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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 11TH DAY OF DECEMBER, 1996 AT 9:30 A.M.

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

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

Agenda Nos. 1918 and 1921 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 1919** Accept bid of Hollinger Construction, Inc. for furnishing and installing hoists and cranes in the Carolina and Washington Park #2 pump stations for \$56,900 (Purchasing Report - Bid 42)
- Disposition:** Accepted; prepare contract.
- 1920** Accept bid of Triad Mechanical, Inc. for PIR pump station improvements for the Bureau of Environmental Services for \$209,174 (Purchasing Report - Bid 46)
- Disposition:** Accepted; prepare contract.
- 1922** Accept bid of ABB Water Meters, Inc. for annual supply furnishing small domestic meters for \$171,750 (Purchasing Report - Bid 68A)
- Disposition:** Accepted; prepare contract.
- 1923** Accept bid of Oldcastle Precast, Inc. for furnishing concrete vault sections and appurtenances for \$55,004 annually for two years (Purchasing Report - Bid 67A)
- Disposition:** Accepted; prepare contract.
- 1924** Accept bid of United States Pipe and Foundry Co., Inc. for furnishing fire hydrants for \$98,501 annually for two years (Purchasing Report - Bid 69A)
- Disposition:** Accepted; prepare contract.

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**1925** Accept bid of Pacific Water Works Supply Co., Inc. for furnishing cast iron/ductile iron pipe fittings for \$178,693 annually for two years (Purchasing Report - Bid 70A)

**Disposition:** Accepted; prepare contract.

**1926** Vacate certain portions of N Sumner and N Missouri Avenue, under certain conditions (Second Reading Agenda 1884; C-9903)

**Disposition:** Ordinance No. 170759. (Y-5)

**1927** Vacate a certain portion of N Taft Avenue north of N Junction Street, under certain conditions (Second Reading Agenda 1885; C-9914)

**Disposition:** Ordinance No. 170760. (Y-5)

**1928** Vacate portions of SE Alder Street and SE Yamhill Street west of SE 111th Avenue, under certain conditions (Second Reading Agenda 1886; C-9924)

**Disposition:** Ordinance No. 170761. (Y-5)

**Mayor Vera Katz**

**1929** Amend the Revised Development Guidelines for the Morrison Street project (Resolution)

**Disposition:** Resolution No. 35573. (Y-5)

**\*1930** Give final approval for the issuance of Multifamily Housing Revenue Bonds in an amount not to exceed \$6,433,000 (Civic Stadium Housing project) (Ordinance)

**Disposition:** Ordinance No. 170762. (Y-5)

**Commissioner Charlie Hales**

**1931** Accept completion of contract with Ruffin Construction for remodel of restroom at Northgate Park, make final payment and release retainage (Report; Contract No. 30378)

**Disposition:** Accepted.

**1932** Accept completion of the NE/SE 122nd Avenue sidewalk and curb ramps project and authorize final payment including retainage to Copenhagen Utilities & Construction, Inc. (Report; Contract No. 30417)

**Disposition:** Accepted.

**\*1933** Amend contract with Roy F. Weston, Inc. for the design, development and implementation of the Portland Office of Transportation's Infrastructure Management System to extend the contract termination date (Ordinance; amend Contract No. 28732)

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**Disposition:** Ordinance No. 170763. (Y-5)

- \*1934** Authorize a contract and provide for payment for the renovation of St. Johns Park (Ordinance)

**Disposition:** Ordinance No. 170764. (Y-5)

- \*1935** Authorize a contract and provide for payment for the renovation of Harrison Park (Ordinance)

**Disposition:** Ordinance No. 170765. (Y-5)

**Commissioner Gretchen Miller Kafoury**

- \*1936** Authorize the loan of a surplus fire apparatus and a limited amount of equipment to Portland Community College, subject to certain conditions, and provide for acceptance thereof (Ordinance)

**Disposition:** Ordinance No. 170766. (Y-5)

**Commissioner Mike Lindberg**

- 1937** Accept completion of the Insley Basin CSO sump project, Unit 3, Phase I, and authorize final payment to Brundidge Construction Co. (Report; Contract No. 30788; Project 5497)

**Disposition:** Accepted.

- 1938** Authorize commencement of litigation regarding construction of sewer at NE Airport Way (Resolution)

