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CITY OF  
**PORTLAND, OREGON**

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**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF NOVEMBER, 1996 AT 9:30 A.M.

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

(NOTE: Commissioner-Elect Sten participated in the meeting. It was later determined that his swearing in was premature and that he could not take office until November 26, 1996. His vote did not affect the outcome of any items on the Agenda.)

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

Agenda Nos. 1808 and 1813 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

**1799** Accept bid of Schlumberger Industries, Inc. for handheld water meter reading devices for \$48,700 (Purchasing Report - Bid RFP 9)

**Disposition:** Accepted; prepare contract.

**1800** Reject all bids for Emergency Communication Center addition (Purchasing Report - Bid 29)

**Disposition:** Accepted.

**1801** Vacate a certain portion of SE Cora Street and SE 84th Avenue, under certain conditions (Ordinance by Order of Council; C-9910)

**Disposition:** Passed to Second Reading November 20, 1996 at 9:30 a.m.

**Mayor Vera Katz**

**1802** Authorize the City Attorney to seek reconsideration of the Final Order issued by the Administrative Law Judge for the Oregon Department of Transportation relating to the proposed 3rd Avenue railroad crossing; authorize the City Attorney's Office to appeal said decision, if necessary (Resolution)

**Disposition:** Resolution No. 35566. (Y-4)

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**\*1803** Give final approval for the issuance of Multifamily Housing Tax Credit Revenue Bonds in an amount not to exceed \$2,500,000 (Ordinance)

**Disposition:** Ordinance No. 170706. (Y-4)

**\*1804** Authorize the City Treasurer to make deposits to the Albina Community Bank in an amount not to exceed \$950,000 (Ordinance)

**Disposition:** Ordinance No. 170707. (Y-4)

**\*1805** Pay claim of Gerald D. Bruce (Ordinance)

**Disposition:** Ordinance No. 170708. (Y-4)

**Commissioner Charlie Hales**

**1806** Accept contract with Copenhagen Utilities and Construction, Inc. for improvements to Ed Benedict Park as complete, authorize final payment and release of retainage (Report; Contract No. 30170)

**Disposition:** Accepted.

**\*1807** Contract with Eagle Elsner, Inc. for material and labor to construct Terwilliger Parkway path renovation for \$398,697 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 170709. (Y-4)

**Commissioner Gretchen Miller Kafoury**

**1809** Accept contract with A.C. Schommer & Sons as substantially complete; authorize final payment and release of retainage (Report; Contract No. 30270)

**Disposition:** Accepted.

**\*1810** Accept gift of a trailer from Western Insurance Information Services for use in displaying a vehicle destroyed in a fatal accident (Ordinance)

**Disposition:** Ordinance No. 170710. (Y-4)

**\*1811** Contract with the Port of Portland for fire suppression and emergency rescue services (Ordinance)

**Disposition:** Ordinance No. 170711. (Y-4)

**\*1812** Agreement with Salvation Army to provide assistance to victims of domestic violence for \$113,305 and provide for payment (Ordinance)

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**Disposition:** Ordinance No. 170712. (Y-4)

**Commissioner Mike Lindberg**

**1814** Accept contract with Moore Excavation, Inc. for the Flavel Park sanitary sewer project as complete and provide for final payment (Report; Contract No. 29784)

**Disposition:** Accepted.

**1815** Accept the project by Tulsie & Co., Inc. to provide security services and temporary facilities for other contractors rehabilitating the Ira Keller Fountain, as substantially complete and authorize final payment (Report; Contract No. 30519)

**Disposition:** Accepted.

**\*1816** Contract with the U.S.D.A. Natural Resources Conservation Service for monitoring of snow cover and precipitation in Bull Run watershed without advertising for bids (Ordinance)

**Disposition:** Ordinance No. 170713. (Y-4)

**\*1817** Authorize the continuance of negotiations for the purchase of two permanent sewer easements required for construction of the Lyman Park sewer project; authorize the City Attorney to commence condemnation proceedings, if necessary, and to obtain early possession (Ordinance)

**Disposition:** Ordinance No. 170714. (Y-4)

**\*1818** Authorize a contract and provide for payment for the West 19th/Burnside sewer rehabilitation project (Ordinance; Project 5340)

**Disposition:** Ordinance No. 170715. (Y-4)

**\*1819** Contract with Johnson & Higgins of Oregon, Inc. to provide insurance marketing, program administration, risk management, claims management and related services for the Owner Controlled Insurance program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 170716. (Y-4)

**1820** Amend City Code regarding sewer user charges to clarify current policies and alter the adjustment policy (Second Reading Agenda 1787; amend Code Chapter 17.36)

**Disposition:** Ordinance No. 170717. (Y-4)

**REGULAR AGENDA**

**\*1808** Purchase property on SE 136th from Powell Valley Road Water District for use by Portland Parks and Recreation (Ordinance)

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**Discussion:** Commissioner Hales asked that this be referred back to his office for further review.

