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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 7TH DAY OF MAY, 1997 AT 9:30 A.M.

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

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

Agenda Nos. 594 and 609 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 592** Accept bid of Russell Construction, Inc. for restroom construction at Kelley Point Park for \$117,798 (Purchasing Report - Bid 134)
- Disposition:** Accepted; prepare contract.
- 593** Accept bid of All Concrete Specialties, Inc. for school safety projects, various locations, for \$123,192 (Purchasing Report - Bid 137)
- Disposition:** Accepted; prepare contract.
- 595** Accept bid of Moore Excavation, Inc. for Taggart Basin CSO sump Unit 4 Phase 1 for \$208,500 (Purchasing Report - Bid 179)
- Disposition:** Accepted; prepare contract.
- 596** Accept bid of Copenhagen Utilities and Construction, Inc. for SE 33rd Ave. and Sherrett St. sanitary sewer for \$207,632 (Purchasing Report - Bid 180)
- Disposition:** Accepted; prepare contract.
- 597** Vacate a certain portion of an unnamed street lying west of NW Bridge Avenue, under certain conditions (Ordinance by Order of Council; C-9786)
- Disposition:** Passed to second reading May 14, 1997 at 9:30 a.m.

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**Mayor Vera Katz**

- \*598** Establish the nonelective contribution (Employee Benefit Allowance) for the Cafeteria Benefit Plan for plan year beginning July 1, 1997 (Ordinance)  
**Disposition:** Ordinance No. 171099. (Y-5)
- \*599** Pay claim of Gina Hoesly (Ordinance)  
**Disposition:** Ordinance No. 171100. (Y-5)
- \*600** Pay claim of Arthur Joseph Mortenson (Ordinance)  
**Disposition:** Ordinance No. 171101. (Y-5)
- \*601** Pay claim of Tawanna Fuller (Ordinance)  
**Disposition:** Ordinance No. 171102. (Y-5)
- \*602** Pay claim of Frank and Karen Halvorsen (Ordinance)  
**Disposition:** Ordinance No. 171103. (Y-5)
- \*603** Pay claim of Priscilla Lee Doty (Ordinance)  
**Disposition:** Ordinance No. 171104. (Y-5)
- \*604** Pay claim of Cherra Savage (Ordinance)  
**Disposition:** Ordinance No. 171105. (Y-5)
- \*605** Memorandum of understanding with the Portland Office of the FBI for the Safe Streets Portland Fugitive Task Force (Ordinance)  
**Disposition:** Ordinance No. 171106. (Y-5)
- \*606** Agreement with Columbia Occupational Health Associates for medical evaluation of police officer candidates (Ordinance)  
**Disposition:** Ordinance No. 171107. (Y-5)
- 607** Authorize the Purchasing Agent to sign a Purchase Order as a contract with Software AG for ESA versions of ADABAS and NATURAL (Ordinance)  
**Disposition:** Passed to second reading May 14, 1997 at 9:30 a.m.

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- \*608** Authorize Intergovernmental Agreement to provide the City of Pittsburgh, Pennsylvania with expert technical services relating to constitutional and affirmative action (Ordinance)

**Disposition:** Ordinance No. 171108. (Y-5)

**Commissioner Jim Francesconi**

- \*610** Grant revocable permit to the Oaks Park Association to construct, operate and maintain a private sewer line within a portion of Sellwood Park (Ordinance)

**Disposition:** Ordinance No. 171109. (Y-5)

- \*611** Contribute \$22,500 towards the purchase price of the Walters-Bryan-Ingram property on the northern foot of Kelly Butte in the East Buttes regional target area (Ordinance)

**Disposition:** Ordinance No. 171110. (Y-5)

- \*612** Contract with Russell Construction, Inc. for \$117,798 to construct a restroom facility at Kelley Point Park (Ordinance)

**Disposition:** Ordinance No. 171111. (Y-5)

- \*613** Authorize a contract for sidewalk improvements at Progress Downs golf course and provide for payment (Ordinance)