**Disposition:** Resolution No. 35574. (Y-5)

- \*1939** Authorize application to the Environmental Protection Agency for a grant in the amount of \$8 million for implementation of the Tanner Creek Stream Diversion project (Ordinance)

**Disposition:** Ordinance No. 170767. (Y-5)

- \*1940** Authorize a contract and provide for payment for the Willamette River Basin test sump project, Unit 12 (Ordinance; Project 5958)

**Disposition:** Ordinance No. 170768. (Y-5)

**Commissioner Erik Sten**

- \*1941** Authorize the Purchasing Agent to sign a Purchase Order to serve as a contract with Landslide Technology for professional engineering services (Ordinance)

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**Disposition:** Ordinance No. 170769. (Y-5)

- \*1942** Amend contract with Advanced Diving Service, Inc. for additional services to complete the design and construction of the Bull Run Lake underwater outlet pipe extension (Ordinance; amend Contract No. 30497)

**Disposition:** Ordinance No. 170770. (Y-5)

**City Auditor Barbara Clark**

- 1943** Certify abstract of votes for the Municipal Non-Partisan General Election held on November 5, 1996 (Report)

**Disposition:** Accepted.

**REGULAR AGENDA**

- 1918** Purchase five cargo vans per State Price Agreement for \$92,654 (Purchasing Report - Informal Bid 1120F)

**Discussion:** David Kish, Director, Bureau of General Services, said the vehicles in this and the following Agenda Item were approved in the FY96-97 budget. Seven vehicles are on the regular replacement schedule and three are new vehicles for the Water Bureau. The five on the State Price Agreement can be accepted today but purchase can be delayed, if Council desires. However Item 1921 concerns a bid from a private company and if accepted the City would have to go ahead and purchase the vehicles. He said every category of vehicle has a different replacement cycle so vans, for instance, are generally on a 10-year cycle. He said capital replacement of the seven vehicles is funded through the collection rate so the money is in the replacement fund. He asked for a policy as soon as possible about capital projects so unnecessary efforts are not made.

Mayor Katz said Council had asked Roger Johnson of Fleet Management to do a policy regarding vehicle replacement.

Mr. Kish said he thought that just applied to the Police Bureau and was not an overall replacement policy. As part of Measure 47, BGS is meeting with all bureaus regarding replacement schedules to see if money can be saved.

Commissioner Kafoury said Council needs to take a closer look before the City spends \$90,000. She said she would like to work with Mr. Kish and bring something to Council as it does not concern just the Police.

Commissioner Hales said he thought the instructions to Mr. Johnson had been to bring something back as soon as possible and not wait for completion of the budget process.

Commissioner Kafoury said cars are a big ticket item and adding a year or two to their life might save a lot of money.

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Mr. Kish said it will save money but it is not dollar for dollar.

Mayor Katz said it would be best to hold off on such equipment requests until the City has a policy.

**Disposition:** Referred to Purchasing Agent.

**1921** Accept bid of Cascade Chevrolet for five compact 4x4 sport utility trucks for \$109,828 (Purchasing Report - Bid 53)

**Disposition:** Referred to Purchasing Agent.

**\*1915** **TIME CERTAIN: 9:30 AM** - Intergovernmental Agreement with Metro for design, construction and maintenance of the Peninsula Crossing Trail (Ordinance introduced by Commissioner Lindberg)

**Discussion:** Commissioner Lindberg said this provides for construction of a three-mile trail involving the Bureau of Environmental Services (BES), the Office of Transportation, Parks and Metro. It will provide access to five neighborhoods as well as Smith and Bybee Lakes and Peninsula Park.

Dean Marriott, Director, BES, said the Inverness Pipe CSO project provides a solution to crossing the Slough, a problem that has long stymied completion of the trail. He stressed the importance of citizen involvement in crafting this solution, with the collaboration of Parks, Transportation and Metro.

Nea Lynn, BES, showed slides and described the responsibilities of the various bureaus. She noted that the Parks Bureau will be responsible for maintenance once the trail is completed.

**Disposition:** Ordinance No. 170771. (Y-5)

**1916** Name the new bike and pedestrian bridge over the Columbia Slough in honor of former City of Portland Commissioner of Public Works Lloyd Anderson (Resolution introduced by Commissioner Lindberg)

**Discussion:** Commissioner Lindberg described Lloyd Anderson's many contributions to Portland's sewage system.

Lloyd Anderson, former City Commissioner, accepted on behalf of under-appreciated sewer workers.