**Disposition:** Referred to Commissioner of Public Safety.

**S-\*1813** Authorize a reimbursement loan agreement between the City of Portland, Oregon and the Floyd Light Apartments, LLC (Ordinance)

**Discussion:** Commissioner Kafoury moved acceptance of the Substitute. Commissioner Lindberg seconded and, hearing no objections, the Mayor so ordered.

David Kish, Director, Bureau of General Services, explained the changes in the substitute, including a change in the name of the limited partner from Gerding to Floyd Light Apartments.

**Disposition:** Substitute Ordinance No. 170718. (Y-4)

**1796** **TIME CERTAIN: 9:30 AM** - Hold Tax Supervision Conservation Commission hearing on the City's Fall Supplemental Budget (Hearing introduced by Mayor Katz)

**Discussion:** Dick Anderson, Vice Chair of the Tax Supervision Conservation Commission (TSCC), introduced the other members present.

Larry Nelson, Budget Analyst, Bureau of Financial Planning, said three major actions are associated with the Fall Supplemental Budget and affect nine different funds. One of those actions concerns the Facilities Services Fund, increasing interagency agreements with the Autoport and Parking Facilities funds to replace elevator controls in the parking garages. The Facilities Service Fund is also increasing an equipment cash transfer with the Parking Facilities Fund to recognize debt proceeds for construction of two added floors at the Yamhill Parking Garage. Of the projected \$5.4 million cost, \$2.5 million is for seismic work. The second major action is the carryover of approximately \$4 million in community block grant funds. The third action recognizes and appropriates beginning fund balances within four funds.

Anthony Jenkins, TSCC member, asked if there would be a decline in community block grants next year. Also, is it possible the Bureau of Housing and Community Development may merge with the Portland Development Commission?

Mr. Nelson said there was a decline of three percent in this year's entitlements. However, they do not know what the federal government plans for next year.

Commissioner Kafoury said the projection is that there will not be a significant decrease. She does not know where the merger idea comes from.

Mayor Katz said the merger idea has not been decided or discussed in public.

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Dick Anderson, Vice Chair, TSCC, asked if the seismic costs for Autoport were due to design error.

Steve Goodrich, Bureau of General Services, said no, the Building Codes were amended recently to increase the seismic ranking for the Autoport to a higher level. The architects found they would be required to upgrade to the new Code requirement, at a very high cost.

TSCC member Roger McDowell offered to help the City in whatever way the Commission can in dealing with the effects of Measure 47.

**Disposition:** Placed on File.

- \*1797** Adopt a Supplemental Budget for FY 1996-97 in the amount of \$14,990,862 and make budget adjustments in various funds (Ordinance introduced by Mayor Katz)

**Disposition:** Ordinance No. 170719. (Y-4)

**Mayor Vera Katz**

- \*1821** Authorize the Mayor and Auditor to execute a labor agreement and authorize the Personnel Director to execute a letter of understanding, both between the City of Portland and Municipal Employees, Local 483, LIUNA, relating to terms and conditions of employment of represented Recreation employees (Ordinance)

**Discussion:** David Rees, Bureau of Personnel, said this labor agreement concerns a small group of employees and usually follows the District Council of Trade Unions (DCTU) settlement, although everything in the DCTU contract does not apply. There is also a letter of agreement involving four employees.

**Disposition:** Ordinance No. 170720. (Y-4)

**Commissioner Charlie Hales**

- 1822** Consider vacating portions of SE Alder and SE Yamhill Streets west of SE 111th Avenue, as initiated by Resolution No. 35553, to consolidate Floyd Light Park property (Hearing; Report; C-9924)

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

- 1823** Consider vacating portions of N Sumner Street and Missouri Avenue, at the request of Emmanuel Temple Church (Hearing; Report; C-9903)

**Discussion:** Kathryn Hall, Office of Transportation, said the vacations were requested by the church in order to redevelop its site, an area along I-5.