**Disposition:** Ordinance No. 171112. (Y-5)

- \*614** Execute Cooperative Land Use Agreement with Division of State Lands concerning the State of Oregon-owned lands within, fronting and abutting Lotus Isle Park at Hayden Island (Ordinance)

**Disposition:** Ordinance No. 171113. (Y-5)

- \*615** Grant a revocable permit to the Portland Rose Festival Association to use Tom McCall Waterfront Park from May 18 through June 18, 1997, or as approved by the Portland Parks and Recreation Bureau (Ordinance)

**Disposition:** Ordinance No. 171114. (Y-5)

- \*616** Grant a revocable permit to the Portland Rose Festival Association to erect and maintain flags and banners on the ornamental light standards in downtown Portland from May 18 through June 22, 1997 (Ordinance)

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**Disposition:** Ordinance No. 171115. (Y-5)

- \*617** Grant a revocable permit to the Portland Rose Festival Association to vend and sell Rose Festival items on downtown City sidewalks on May 31, June 4 and June 7, 1997 (Ordinance)

**Disposition:** Ordinance No. 171116. (Y-5)

- \*618** Grant a revocable permit to the Portland Rose Festival Association to close portions of city streets prior to the Grand Floral Parade for formation area from 5:00 am to 12 noon on Saturday, June 7, 1997; for erection of seating in Winning Way from 9:00 am Friday, June 6 through 4:00 pm Saturday, June 7, 1997; and for a float display area after the parade from 2:00 pm Saturday, June 7 through 6:00 pm Sunday, June 8, 1997 (Ordinance)

**Disposition:** Ordinance No. 171117. (Y-5)

- \*619** Grant revocable permits to the Portland Rose Festival Association to hold the Starlight Parade in downtown Portland on May 31, 1997 (Ordinance)

**Disposition:** Ordinance No. 171118. (Y-5)

- \*620** Grant revocable permits to the Portland Rose Festival Association to hold the Junior Rose Festival Parade on June 4, 1997 (Ordinance)

**Disposition:** Ordinance No. 171119. (Y-5)

- \*621** Grant revocable permits to the Portland Rose Festival Association to hold the Grand Floral Parade on June 7, 1997 (Ordinance)

**Disposition:** Ordinance No. 171120. (Y-5)

**Commissioner Charlie Hales**

- 622** Accept completion of project for the SW Capitol Highway/SW 49th Avenue sidewalk and curb ramp project and authorize final payment to Capitol Concrete Construction, Inc. (Report; Contract No. 30361)

**Disposition:** Accepted.

- 623** Accept contract with Meng-Hannan Construction for Hoyt Arboretum as substantially complete, authorize final payment and release of retainage (Report; Contract No. 30534)

**Disposition:** Accepted.

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- \*624** Contract with Tri-Met to provide labor and materials for the installation of a fiber optic cable system in the amount of \$52,500 (Ordinance)  
**Disposition:** Ordinance No. 171121. (Y-5)
- \*625** Authorize a contract and provide for payment for installation of ornamental street lights in the Skidmore area (Ordinance)  
**Disposition:** Ordinance No. 171122. (Y-5)
- \*626** Contract and provide for payment for construction of school safety projects and Phase I of the SE Market Street traffic calming project (Ordinance)  
**Disposition:** Ordinance No. 171123. (Y-5)
- \*627** Authorize a contract and provide for payment for traffic signal remodels at five locations and the installation of one communication cabinet (Ordinance)  
**Disposition:** Ordinance No. 171124. (Y-5)
- \*628** Authorize a contract and provide for payment for the installation of school zone beacons at 20 school crossing locations (Ordinance)  
**Disposition:** Ordinance No. 171125. (Y-5)
- \*629** Authorize a contract and provide for payment for Multnomah Center site improvements and architectural barriers removal (Ordinance)  
**Disposition:** Ordinance No. 171126. (Y-5)
- \*630** Approve combining the construction contract for the renovation of Montavilla Community Center and pool mechanical systems with the renovation of Peninsula Community Center and pool mechanical systems, previously approved by Ordinance No. 170995, to be constructed by the construction manager/general contractor process (Ordinance)  
**Disposition:** Ordinance No. 171127. (Y-5)
- \*631** Authorize a contract and provide for payment for the renovation of Sewallcrest Park (Ordinance)  
**Disposition:** Ordinance No. 171128. (Y-5)