Mr. Marriott presented the plaque honoring Mr. Anderson, which will be placed on the crossing.

**Disposition:** Resolution No. 35575. (Y-5)

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**1917** **TIME CERTAIN: 9:45 AM** - Announce recipient of annual Steve Lowenstein Award (Presentation introduced by Commissioner Lindberg)

**Discussion:** Commissioner Lindberg presented this year's award to Jerry Simbal for her contributions to achieving economic equity and social justice for low-wage workers.

**Disposition:** Placed on File.

**1944** Declare and demonstrate support of the City of Portland for the hosting of US/South Africa Trade Connection 1997 International Conference and Trade Show, April 20-27, 1997 and the welcoming of South Africa President Nelson Mandela to Portland (Resolution introduced by Mayor Katz and Commissioner Lindberg)

**Discussion:** Commissioner Lindberg said this responds to a group of residents who would like to bring President Mandela to Portland for this trade conference. He noted that economic recovery is vital to the survival of the new government.

Dr. Sherman Sevrin, President, Future Living International, Marylhurst College, described the plans for this conference.

**Disposition:** Resolution No. 35576. (Y-5)

**Mayor Vera Katz**

**\*1945** Create the Fire & Police Disability and Retirement Supplement - Debt Service Fund (Ordinance)

**Disposition:** Ordinance No. 170772. (Y-5)

**\*1946** Amend certain sections of Title 4 of the City Code pertaining to Shift Differentials, Use of Sick Leave and Family Leave (Ordinance; amend Title 4)

**Discussion:** Laird Cusack, Bureau of Personnel, said these changes mirror policies approved earlier. Language has been added allowing employees to use sick and family leave for domestic partners. A shift differential increase of three cents is also added.

**Disposition:** Ordinance No. 170773. (Y-5)

**\*1947** Amend City Code to allow for payment in cash to non-represented Police Lieutenants and Captains for unused administrative leave (Ordinance; amend Code Section 4.20.090)

**Discussion:** Mr. Cusack said all but two police lieutenants are covered by Police union rules for unused administrative leave. Those two are excluded because they hold confidential positions in the Personnel and Internal Affairs divisions. This ordinance will eliminate the disincentive for those assigned to these positions, particularly if the transfers are made mid-year, resulting in a loss of accumulated administrative leave for the year.

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Assistant Police Chief Bruce Pronk said the two positions should be treated the same as the other command officers.

**Disposition:** Ordinance No. 170774. (Y-5)

**Commissioner Mike Lindberg**

**1951** Recognize the Tryon Creek Watershed Council as a watershed council that meets the intent of the State of Oregon Governor's Watershed Enhancement Board (GWEB) guidelines (Resolution)

**Discussion:** Dawn Uchiyama, Tryon Creek Watershed Council, asked for recognition of the Council as the official watershed group.

Mark Smiley, consultant for Organizational Development, described how the structure of the Council has evolved, noting the dominant role citizens have had. He said personnel conflicts, however, eventually led to a split between those who wanted a citizens-only Council and those who wanted more diverse representation. He said this group has done its homework and deserves recognition so that it can move ahead.

George Toefer, Friends of Tryon Creek State Park, said the Council needs to be recognized so the important issues involving the watershed can be addressed.

Ivy Francis, Bureau of Environmental Services, said staff had reviewed the process and the City's involvement, including funding for a consultant. She said this is a multi-jurisdictional group with representatives from Clackamas and Multnomah Counties, plus State agencies. The majority of Council members are citizens. Recognition will allow the group to seek funding from the Governor's Watershed Enhancement Board.

Steve Daneman, citizen Council member, said this group also has a broad representation of stakeholders and is not just an advocacy group. He said the Watershed Council has operated in a meticulous and open manner.

Loring Larson, Manager, Tryon Creek State Park, supported recognition of the Tryon Creek Watershed Council.

Amanda Fritz, 4106 SW Vacuna, described some of the projects undertaken by the Council and said it needs recognition to continue that work and apply for a grant to help with management strategies.

Sonja Kazen, citizen member of the Council, described the group's proactive efforts to improve the watershed. She said they did extensive outreach with the community and have a very open involvement process. She stressed that the Watershed Council meets all the criteria for recognition in the Governor's Watershed Enhancement legislation and she hopes it meets the City's criteria as well.

