1322 Grant a ten-year property tax exemption to Pacific Housing Developers for new multiple-unit housing on SW Pine Street between SW Second and Third Avenues (Second Reading Agenda 1248)

Disposition: Ordinance No. 170447. (Y-4)

Commissioner Gretchen Miller Kafoury

1323 Transmit Fire Code Board of Appeals summary report for Fiscal Year 1995-96 (Report)

Disposition: Accepted.

***1324** Contract with Central City Concern for \$45,000 to support affordable housing development and provide for payment (Ordinance)

Disposition: Ordinance No. 170448. (Y-4)

***1325** Contract with Central City Concern for \$198,675 to provide emergency repair and maintenance services to non-profit public facilities and residential hotels and provide for payment (Ordinance)

Disposition: Ordinance No. 170449. (Y-4)

***1326** Authorize an agreement with the Community Development Network in the amount of \$18,615 to support the funding of administrative operations and provide for payment (Ordinance)

Disposition: Ordinance No. 170450. (Y-4)

***1327** Agreement with Fair Housing Council of Oregon for \$20,129 for Fair Housing Enforcement Services and Fair Housing Testing Services and provide for payment (Ordinance)

Disposition: Ordinance No. 170451. (Y-4)

***1328** Agreement with the Housing Authority of Portland for \$63,609 for the cooperation of local government in the development of the HUD-required Consolidation Plan and provide for payment (Ordinance)

Disposition: Ordinance No. 170452. (Y-4)

***1329** Contract with the Housing Development Center for \$110,441 to provide technical assistance to non-profit developers of affordable housing and provide for payment (Ordinance)

Disposition: Ordinance No. 170453. (Y-4)

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- *1330** Contract with Human Solutions, Inc. for \$35,524 to support affordable housing development and provide for payment (Ordinance)
Disposition: Ordinance No. 170454. (Y-4)
- *1331** Contract with Multnomah County Legal Aid Services for \$35,707 for Fair Housing Enforcement Services and provide for payment (Ordinance)
Disposition: Ordinance No. 170455. (Y-4)
- *1332** Contract with the Northeast Coalition of Neighborhoods, Inc. for \$37,830 for the Youth Outreach Project and provide for payment (Ordinance)
Disposition: Ordinance No. 170456. (Y-4)
- *1333** Agreement with Portland Public Schools for \$18,210 for the TLC-TnT program and provide for payment (Ordinance)
Disposition: Ordinance No. 170457. (Y-4)
- *1334** Contract with Portsmouth Community Redevelopment Corporation for \$35,000 to support affordable housing development and provide for payment (Ordinance)
Disposition: Ordinance No. 170458. (Y-4)
- *1335** Contract with ROSE Community Development Corporation for \$50,000 to support affordable housing development and provide for payment (Ordinance)
Disposition: Ordinance No. 170459. (Y-4)
- *1336** Contract with Sabin Community Development Corporation for \$50,000 to support affordable housing development and provide for payment (Ordinance)
Disposition: Ordinance No. 170460. (Y-4)
- *1337** Contract with School District No. 1 for \$402,637 for the Home Repair Training Program and provide for payment (Ordinance)
Disposition: Ordinance No. 170461. (Y-4)
- *1338** Authorize contract with Western Paper for the purchase of a Pantherplate/34p Imagesetting System for \$49,522 without advertising for bids (Ordinance)
Disposition: Ordinance No. 170462. (Y-4)

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Commissioner Mike Lindberg

1339 Accept completion of the SE 17th and Milwaukie Avenues sewer reconstruction and authorize final payment to K & R Plumbing Construction Co., Inc. (Report; Contract No. 30528)

Disposition: Accepted.

1340 Accept contract with Brundidge Construction, Inc. for 6, 8 and 12 -inch water mains in SE 82nd Avenue, SE Harney and SE Clatsop Streets as complete and authorize final payment (Report; Contract No. 30390)

Disposition: Accepted.