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**\*632** Contract with Richard Brown Architects for an amount not to exceed \$179,000 to provide architectural design services for Washington Park (Ordinance)

**Disposition:** Ordinance No. 171129. (Y-5)

**\*633** Contract with Bernard, Johnson, Young, Inc. for \$57,000; Carl Mileff & Associates for \$85,000; EsGil Corporation for \$57,000; and Linhart Powers Associates, Inc. for \$42,000 to provide plan review and engineering services (Ordinance)

**Disposition:** Ordinance No. 171130. (Y-5)

**Commissioner Gretchen Miller Kafoury**

**\*634** 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. 171131. (Y-5)

**\*635** Amend contract with the National Development Council by increasing the amount by \$25,000 and provide for payment (Ordinance; amend Contract No. 30641)

**Disposition:** Ordinance No. 171132. (Y-5)

**\*636** Amend Agreement with the Housing Authority of Portland to increase compensation by \$1,814,084 and provide for payment (Ordinance; amend Agreement No. 30889)

**Disposition:** Ordinance No. 171133. (Y-5)

**\*637** Contract with Portland Women's Crisis Line to provide assistance to victims of domestic violence in the amount of \$20,400 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 171134. (Y-5)

**Commissioner Erik Sten**

**638** Accept completion of the Willamette River basins test sump, Unit 10, Project 5922, and authorize final payment to NTA Contracting, Inc. (Report; Contract No. 31006)

**Disposition:** Accepted.

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**\*639** Authorize a contract in an amount of \$37,083 with Kaplan Engineering to provide commissioning services for Water Pollution Control Laboratory (Ordinance)

**Disposition:** Ordinance No. 171135. (Y-5)

**\*640** Authorize a contract and provide for payment for the NE 42nd Avenue and Fremont Street sanitary sewer extension (Ordinance; Project 6164)

**Disposition:** Ordinance No. 171136. (Y-5)

**\*641** Authorize a contract and provide for payment for the N. Portland sanitary sewer extension (Ordinance; Project 5909)

**Disposition:** Ordinance No. 171137. (Y-5)

**\*642** Call for bids to purchase an auxiliary diesel pump unit, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 171138. (Y-5)

#### **REGULAR AGENDA**

**S-594** Reject all bids for Columbia Slough consolidation conduit construction segment 5 for the Bureau of Environmental Services (Purchasing Report - Bid 155)

**Discussion:** Commissioner Sten said the contractor who had been awarded the bid decided he could not do the job.

Carlton Chayer, Purchasing Agent, said these bids need to be rejected so the City can go out for rebid immediately.

Commissioner Sten moved to reject the bid and Commissioner Francesconi seconded.

Commissioner Francesconi asked, as there were only two bids on this, if that was customary and if there were a way to get more competition on bids.

Commissioner Sten said he would check.

**Disposition:** Accepted. (Y-5)

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**\*609** Authorize a contract for improvements to Harney Park and provide for payment (Ordinance)

**Discussion:** Commissioner Francesconi said he wanted to highlight an effort that succeeded in the past when the Bureaus of Environmental Services and Parks and Transportation's Cheap and Skinny Streets program worked together to redo this park. This is a success that can be built upon in Lents to use parks as attractors and have the bureaus come together to deliver.

Commissioner Kafoury noted that the Bureau of Housing & Community Development was involved as well.

**Disposition:** Ordinance No. 171139. (Y-5)

**587** **TIME CERTAIN: 9:30 AM** - Approve and accept the Final Recommendations of the Soccer Field Citizen Task Force (Report introduced by Commissioner Hales)

**Discussion:** Commissioner Hales said a citizens' task force and neighborhoods all over the City have worked with the Park Bureau to try to site new soccer fields and provide for additional soccer opportunities in a city where land is in short supply and soccer-playing kids and adults are in increasing supply. This proposal is to build nine new turf fields, two new artificial surface fields and to renovate five fields for a total of sixteen new facilities for soccer use. He said there are other great partners in this proposal: including the Portland Public Schools; the National Guard, with particular help from the Southwest Neighborhood Coalition; the soccer leagues; and the grant from the U.S. Soccer Federation.