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Kendra Smith, 7145 N. Delaware, read a letter from Michael Houck, Audubon Society, in support of the group's legitimacy.

Barbara Sharon, citizen member of the Watershed Council, said she got involved in order to do restoration projects and was excited to see citizens and agencies working together in this group.

Lisa Lackey, 622 SW Maplecrest Drive, summarized a letter from Judy Henderson, representing the Tryon Resource and Management Partnership (the other watershed council), requesting a delay until the two groups can meet. She said it is very sad to have two groups fighting as both want the same outcome.

Peggy Hennessy, also representing the Tryon Resource and Management Partnership, PO Box 86100, 97286, said there are four jurisdictions within the Tryon Creek watershed - Portland, Lake Oswego, Multnomah County and Clackamas County. State statute provides that when multiple jurisdictions are involved they must together determine their roles and the appropriate method for determining membership. The Tryon Creek Watershed Council has requested recognition by the City as the duly established watershed council but nothing is referenced in the resolution about the jurisdictions' respective roles or about how membership is to be determined. Multnomah County has already officially recognized the Tryon Resource and Management Partnership for the same watershed and it does not make sense to have two separate groups duplicating efforts, developing conflicting plans or competing for limited funds. The two groups plan to meet and discuss consolidation and have also discussed the possibility of mediation to try to resolve their conflicts. She said the City should not recognize a second council for the same watershed until there is formal coordination of all four affected jurisdictions.

Jim Squires, 19th Ave., Lake Oswego, 97034, said with four jurisdictions involved there are four sets of goals and four sets of policies. Sooner or later they will conflict. The Management Partnership is composed entirely of citizens and because none of the four jurisdictions are represented in an official capacity, it will have an advantage in solving such conflicts when they arise. He requested a delay until after a joint meeting can be held. He said the Partnership has a proven track record of successful projects.

Commissioner Lindberg said his staff called the Governor's staff who said recognition of the Council was not prohibited.

Linda Dobson, Commissioner Lindberg's assistant, said nothing in the Statutes prohibits more than one watershed council.

Mayor Katz said her question concerned the language which states that when multiple groups are involved in an area served by a watershed council, the affected local governments should together determine their respective roles and the appropriate method for appointing members to a local watershed council.

Ben Walters, Deputy City Attorney, said the Statute references the local watershed councils as consisting of a multitude of entities, including representatives from local government



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groups. Second, there is a reference in the Statute to more than one watershed council within a county and requires that those councils report to the County Commission. That would seem to imply that more than one watershed Council can exist in a County but does not clear up whether more than one can exist for a particular watershed. He said if a watershed council was convened in April by Multnomah County why is it only now being brought to the City since four jurisdictions are affected.

Commissioner Lindberg said his office previously sought advice from the City Attorney's office that this was legal to do.

Mr. Walters said there seems to be some inconsistency in saying that there should have been a conferring of the jurisdictions now when there was no conferring of them previously.

Jim Bolan, 804 5th Street, Lake Oswego, 97034, asked for a deferral as Lake Oswego is behind the curve on this issue and would like a chance to weigh in before a decision is made. He said creating yet another conflicting body is in no one's interest. The two groups should resolve their differences and set policy.

Liz Callison, 6039 SW Knightsbridge, a member of the Partnership Group, said the Watershed Council was invited to meet with the Group in April. She requested mediation services to help iron out the differences and added that it would be redundant to have two groups.

Commissioner Sten asked how many members were in the Partnership Group.

Ms. Callison said there is an open membership although attendance usually ranges between 15 and 20 people. Decisions are made by consensus.

Mayor Katz said she is at a loss to decide this.

Commissioner Lindberg said deciding between the two groups is a judgment call but his advisors advocate moving ahead as they believe it is unlikely that the two groups will reach any resolution. He also believes people who represent government agencies should be legitimate members of the Council.

Ms. Francis said the two groups started out as one and an independent mediator was then brought in to resolve the differences, but without success. The difference between the two groups is that the Watershed Council includes both government and citizen representatives as its voting membership. The other group has an open membership, but no standing membership and she believes there was some confusion on Multnomah County's part when they recognized them as a watershed council as they do not meet the intent of the GWEB statute. She said professional resolution efforts have been attempted twice and it is now time to move on.