***1341** Increase Contract for Inverness Pump Station design and construction engineering services, Project #5152 (Ordinance; amend Contract No. 29725)

Disposition: Ordinance No. 170463. (Y-4)

***1342** Request and accept tax-foreclosed property from Multnomah County for use during future water system construction (Ordinance)

Disposition: Ordinance No. 170464. (Y-4)

***1343** Amend Contract with Montgomery Watson Americas, Inc. for \$341,000 Phase III - Services During Construction - professional consulting and engineering services, to accommodate compliance with the EPA's Lead and Copper Rule (Ordinance; amend Contract No. 29580)

Disposition: Ordinance No. 170465. (Y-4)

1344 Consent to request of Egger Garbage Service to the transfer of their solid waste and recycling franchise to Portland Disposal & Recycling (Second Reading Agenda 1277)

Disposition: Ordinance No. 170466. (Y-4)

REGULAR AGENDA

1298 **TIME CERTAIN: 9:30 AM** - Introduce 16 new Fire Fighter trainees (Presentation introduced by Commissioner Kafoury)

Discussion: Fire Chief Robert Wall introduced the trainees who will go through a six-month training program followed by a year's probationary period.

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Mayor Katz asked Chief Wall to let Council know the success rate and also how many of those accepted as trainees have completed the Portland Community College program.

Disposition: Placed on File.

City Auditor Barbara Clark

1347 Assess property for sewer connection contracts processed through the Private Plumbing Loan Program for the period ending July 23, 1996 (Second Reading Agenda 1295; P0018)

Disposition: Ordinance No. 170467. (Y-4)

1348 Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through June 25, 1996 (Second Reading Agenda 1296; Y1010)

Disposition: Ordinance No. 170468. (Y-4)

1349 Assess property for sewer system development contracts of the mid-County sewer project for the period ending June 25, 1996 and non mid-county for the period ending June 25, 1996 (Second Reading Agenda 1297; Z0635, Z0636)

Disposition: Ordinance No. 170469. (Y-4)

1299 **TIME CERTAIN: 10:00 AM** - Present Oregon Department of Environmental Quality video on the newly adopted Employee Commute Option rule (Presentation introduced by Commissioner Hales)

Discussion: Langdon Marsh and Nina DeConcini, Department of Environmental Quality, introduced and commented on the video, which explains the new Employee Commute Option rule adopted by the Environmental Quality Commission. It is part of a tightly-balanced plan which relies on automobile inspection, enhancement and controls on consumer products. He noted several air quality exceedances in recent weeks because of the weather. He said the business community, in dealing with the legislature a few years ago, selected the Employee Commute Option program as a way to get further reductions in air pollution without requiring more traditional controls on industry. They expect that the plan will also have transportation congestion benefits as well.

Ms. DeConcini said this rule will affect about 2,000 employers in the area and the video is meant to be something employers can use to motivate their employees at the work site.

Mayor Katz asked about performance measurements.

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Ms. DeConcini said every employer has to survey their employees about how they are getting to and from work. Over a three year period every employer is then being asked to achieve a 10 percent reduction in the number of people driving alone. She said DEQ will not be upset if the 10 percent is not achieved but will be upset if the employers have not tried at all. Employers will conduct surveys of their work force to measure their progress and submit them to DEQ to see if the goals are being met.

Commissioner Hales asked if employers who had already begun such efforts prior to imposition of the rule would have to achieve the same percentage reduction as employers who had not done anything. He asked if DEQ had dealt with this equity issue.

Ms. DeConcini said DEQ will credit the percentage of reduction that can be documented by companies that have already taken measures to reduce reliance on the automobile, such as providing bus passes and instituting compressed work weeks, towards the ten percent so they will not be penalized.

Commissioner Hales said because of that policy, the City could say that it is already in compliance. Yet it ought to do more than that and not just rest on the laurels of downtown employees and the high percentage there who already use transit. However, at its other work sites with 50 or more employees, the City is as far behind as other employers. He said it would be good for the City to set an example at those sites, as well as downtown, and not just fall into technical compliance.