Nancy Gronowski, Bureau of Parks and Recreation, said Parks was charged with finding sites for 12 new fields and they have had excellent cooperation from the Task Force and neighborhoods. She noted the schools involved, which were spread throughout the City.

Commissioner Hales said he and Commissioner Francesconi have been working on the question of how to deal with the long-range operating costs of the facilities they build. The advantage of an artificial turf field is the ratio of playability to maintenance so, even though the initial capital cost is higher, the ability to maintain the field is less costly.

Commissioner Francesconi noted that maintenance costs are eating up Parks departments across the country, especially those in older facilities. He asked about the Task Force recommendation for a permanent sports user group to address the issue of the cooperative use of athletic fields in the City, as well as maintenance.



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Ms. Gronowski said, with the number of sports such as softball, Little League, football, soccer and so on, that play on overlapping fields, such a user group could discuss the needs in one forum and not be at cross purposes.

Commissioner Francesconi asked if the Task Force could suggest ways that the sports groups could help with maintenance. He asked if short-use agreements with Lewis & Clark and Sylvania Community College would be a way to get even more soccer fields in southwest.

Ms. Gronowski said they are looking at partnering with various sports clubs and organizations for maintenance. Parks and the Task Force has had conversations with both colleges about their facilities that are not used as heavily as parks and school sites, although new fields could not be put on their properties because of conditional use restrictions.

Brian Campbell, Southeast Soccer Club and Task Force member, said he supports Commissioner Hales' and Ms. Gronowski's comments.

Commissioner Hales said the Task Force's time-consuming efforts are appreciated, especially given the difficulty of finding sites and the amount of available money. They have been innovative in the grants they acquired to accompany this and in the use of the artificial turf.

Ms. Gronowski passed a sample of the artificial turf to Council, noting it allowed fewer injuries as it was not just "carpet over concrete."

Commissioner Hales acknowledged the central support they received from the Rob Strasser Foundation which provided one of the artificial fields.

Charles Jordan, Director, Bureau of Parks and Recreation, said the Strasser donation was a special and rare gift. It is part of someone's legacy, reflecting that person's value system. Rob Strasser's many friends wanted something to remember him by and this gift will continue through many generations. Rob had a real love of Oregon, loved sports and loved for people to be involved. Julie Strasser wanted this to be on public land where no one could be excluded.

Julie Strasser thanked Drew Mahalic for the Soccer Federation work and for being the liaison for the entire project. She hopes the Portland, Oregon Sports Authority will become more involved in these kinds of projects.

Drew Mahalic, Executive Director of the Portland, Oregon Sports Authority, said their role was to help Ms. Strasser find the best possible use for the donation. The most kids will get the best use for the dollar investment.

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Commissioner Francesconi said other cities in the country have begun to charge or have allowed commercialization and he noted how important the Strasser donation was.

**Disposition:** Accepted. (Y-5)

- \*588** Accept a donation from the Rob Strasser Foundation in the amount of \$240,000 for FY 1996-97 for improvements at East Delta Soccer Field No. 8, the Rob Strasser Field (Ordinance introduced by Commissioner Hales)

**Disposition:** Ordinance No. 171140. (Y-5)

- \*589** Accept a grant from the US Soccer Federation Foundation in the amount of \$50,000 for FY 1996-97 for additional improvements at East Delta Soccer Field No. 8, the Rob Strasser Field (Ordinance introduced by Commissioner Hales)

**Disposition:** Ordinance No. 171141. (Y-5)

- \*590** Increase contract with J.P. Contractors, Inc. in the amount of \$1,084,043 for expansion of soccer facilities at East Delta Park (Ordinance introduced by Commissioner Hales; Contract No. 30704)

**Disposition:** Ordinance No. 171142. (Y-5)

- \*591** Authorize Parks and Recreation Director to enter into an agreement with the Oregon Army National Guard to provide the labor and equipment needed to grade the site for the soccer field at Mary Rieke elementary school (Ordinance introduced by Commissioner Hales)

**Discussion:** Commissioner Hales noted the irony of the recent proposal to begin privatizing the State's excellent park system, as this package shows that Oregon's citizens are willing to support their parks.