Commissioner Hales said the Watershed Council appears to be a coordinative body, not an advocacy group. Coordinating groups need to involve both public agencies and citizens. There is also a need to get going so that people involved in the Southwest Community Plan

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can get some input on these issues.

Commissioner Lindberg said because of the failure of past mediation efforts, he sees little hope that granting more time will lead to resolution.

Commissioner Sten said he is troubled by this but the Watershed Council appears to more closely meet the State's guidelines. He asked if Portland's members could be non-voting as it is not important to him that the City has a vote. He finds no compelling case for delay since it has already been mediated.

**Disposition:** Resolution No. 35577. (Y-5)

### Commissioner Charlie Hales

**1948** Adopt the Portland Office of Transportation's 1996-2001 Strategic Plan (Resolution)

**Discussion:** Commissioner Hales said the Office of Transportation has transformed itself from a transportation-oriented organization to a neighborhood livability-oriented agency. He noted that at a recent Council Informal on the Plan, the Council had requested an amendment that beefs up the language strengthening the emphasis on multi-transportation modes, not just the automobile. He moved that amendment. Commissioner Lindberg seconded and, hearing no objection, the motion carried.

Felicia Trader, Director, Portland Office of Transportation (PDOT), said they are excited about moving forward to implement the Plan now.

**Disposition:** Resolution No. 35578 as amended. (Y-5)

**1949** Continue the regulation of tree cutting on private properties (Second Reading Agenda 1905; amend Code Chapter 20.42)

**Disposition:** Ordinance No. 170775. (Y-5)

### Commissioner Gretchen Miller Kafoury

**1950** Approve the annual review of the Basic Emergency Services Plan and accept the After Action Report on the flood of February, 1996 (Resolution)

**Discussion:** Chief George Houston, Fire Bureau, described the City's readiness plans for dealing with floods, ice and snow this winter. He also reviewed the ten lessons the City learned from last year's flood response and recovery efforts.

Mark Schmidt, Fire Bureau Emergency Management Office, invited Council members to attend one of their emergency response drills.

**Disposition:** Resolution No. 35579. (Y-5)

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- \*1952** Increase the amount of assistance in the installation of backflow devices to obtain relief from flooding basements caused by sewers backing up during heavy rainfall (Ordinance; amend Code Chapter 17.32.100)

**Discussion:** Dean Marriott, Director, Bureau of Environmental Services, said this September over 40 homes in an area with no prior history of basement flooding, flooded due to sewer back-ups during a bad rainstorm. He said the City has a back-flow prevention program and this ordinance proposes to increase the public's share of the cost of installing backflow devices from \$750 to \$1500, which will cover the cost for the majority of cases. He said the rate has not been adjusted since 1984. BES continues to increase hydraulic capacity of the sewer system and is allocating \$28 million to hydraulic relief in the next five year capital budget.

**Disposition:** Ordinance No. 170776. (Y-5)

- \*1953** Authorize two year contract with Montgomery Watson Americas to provide professional engineering services for the Willamette River Predesign project in the amount of \$2,452,350 (Ordinance)

**Discussion:** Commissioner Lindberg reviewed the evolution of the CSO program over the last four years and the steps that have been taken to carry out the binding agreement with the Environmental Quality Commissioner, estimated to cost \$1 billion. Working collaboratively, they have been able to bring the cost down to about \$700,000. Regarding management, he noted the decision to go for a partnership approach between BES and an outside contractor. This approach, he believes, has resulted in a further reduction of another \$50 million in the project. To see if further savings were available he convened a workshop of national experts which led to formation of a stakeholder group. This group will work with the consultant to see if there are more cost-effective ways that could be used.

Commissioner Lindberg moved to delete the emergency clause so people have a little more time to look at this. Hearing no objections, the Mayor so ordered.

Mr. Marriott noted the tight time frame for making decisions over the next two years for what could be a \$350 million project on the Willamette River basin. He said they want to find the most cost effective solution possible. As part of that effort, a group of stakeholders has been meeting and will bring its recommendations to Council next week. He noted that there is some money in this contract to provide for the stakeholder, including some additional public involvement funding. The second major effort is the technical analysis.

Commissioner Hales asked that the ordinance be amended to set aside the public involvement component in this contract pending Council review. He said it appears to be BES practice to include such a component in each of these major contracts and noted that close to \$600,000 was slated for public involvement in the original Sverdrup contract plus another \$300,000 in the one considered last week. This contract calls for \$247,000 for public involvement. He said he would like to reexamine the whole program to see if money can be saved by using bureau staff more effectively. Simply having a line item for public involvement that totals over a \$1 million in the last three contracts makes him very concerned.