Ms. DeConcini said they will allow multi-site employers to average aggregate results but they hope the City will continue to provide a good example by providing transit, parking restrictions, etc. These should be offered at sites where it makes sense to offer such incentives and the City should not necessarily go through unrealistic gymnastics to make something work that will not. If it has a good trip rate, the City should use it to its advantage, just as any other employer would.

Commissioner Hales said the City needs to set a good example in terms of partnering. For instance, only 15 out of 430 employees at Stanton Yard use transit now. One way to lead in compliance would be to reach an agreement with neighboring Emmanuel Hospital to do joint carpooling. The City should do the best it can at each site and not just rely on aggregating results to get into technical compliance. He suggested forming a working group, with a representative from Personnel and from each Commissioner's office to help people find options at these sites.

Mayor Katz asked if DEQ was concerned because Tri-Met has discontinued free service on air quality advisory days.

Mr. Marsh said they worked hard to get them to continue that service but

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have not yet seen the results of Tri-Met's ridership on those days. However, C-Tran, which does offer free rides on such days, indicated a substantial jump. Tri-Met felt, because of its internal funding problems, it could not justify doing it this year but has not closed the door to it in the future.

Mayor Katz said it sets a terrible example not to have Tri-Met participate on those few days.

Ms. DeConcini said quite a few employers are now promoting tele-commuting on such days.

Mayor Katz asked how many employers are using a compressed work week.

Ms. DeConcini said they do not have the figures on that yet.

Mr. Marsh said they are pleased that the media is now providing more coverage about pollution advisory days. He believes there was a significant public response during the last advisory.

Commissioner Hales said it was also helpful for people to get immediate feedback that what they did made a difference.

Ms. DeConcini said she was very pleased with the positive response from City bureaus that she contacted about reducing lawn and garden gasoline-powered equipment use on the advisory days.

Commissioner Lindberg asked how many days per year the standards can be violated.

Mr. Marsh said the area has not had an exceedance at any station from 1992 until this year. This year there have been three, because of the weather, but none at the same site. He said three at a single site are allowed over a three-year period. He said if that occurs, a higher non-attainment designation would kick in under the Clean Air Act and further reductions, most likely 15 percent over a six-year period, would be required in certain programs. If that were to occur, the State has two back-up strategies in mind: 1) reformulated gasoline; and 2) congestion pricing. Reformulated gasoline is less cost-effective than some of the selected strategies, such as vehicle inspections, and would cause some significant price increases. It was also not needed for the tightly-balanced plan that has been devised. Unlike states such as California, Oregon is technically already in attainment and was therefore able to adopt a maintenance plan which requires fewer strategies.

Mayor Katz asked about incentives for businesses that are aggressively complying with the program. She said that is also a question for the City in terms of its location strategy for businesses in the downtown area or along the transit lines.

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Mr. Marsh said the State felt additional controls on businesses in the Portland area were not called for because they were already meeting a fairly stringent level of control. No restrictions were placed on businesses if they donated to the plan the unused permitted emission levels contained in their permits. A number of businesses did make those donations so the State did not have to put additional restrictions on them. An education program was also proposed which grants credits to companies that can document reductions in consumer purchases of high-polluting household products, such as hair spray and paints. That program seems to be working.

Ms. DeConcini said the State also tries to reduce administrative oversight and paperwork for companies that have aggressively stepped up efforts to reduce pollutants. She said DEQ is trying to give businesses increased flexibility and options and believes the 10 percent goal is far more realistic than the 25 percent most jurisdictions are facing, which she judged unattainable.

Commissioner Hales said without writing reams of regulations, however, he thinks it is possible to do a better job of coordinating policies and incentives than is being done today. For example, among the worst polluters is a suburban office building. He said the move of the Public Employees Retirement System from downtown to a congested freeway exchange without transit cancels out, by those 200 employees, the 10 percent reduction. One bad land-use decision cancels out a very aggressive program by a major employer in the region. He said everyone is going to have to work on this.