Commissioner Hales asked if the frontage road going South along I-5 will be retained.

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Ms. Hall said the Oregon Department of Transportation has retained sufficient frontage. No future buildings are planned for this area, which will be included in the Church's traffic plan.

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

1798

**TIME CERTAIN: 10:00 AM** - Accept report and recommendations of the City Engineer regarding streets in the North Macadam District (Report introduced by Commissioner Hales)

**Discussion:** Commissioner Hales said there is a great opportunity here to develop an unusually large amount of undeveloped land close to the City to a higher standard and to create a whole new neighborhood. Today, the Office of Transportation is presenting its street plan for the area.

Vic Rhodes, City Engineer, said the street plan represents the skeleton for the new neighborhood. He noted that reaching agreement on the plan was a difficult and controversial process and reflects the hard work of two parallel groups, the North Macadam Steering Group and the North Macadam Development Council.

John Gillam, Policy Program Manager, Office of Transportation, outlined the goals of the plan and identified the major streets and access ways. He noted that the plan recognizes the need to have flexible standards for access ways as development occurs. The plan also allows existing development along Moody Avenue to transition in an orderly way. The street plan will accommodate either of the proposed light rail routes. He noted one map error -- Lane Street as shown does not exist.

Mr. Rhodes referenced his memo of November 12, 1996 and asked Council to acknowledge the points made as the guiding principles of the plan.

Jan Burreson, Director, Portland Development Commission (PDC), said PDC has long viewed this as a classic area for urban renewal and has begun the work needed to determine the feasibility of forming an urban renewal district here. It is also working to complete the framework plan. She said PDC supports the recommendations in the street plan.

Mayor Katz noted that the next steps, in addition to PDC feasibility and housing potential assessments, include asking the Bureau of Planning to realign the street maps to conform to this plan and having the Office of Transportation design the development criteria and address the issues raised by the Oregon Department of Transportation.

Commissioner-Elect Erik Sten asked about the time frame for development and for building the streets.

Ms. Burreson said this is a 10 to 15 year vision, perhaps longer. She noted the need for tremendous remediation work on the northern portion.

Mr. Gillam said Transportation plans to develop an implementation strategy to increase public awareness of what can be expected.

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Rick Saito, representing the North Macadam Development Council, 0690 SW Bancroft, 97201, cited the Council's letter of support with seven conditions, including a call for creation of an urban renewal plan, a priority list for infrastructure development, provision of development incentives, development of Moody/Bond as the spine road for north/south traffic, support for a crescent pattern for River Parkway, east/west access ways and placement of public areas on the Willamette River.

Steven Shain, North Macadam Steering Group, 3121 SW Moody, 97102, said they support the plan, with the clarification provided, and will work to make Moody/Bond and Riverway special streets.

Joe Voboril, attorney representing PROM Management (Pegasus), said his client opposes this plan. He said while this may be a good vision his client relied on prior existing regulations and developed his plans accordingly.

Jim Gardner, representing Corbett/Terwilliger/Lair Hill Neighborhood Association, said they strongly support the plan with one longstanding concern regarding access points in and out of Macadam, which they fear could become a bottleneck. They also strongly support public access to the Willamette River and the Greenway wherever possible.

Commissioner Hales said this plan represents good solid work and indicates that the long negotiating sessions with property owners have paid off. He said this plan will create long-term value and an enlivened neighborhood because of the quality of development this framework allows.

Commissioner Kafoury said she looks forward to adding an affordable housing component to plans for the area.

Commissioner Lindberg said this very visible area could have been developed in a hodgepodge manner. Instead there is good planning and care has been taken to maintain the area's relationship to the River.

Mayor Katz said part of this vision is to return the focus to the River. The idea is to provide housing and jobs in the Central City so that neighborhoods are not negatively impacted. She noted growth plans which call for 15,000 housing units to be built in the Central City and said this plan moves the City light years ahead in making development here a reality. She said it is important to retain flexibility and to maintain some sense of the area's history as development occurs.

**Disposition:** Accepted. (Y-4)

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

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 13TH DAY OF NOVEMBER, 1996 AT 2:00 P.M.