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Mr. Marriott said some of their successes have been the result of investing on the front end in public involvement effort. He cited the Peninsula Crossing Trail as an example.

Commissioner Hales said he does not question the value of public involvement but the City could fund about 94 neighborhood associations through seven district coalitions with the same amount of money. He needs to know how well BES is using the neighborhood network and staff instead of consultants.

Commissioner Lindberg agreed that the details about what people actually do have not been spelled out. He said one option for Council is to separate out the public involvement portion and go forward with the rest. BES could also be asked to provide a detailed description of the public involvement efforts in the contracts Commissioner Hales has noted. Next week, with that separation and this information, Council could proceed.

Mayor Katz said the City needs to look at its public involvement efforts across all bureaus. She asked if BES has a model for public involvement. She said this is a sore spot in every bureau and it would be helpful to have an analysis and a model that others could use. However, she does not want to hold up this contract and will support a vote next week.

Commissioner Hales said that would be useful as there is a huge variation in practice among bureaus. In the Planning Bureau, for instance, the public involvement responsibility for the community plans rests with the staff person. Citizens see the City as one organization but sees wildly different approaches and levels of public involvement depending on whether it is an enterprise bureau which uses contractors or a general fund bureau which uses staff.

Mr. Marriott said even general fund bureaus, however, use contractors. He is willing to provide all the information requested but believes BES' public involvement efforts have been very successful and provide a model for settling contentious issues, such as siting of the sewer treatment plant.

Commissioner Sten asked if the public involvement piece in this contract could be taken out retroactively if Council changes the overall approach on public involvement.

Lissa Druback, Project Manager, said language could be added to terminate parts of it.

Commissioner Sten said he believes BES went through a thorough decision-making process before deciding to use this approach. He also thinks Commissioner Hales' question about how this fits into the overall strategy is a fair one. He would like to spend more time on that but is not convinced that means major changes and would be satisfied with a means to stop the money flow if there is a policy review. He does not want to hold up the contract while Council does the review.

Commissioner Lindberg asked if that could be worked out.

Ms. Druback said they could add formal language allowing the City to reduce the contract's scope.

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Commissioner Hales said if language can be added stating "this part is on hold" he is satisfied.

Commissioner Sten said there is a piece that looks at the five different ways to change what is being done on the Willamette and that needs to keep moving. In terms of how that is done, more time can be taken.

Mayor Katz said language will be added allowing termination of the public involvement, or any other component. She said she wants to review public involvement Citywide. She asked BES to think through if there is a more efficient way of doing public involvement.

Commissioner Lindberg asked what happens if the review takes a long time while the Bureau needs to move ahead in the next 90 days. He said the stakeholders' group is outstanding and was involved in selection of the consultant. They should be involved in this review also.

**Disposition:** Passed to Second Reading as amended December 19, 1996 at 2:00 p.m.

**City Auditor Barbara Clark**

**1954** Assess property for sewer connection contracts processed through the Private Plumbing Loan Program for the period ending November 26, 1996 (Second Reading Agenda 1911; P0021)

**Disposition:** Ordinance No. 170777. (Y-5)

**1955** Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through October 19, 1996 (Previous Agenda 1912; Y1012)

**Discussion:** Dan Vizzini, Auditor's Office, said this was continued and now the hearing can be closed.

Commissioner Kafoury moved the amendment and, hearing no objections, the Mayor so ordered.

**Disposition:** Passed to Second Reading as amended December 19, 1996 at 2:00 p.m.

**1956** Assess property for sewer system development contracts of the mid-County sewer project for the period ending October 29, 1996 and non mid-County for the period ending October 29, 1996 (Second Reading Agenda 1913; Z0641, Z0642)

**Disposition:** Ordinance No. 170778. (Y-5)

At 11:55 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 11TH DAY OF DECEMBER, 1996 AT 2:00 P.M.

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

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

**1957** **TIME CERTAIN: 2:00 PM** - Appeal of Wilkes Community Group against Hearings Officer's decision to approve application of Stan Adkins for a major land division and environmental review for a 158-lot subdivision at NE 154th and NE 158th Avenues (Hearing; 96-00307 SU EN)

**Discussion:** Cay Kershner, Clerk of the Council, read the Planning Bureau's recommendation that Council reject this appeal.