**Disposition:** Ordinance No. 171143. (Y-5)

**Mayor Vera Katz**

- 643** Declare support for Ballot Measure No. 50 (Resolution)

**Discussion:** Mayor Katz said the Council, in an informal meeting, agreed to introduce this Resolution.

David Agazzi, Director, Bureau of Financial Planning, said they were asked for preliminary estimates on the financial impacts. He said there are many outstanding issues with the budgets but more importantly they have not seen

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what the State legislature is going to do about allocation of the property tax lawsuits. The estimates on Ballot Measure 50 to date show \$3 million less in property tax revenue for the City, which may sound bad but the problem with the Fire/Police Disability and Retirement Fund (FPD&RF) will be taken care of. Right now the pension obligation bonds are in the general fund mix. Property tax revenues need to be diverted to pay for them and a new resource found to pay for next year's liability with the pension fund. With that out of the equation, the highest-end estimate of additional resources to the general fund could be as much as \$13 million. Mr. Agazzi said three outstanding issues are: 1) if FPD&RF is taken care of and Measure 50 passes, the pension obligation bonds will be called which would cost about \$500,000; 2) the PGE/Enron merger is likely to go through, significantly reducing revenue to the general fund by as much as \$1.7 million; and 3) the State Legislative Revenue Office has not issued new revenue estimates on Measure 50.

Mr. Agazzi said what is perceived as loss of local control under Measure 47 seems to be a much clearer loss under Measure 50. He said he does not know if this is bad, but it appears the State Legislature will have powers which would normally reside with the local government. It also appears that the Legislature can more liberally allocate the property tax loss. What will impact future budgets is that the Legislature will have what appears to be a new power to direct the City future revenue increases that are not competitive with the private sector.

Drew Barden, Bureau of Financial Planning, said the estimates are numbers that were taken on faith from Salem so they cannot vouch for the actual fiscal and financial impacts.

Mayor Katz asked if each bureau budget had add packages in case of additional revenues.

Mr. Barden said most bureaus prioritized their budget reductions, although he thought most bureaus would want to review those and reprioritize if there were any funds.

Commissioner Kafoury asked why the police restoration was mentioned in the sample.

Mr. Agazzi responded that it was just an example: if Council decided that public safety was most important to address first, what would that cost.

Lewis Marcus, Chair of the Friends of Cathedral Park Neighborhood Association, 7318 N. Syracuse, 97203, said the City budget staff is not clear on Measure 50 and neither is Don McIntire or the voters. His community is grateful for the North Precinct and the ambulance service.

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Commissioner Francesconi said there is a need for meaningful tax reform, especially because property tax is too high and property tax cannot solve all the issues. Measure 47 may be unconstitutional and at least Measure 50 keeps some fundamentals intact. He noted there was an unfair balance between the business community, which is not paying an adequate share, and residential property owners.

Commissioner Hales said that Measure 50 is a little less obnoxious to City services that people do not want cut, yet the basic requirement to cut and cap taxes is still in place.

Commissioner Kafoury said this was a pretty narrow choice although she and the Council are committed to get some real tax reform and address the inequity issues. She noted that Oregon was fifth in the country in personal, individual taxation and 43rd in corporate/business taxation, important numbers to remember.

Commissioner Sten said that since 1990, working class housing prices have doubled. Even with relatively low property values, homeowners paid about one-half the taxes and now they pay about sixty-five percent. Measure 47 only passed by one percentage point which is an indication about how people see their government. Mr. Sizemore, Measure 47's author, has actually said that the goal is not to limit government, but to lessen taxes on the rich.

Mayor Katz said Measure 47 certainly needed some clarification. The Measure's most serious impact on the community is that the Police Bureau has 41 vacancies which will not be filled and 59 sworn-officer layoffs for a total of 100 sworn positions.