Ms. DeConcini said DEQ hopes to implement demand management for new employers right at the beginning to maximize their ability to get employees to work by means other than the automobile.

Mayor Katz said the example cited by Commissioner Hales is the result of a terrible State policy that was not caught in time.

Commissioner Lindberg noted Council funding of the Global Action plan which forms eco teams on a block-by-block basis to further recycling, water and energy efficiency. Tri-Met is now interested in participating and may possibly offer some incentives to reduce vehicle miles travelled.

Mayor Katz expressed Council's concern not only to meet air quality standards but to deal with congestion, which is not just a Portland problem. She said the City will try to be creative and aggressive, and perhaps the State will too, in pushing land-use decisions to help in this endeavor.

Commissioner Lindberg said the impact of air pollution on lung capacity in children is very real and very great. Recent studies confirm that air pollution is really bad for one's health.

Disposition: Placed on File.

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***1300** **TIME CERTAIN: 10:30 AM** - Authorize a contract and provide for payment for the Brookside Wetland and Stream Enhancement project (Ordinance introduced by Commissioner Lindberg)

Discussion: Cathryn Collis, Surface Water Management Group, Bureau of Environmental Services (BES), said all the bids received on the Brookside Wetland project were non-responsive on their good faith efforts for minority- and female-owned businesses. She said BES will rebid the project and hopes to be back to Council soon. She said the low bidder was confused and the other two higher bidders did not fill out the form at all.

Commissioner Lindberg said there are some real opportunities here to break out part of the work, for instance trucking and excavation, into smaller contracts that could provide more opportunities for minority- and female-owned businesses. So while the delay is unfortunate, the City may end up with a better project.

Ms. Collis said since no work can be done in the channel after October, BES hopes the project can still move forward this fall.

Commissioner Lindberg said the City needs to send a message to contractors that it is really serious about the need for contractors to meet the City's good faith efforts.

Mayor Katz said two groups are now working on recommendations based on the recent Disparity Study. These contractors may need some assistance from the City as well or people may not bid on these projects at all.

Disposition: Referred to Commissioner of Public Utilities.

Commissioner Mike Lindberg

1345 Request from the Black Contractors' Alliance to respond briefly to the Oregon Regional Consortium Disparity Study (Communication)

Discussion: Edward Holmes, Chair, Black Contractors' Alliance (BCA), said the BCA looks forward to working with the City to bring meaningful changes that will utilize a greater number of African-American and other minority contractors in City projects.

Mayor Katz said this response needs to be coordinated with the recommendations of the other groups which are reviewing the entire Disparity Study.

Mr. Holmes said they hope their recommendations will be evaluated and that they can discuss actions that can be taken to bring about meaningful change.

Disposition: Placed on File.

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S-*1346 Provide rights of entry to private properties with frontage on Fanno, Woods, or Ash Creeks to perform a stream assessment (Previous Agenda 1294)

Discussion: Mayor Katz noted that a Substitute had been distributed. Hearing no objections, she ordered it accepted.

Amin Wahab, Bureau of Environmental Services, said the only changes since the last Council meeting were to add a provision that if a property owner objects to entry, staff will not enter that property.

Commissioner Lindberg said this is an isolated case and the Bureau believes it will still be able to accomplish its goals without accessing this particular property. He stressed that no one entering private property is there to gather any data other than that relating to stream assessment.

Mr. Wahab said some minor changes were also made in Section 1, Item 1 at the request of Nick Corrado, the property owner who raised objections. These add that the collected data relates not just to the stream corridors but to the watershed in general.

Commissioner Lindberg noted the request of Liz Callison to expand the study to include fish counts. He said he did not think the Bureau wanted to expand the scope of work.

Mr. Wahab said they did add the word "fish" to the sentence in Section 1, Item 3 but no fish counts will be done as they already have sufficient information on this.

Mayor Katz said it is important to be very sensitive about going onto private property.

Mr. Wahab said he plans to accompany the consultant when they are in the field.

Disposition: Substitute Ordinance No. 170470. (Y-4)

At 11:00 a.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council