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

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

**1824** **TIME CERTAIN: 2:00 PM** - Accept PIIAC Citizen Advisory 3rd Quarter 1996 Monitoring Report per City Code 3.21.050 (Report introduced by Mayor Katz; Previous agenda 1718)

**Discussion:** Bob Ueland, Chair, Monitoring Committee, PIIAC Citizens Advisors, said the Police Bureau training department has indicated that their fall training sessions will address some of the concerns raised earlier by PIIAC, specifically dealing with ways to keep tense citizen encounters from escalating. It will also address communications techniques and clarify the Bureau's position on "distraction blows."

Lisa Botsko, PIIAC staff person, reminded Council that in its last several reports, the Advisors had noted that some officers used the term "distraction blow" when they hit someone. There is no Bureau-approved "distraction blow;" rather it is a term they learned at the State training center in Monmouth.

Mr. Ueland reviewed the status of the appeals the Advisors heard during the quarter. He said the timeliness of the review process has improved but still falls short of the Police goal of 60 days. The average is five months and PIIAC realizes that the 60 days will be very difficult to achieve given the Police Internal Affairs Division's (IAD) significant case load. However, in several instances the Commanders held onto several past the deadline, sometimes for several months and without a reason. PIIAC suggests that IAD develop a reminder system for tracking when adjudication deadlines have passed. Another issue is the quality of the reviews and investigations. Only two precinct level investigations were weak and Captain Jensen is providing training to both IAD and precinct level investigators. He said disposition letters written at the precinct level continue to be of concern as in some cases letters to the complainants indicated that only the direct supervisors were reviewing the complaints. The Advisors are requesting that all cases, even those handled at the precinct level, return to IAD for review before a final disposition letter is mailed, informing the complainant that IAD has reviewed and concurs with the finding. Mr. Ueland said mediation is also of concern as to date only one case has been mediated, while 17 remain open. He said after getting Police Bureau personnel and complainants to agree to the process, they find that nothing is coming back so the Advisors have no way of seeing whether this is a worthwhile effort. The mediators do not seem very well organized and were unable to satisfactorily answer the Advisors' questions. They have agreed to provide a follow-up report at the November meeting. He said he believes a 60-day timeline would be appropriate and, if this process does not work, the Advisors will consider another way to use volunteers.



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Mayor Katz asked if Commissioner Hales had been briefed on the use of the Mediation Center.

Commissioner Hales said he has heard something but at some point it would be good to meet with the Advisors.

Ms. Botsko said they have been meeting regularly with mediation and Police Bureau staff. Some additional mediation has been completed since the report was written.

Mr. Ueland said they will see that performance measurements are clearly spelled out and will make something happen to get results. He thanked Police Bureau staff for demonstrating the handcuffing procedure and methods for removing a resistant subject from a vehicle. These two issues have arisen in past cases and the demonstration was very helpful.

Captain C. W. Jenson, IAD, said the increase in sustained complaints has jumped from seven to 11 percent in the third quarter, indicating that IAD is now looking at cases holistically to see if all procedures are correctly followed. He said the investigations at the precinct level are also getting better as supervisors realize that cases will be sent back if the investigations are insufficient. He said timeliness is improving but mediation continues to be a logjam. They are very interested in getting that process moving and do not want to lose the momentum they have achieved with the police.

Dan Handelman, Portland Cop Watch, asked that case file numbers be identified in the quarterly reports so the public can follow them from one quarter to the next. Currently the City Attorney contends that information is against the administrative rules and cannot be released. Regarding mediation, he asked for some tracking to see if officers are delaying the process and for public service announcements to make people more aware that it is available. Finally, he asked that the PIIAC monitoring reports be added to the Chief's Forum meeting agendas.

Mayor Katz said she will check on that with Chief Moose.

**Disposition:** Accepted (Y-4)

#### Commissioner Charlie Hales

**1825** Tentatively grant appeal of Henry F. Phillips, applicant, against Hearings Officer's decision to deny application to trim trees farther than 50 feet away from the SW Edgemont Place right-of-way (Findings; Previous Agenda 913; 93-00381 EN DZ AD)

**Discussion:** Commissioner Hales moved acceptance of the findings and Commissioner Kafoury seconded.

**Disposition:** Findings Adopted (Y-4)

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**1826** Tentatively deny appeal of The Landing at Macadam, LLC, applicant, against the Design Commission's decision to deny application to build 360 units of housing, with parking, driveways and greenway improvements at 3840 SW Bond Avenue (Findings; Previous Agenda 1791; 96-00475 DZ GW AD)

**Discussion:** Jeff Joslin, Bureau of Planning, said the City Attorney made some minor additions to the staff report and recommendations, adopted as the Design Commission's decision, and a road map of those additions has been provided.