Bob Haley, Planning Bureau, said the neighborhood association polled members by phone to see if they wished to appeal but the open meeting required under the Code did not take place until after the appeal period expired. On this basis the Bureau recommends that the appeal be rejected as Wilkes Community Group did not meet all the requirements for an appeal fee waiver nor did it pay the fee.

Ruth Spetter, Senior Deputy City Attorney, concurred regarding the fee waiver eligibility requirements.

Commissioner Lindberg asked if Council could give Wilkes two minutes to explain the situation.

Ms. Spetter said they cannot appeal this any further, even if they now paid the appeal fee.

Council decided to let Wilkes discuss the fee issue.

Alice Blatt, Wilkes Community Group, said Wilkes never contended that a vote was taken to appeal at an open meeting, as has been implied. She said four public meetings were held about this subdivision and everyone knew there was consensus to appeal but no formal vote was taken. She said this was her fault.

Mayor Katz said she would like to hear the issues even though no appeal hearing would be held.

Ms. Blatt said the neighborhood opposes this proposal because not one square inch of the property has been designated for open space or parks and there is nothing to protect their community from the incursion of 235 units with narrow streets and no provision for

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recreation. Wilkes also is concerned about the resulting traffic pattern and two unsignalized access points onto Sandy Boulevard.

Commissioner Hales said the City is working with Metro now to purchase land for parks in park-deficient neighborhoods. He has also asked the Parks Bureau to look into implementing parks system development charges when new developments occur. He agreed that the City has not kept up with the growth in this neighborhood and is trying to catch up now.

**Disposition:** Appeal denied.

### Commissioner Charlie Hales

**1958** Complete City Council adoption of the Outer Southeast Community Plan (Ordinance; amend Code Chapter 33.535)

**Discussion:** Michael Harrison, Planning Bureau, explained the amendments needed to complete Council's adoption of the Outer Southeast Community Plan. One, Amendment No. 24, recommended CS (Commercial Storefront) zoning at the intersection at 122nd and Division, where two major transit and two main streets cross. The Planning Commission recommended General Commercial (CG) zoning with a small piece of commercial office zoning. When the amendment was originally considered, staff identified this location as possibly a missed opportunity and a decision was delayed until after Council's deliberation on the Transportation Planning Rule amendments to the Zoning Code. That was completed last month and passage of those amendments resolves all the issues that prompted the Planning Bureau to initially identify it as a missed opportunity. The CG zoning, with one exception, is nearly as restrictive for locations along transit streets as CS zoning would be. The CS requirement that 50 percent of a building's perimeter must be along the sidewalk is inflexible and there are no exceptions. The CG zoning has the same requirement along transit streets but does allow exceptions through an adjustments process. Given the heavy automobile traffic at this location, the adjustments process could reasonably be used by developers. Staff now recommends that Amendment 24 not be adopted and the zoning as originally recommended by the Planning Commission be retained. He said having consistent zoning in this area will allow aggregation of property, allowing this area to compete with larger suburban tracts in surrounding areas.

Mr. Harrison said one Planning Commission recommendation was overlooked when the Plan was passed. The Planning Commission, at the request of Linda Bauer and the Pleasant Valley Neighborhood Association as well as the Johnson Creek Advisory Committee, recommended that a limitation of 50 percent be placed on the amount of site area in an impervious surface to 50 percent. Restrictions on tree removal near buildings were also recommended in the sub area of Johnson Creek flood plain district. Staff recommends adding those provisions. He said the City did deal with the impervious surface provisions in the south sub area but they should also extend to the flood plain sub area. He recommended, however, that the Planning Commission proposal be amended for impervious surfaces in the Johnson Creek flood plain to restrict its application to residential zones only. They believe it would be premature to impose those requirements on the industrial and commercial properties which in some cases are being required to cover more than 50 percent of the site with

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impervious surfaces. Some are required to build containment structures to prevent any hazardous materials spilled on the ground from entering the soils. Also, the amount of impermeable surfaces is a stormwater control issue currently being studied by the Stormwater Advisory Council and it would be better to address this on a Citywide basis. He said everyone who participated in the Outer Southeast Plan hearings was notified about these matters.