**Disposition:** Resolution No. 35606. (Y-5)

**S-644** Approve a process to provide City employees the opportunity to reimburse the City for all personal use of City cellular telephones and long distance land line services back to May 1, 1995 (Resolution)

**Discussion:** Commissioner Hales moved the Substitute and Commissioner Francesconi seconded. The Mayor so ordered.

After it was read into the record, Mayor Katz moved the Substitute on Item 645 and Commissioner Hales seconded. The Mayor so ordered.

Mayor Katz said Items 644 and 645 would be discussed together.

**Disposition:** Substitute Resolution No. 35607 as amended. (Y-5)

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S-\*645 Adopt a City Council policy with guidelines for the management and use of City phones (Ordinance)

**Discussion:** Janice Deardorff, Personnel Director, said they were developing a new administrative personnel policy manual. The cell phone policy is the first in a series to be developed. She noted that the short-term reimbursement process would go into effect on May 21, 1997 and, in addition to repayment of the calls, there will be a three percent administrative charge.

Commissioner Kafoury asked why reimbursement would not go into effect for two weeks.

Ms. Deardorff said the two weeks would give the bureaus an opportunity to deal with any disciplinary issues they need to take.

Commissioner Kafoury queried the disciplinary actions taken prior to today and during the two-week period -- would employees not be allowed to reimburse the City and come back exonerated.

Ms. Deardorff said part of the discipline process a bureau may choose to use in the two-week period may include reimbursement.

Commissioner Kafoury further queried if any disciplinary action taken prior to the effective date of the Resolution is valid.

Ms. Deardorff said such action stands alone, separate from anything going forward on May 21. The wording under "coverage" says this process applies equally to all current City employees and pending disciplinary matters. The intent is that the policy would apply to all City employees.

Commissioner Sten said the discipline would not be complete on anyone in two weeks if it has just begun, but this seems to read that if an employee voluntarily complies after May 21, the discipline is off.

Ms. Deardorff said this addresses the employees who come forward to pay the City back for personal phone calls and they would not be subject to investigation or discipline regarding personal use of the cell phones. This is different from the cases that have already occurred or will occur in the next two weeks.

Commissioner Francesconi moved that under "Purpose" in the Resolution the words "who do not have pending disciplinary matters" be added. Commissioner Hales seconded. The Mayor so ordered.

Jeff Rogers, City Attorney, said that "pending disciplinary matters" need to be clearly linked to the use of the cell phones, only.

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Commissioner Kafoury said, in the implementation of both items, she hopes this will be economically feasible so a .14 cent reimbursement does not cost the City \$25 to process. Perhaps there could be batching.

Commissioner Sten said this problem is not as complicated as it sounds. He was embarrassed to read that one of his bureaus had a flagrant abuser of cell phone use, running up several thousand dollars. There was a policy which was not being enforced very well and the bills were not being monitored.

Mayor Katz said there should be a City-wide policy for consistent management and reimbursement methods throughout all the bureaus. For cost effectiveness, the Bureau of Finance and Administration can help bureaus with batching.

Commissioner Kafoury noted it is important for Council to also address the issue of who gets cell phones.

Mayor Katz noted the addition in the City-wide policy that any personal long distance call on a fixed City phone should be charged to the employee's home or credit card.

**Disposition:** Substitute Ordinance No. 171144. (Y-5)

### Commissioner Jim Francesconi

- \*646** Accept a grant from Lower Columbia River Estuary Program in the amount of \$4,292 for FY 1996-97 for sedimentation testing of the Delta Park ponds (Ordinance)

**Discussion:** Commissioner Francesconi said the floods increased the sediment that has been building up over the years and has an impact on habitat value.

Commissioner Sten said this would be coming up later in the Agenda and there is a need to work with the State and DEQ on waterway cleanup.