Commissioner Hales moved acceptance of the findings. Commissioner Kafoury seconded.

**Disposition:** Findings Adopted (Y-4)

**Commissioner Mike Lindberg**

**S-1827** Intergovernmental Agreement to join the Regional Water Providers Consortium and to endorse the Regional Water Supply Plan, October 1996 (Second Reading Agenda 1795)

**Discussion:** Commissioner Lindberg explained the amendments the Bureau prepared in response to Council's request for some additional language last week. The revisions include a housekeeping measure in Paragraphs "b" and "d" that applies the language to alternates who represent Portland when the regular representatives cannot attend. Paragraph "d" also officially attaches to the ordinance four key past resolutions that lay out Council policy on water and watershed protection policy. Paragraph "h" (on Page 4) adds language calling for the Commissioner-in-Charge of the Water Bureau to report to Council on consortium activities at least once every two years. Paragraph "i" requests that the bylaws provide for a standing citizens advisory committee with a representative from the public health community.

Mike Rosenberger, Director, Bureau of Water, noted that the Substitute language in item "i" responds to the request of Gary Oxman, Multnomah County Health Officer. It would then state that City representatives to the Consortium board and technical committee will recommend that the bylaws establish a standing citizens advisory committee which includes one or more members with a broad knowledge of public health issues to advise the consortium board. This makes it a little more specific.

Commissioner Lindberg moved that recommendation. Commissioner Kafoury seconded and, hearing no objections, the Mayor so ordered.

Mr. Rosenberger said both Canby and Gresham passed the agreement yesterday and Gresham modified theirs to include support for a citizens advisory committee.

Commissioner Lindberg moved the proposed amendments. Commissioner Hales seconded and, hearing no objection, the Mayor so ordered.

Commissioner Hales said Council has heard the community's strong concerns about regional planning. He said the City does not want to import mistakes from the suburbs but there are opportunities to make this a good regional planning effort. However, the devil will be in the

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details. He said the City has made it clear that it is not at all interested in drinking Willamette River water and will need to show continued vigilance about this issue.

Commissioner Kafoury said Council's philosophy has been to participate in regional processes as the City cannot ignore the other areas around it. She said she does not understand the lack of trust shown by so many of the citizens who testified.

Commissioner Lindberg said this plan was greatly molded by public input and public participation was not just a rote procedure. Initially, the Bureau thought there would have to be an engineering solution to meet future water supply demands in the region but it now looks as if the City will be able to defer for a long time the need for a new facility through an aggressive conservation program. He said the plan reflects the City's commitment both to use Bull Run as its source of drinking water and to equity for Portland ratepayers, who should not be expected to pay for growth that occurs elsewhere. He said the need for regional solutions has been evident for several decades and noted that sale of surplus Bull Run water to other districts in the region has resulted in savings to City ratepayers. This agreement sets up a coordinating body but does not preempt the veto power of local jurisdictions.

Commissioner Sten said he does not believe residents will ever drink Willamette River water. He too stressed the need to work as a region.

Mayor Katz noted the City's ability to walk away from the table if necessary which it can do at any time if the consortium violates the Council's policies.

**Disposition:** Ordinance No. 170721 as amended. (Y-4)

At 2:50 p.m., Council recessed.

**1828** **TIME CERTAIN: 4:00 PM** - Present Mayor's Spirit of Portland awards (Ceremony introduced by Mayor Katz)

**Discussion:** Mayor Katz and the Commissioners presented awards to the following businesses, organizations and individuals:

Business awards to: Simpson Timber Company and Speed's Towing Co.

Group Recognition awards to: Youth of Today and ROSE Community Development Corp.

City Employee awards to: Colleen Acres, Planning; Ivy Frances, Bureau of Environmental Services; Vada Grimsrud, North Portland Neighborhood Organization

Neighborhood of the Year: Lents

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Volunteer Recognition awards to: Andy Eisman, Harold Emmert, Dr.  
Linda Erwin, Bob Febus, Charles Martin, Bill and Linda Minard, Wesley C. Risher  
and Bob Ueland.

Mayor's award to: Ron Saxton and Sho Dozono

**Disposition:** Placed on File.

At 4:30 p.m., Council adjourned.

**BARBARA CLARK**  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council