Bob Roth, Watershed Coordinator for the Johnson Creek Watershed Council, opposed limiting the restriction on impervious surfaces to residential properties only. He said the City needs to minimize impervious runoff without increasing the amount of hazardous wastes. This is a step backwards.

Linda Bauer, Pleasant Valley Neighborhood Association, cited prior City flood plain studies, incorporated as part of the Johnson Creek Basin Protection Plan, which recognized landslide areas based on slope and soil analysis. Somewhere along the line, in adopting the Outer Southeast Plan, landslide potential came to be based on slope alone and land classifications were consolidated from five to three. Given recent flooding in the area, the Neighborhood Association requests that the five land classifications in the original study and the recommendations of the recently adopted (October, 1996) City Land and Mitigation Plan be reinstated in the Johnson Creek Plan District, both for the south and the flood plain districts. They also request that the 50 percent impervious limitation apply to the entire flood plain district, as recommended by the Planning Commission, Bureau of Environmental Services and Bureau of Planning. All recommended the need to have stronger regulations to protect the flood plain and the new recommendation does not do that. The Centennial Neighborhood Association unanimously endorses this also.

Commissioner Kafoury asked why staff changed the recommendation.

Mr. Harrison said staff recommends amending the Planning Commission recommendation to limit the application. In part, this is because the stormwater runoff issue is already addressed by another regulation in the Johnson Creek flood plain which restricts runoff on new developments from exceeding the pre-existing development level. This is essentially a no-net increase policy. He said they are trying to avoid a gridlock solution. This issue is also being addressed on a Citywide basis. The Planning Commission wants to reinforce the proposed Lents Town Center as an employment center and this could be put the area at a competitive disadvantage in creating jobs. They agree that stormwater is a problem and will require every development to manage stormwater to produce no-net increase. They believe they can have the impervious surface standard apply to residential development without constraining the area's ability to meet Comprehensive Plan objectives for housing production.

Commissioner Hales said in some cases a developer could not meet other City regulations and stay at 50 percent lot coverage.

Mr. Harrison agreed, as in some zones they require that at least half the site be covered with buildings. That would conflict with their desire to have every developer willing to comply with the Comprehensive Plan to have a straight shot at being able to get their approvals.



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Only those needing an adjustment would be required to go through a public involvement process.

Commission Sten asked if the Planning Commission missed that apparent conflict when it recommended that commercial and industrial property be included in the requirement.

Mr. Harrison said the issue was not discussed in depth as the Commission had over 400 amendments to consider. He said the Bureau of Environmental Services is comfortable with this amendment.

Ms. Bauer asked about the land classifications she had requested.

Mr. Harrison said that would be a new amendment. He said staff overseeing the land classifications for this area found there were effectively only three land classifications and too much overlap between them was creating confusion. They suggested compressing the five into three and that was done last year as part of the Johnson Creek Plan District.

Commissioner Kafoury said she will check in the intervening week to make sure the Flood Mitigation Plan Council just adopted is not in conflict with what was done in Johnson Creek.

Commissioner Hales moved to adopt the Bureau's recommended modification of the Planning Commission's amendment as contained in the report. Commissioner Kafoury seconded.  
(Y-5)

In voting yes, Commissioner Hales said it is with some reservation that he supports the recommendation for General Commercial zoning at 122nd but is looking forward to seeing good street-oriented, not auto-oriented, development take place there. He agrees with staff regarding the impervious surface regulations as the City needs to be careful not to create conflicts between Code requirements.

Commissioner Sten said if the stormwater is covered through the other regulation that is all right with him but he will check with BES over the next week. If the City's economic development and flood mitigation policies are in conflict, however, he will vote no next week as he is very concerned about this site and does not want to wash out anyone.

**Disposition:** Passed to Second Reading as amended December 19, 1996 at 2:00 p.m.

**1959**

Tentatively deny appeal of St. Johns Neighborhood Association against Hearings Officer's decision to approve application of City of Portland Bureau of Parks and Recreation for a conditional use to renovate Pier Park located at Lombard Street between N Columbia Boulevard and St. Johns Street (Findings; Previous Agenda 1877; 96-00069 CU)

**Discussion:** Cay Kershner, Clerk of the Council, said the record was left open at the request of the appellant but nothing was filed.

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

**Disposition:** Appeal Denied; Hearings Officer's decision upheld with tree plan.

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

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



By Cay Kershner  
Clerk of the Council