**Disposition:** Ordinance No. 171145. (Y-5)

- \*647** Authorize agreement with Columbia Marketing Group and Bank of Newport to develop a Portland Parks & Recreation Affinity Card program (Ordinance)

**Discussion:** Charles Jordan, Director, Parks and Recreation Bureau, said several years ago in developing the strategic plan the Park Bureau knew they would have to look in strange places for resources to finance facility maintenance. This item will generate revenue to establish some endowment for facilities where it is known the costs will escalate, as at Delta Park. In the three

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months before the cards will be ready the Park Bureau will develop a marketing plan.

Commissioner Francesconi said this was shopped to all the banks. The Bank of Newport is trying to expand in Portland on the small business side and is only charging 13.9 percent interest with no annual fee. He asked, although the City cell phone policy is only about two minutes old, if it could be amended because the Bank of Newport has a cellular phone policy under which the City would get money from every call made.

Commissioner Kafoury said that while it is not headquartered in Portland, the Bank of Newport was very helpful with the affordable housing and financing some of the Host projects.

**Disposition:** Ordinance No. 171146. (Y-5)

**\*648** Designate nine Heritage Trees in the City of Portland (Ordinance)

Jane Glazer showed slides of and described the nine newly-designated Heritage Trees.

**Disposition:** Ordinance No. 171147. (Y-5)

### **Commissioner Charlie Hales**

**649** Adopt cost cutting amendments to the South/North Light Rail alternatives and design options to be studied further in the project draft Environmental Impact Statement and recommend to JPACT and the Metro Council that completing light rail on the Transit Mall should be the region's first priority after Phase I of the South/North Project (Resolution)

**Discussion:** Commissioner Hales said the resolution reflects the two top priorities determined in the Council informal: construction of the full mall project as the next Light Rail funding priority after completion of the first phase of the South/North project and location of the potential terminus in the Kenton business district. He said they have heard a lot from the community about those two issues as well as the importance of transit downtown. The citizens of North Portland, Kenton in particular, want to use Light Rail as a lever to further improve the Kenton business district.

Rick Williams, Chairman of the South/North Citizens Advisory Committee (CAC), 825 NE Multnomah, PO Box 108, 97232, said his committee had representation from each major alignment segment stretching from Vancouver, Wn. to Oregon City. Over 200 public meetings have been held in the community since December, 1996, and that process clearly conveyed two things: go forward

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with Light Rail and cut costs. Mr. Williams said he had met recently with Congressman Jim Oberstar, the ranking minority member of the U.S. House Transportation and Infrastructure Committee, which makes Light Rail funding decisions, and that member's message was also to cut costs. The federal government has \$100 billion in funding requests over the next six years and only \$5 to \$7 billion available. Portland is asking for \$500 million and needs to have a system that competes. CAC strongly endorses the Steering Committee's recommendation which reflects the input of the 6,500 people they have talked to in the last five months and of the commitment at the federal level to make this project work. The Advisory Committee unanimously endorses three commitments: 1) extend the line to Oregon City; 2) build the Eastside connector; and 3) avoid having commuter rail compete with the South/North Light Rail for federal funding, although it is a good idea which should be recommended to Metro for future regional planning.

Jim Nicola, President of Central Eastside Industrial Council, 1206 SE MLK Blvd., 97214, noted that Metro's redesign of the Carruthers Street crossing produced tremendous cost savings. His council also supports the Eastside connector, which will take pressure off downtown.

David Rasmussen, Brooklyn Neighborhood Association liaison to Light Rail, praised staff, unusually for him, for getting people out and getting the information.

Commissioner Francesconi asked about the importance of Interstate Avenue and getting Light Rail to Kenton.

Mr. Williams said the CAC, in an earlier phase of this project, emphasized the importance of crossovers to keep Interstate alive and cost-effective in a comparative relationship with the I-5 alignment. The public testimony clearly indicated that is where people want to go and if the money were there the Committee would have recommended it, but because it is in the Draft Environmental Impact Statement (DEIS) and will be examined as part of that process and the Lombard minimum operable segment is based on the funding they think they have, CAC went with Lombard.

Stan Lewis, 111 SW Harrison, 97201, South/North CAC, Central City Streetcar CAC, Chair of the Tri Met Rail/Bus Accessibility Subcommittee, Vice-Chair of Committee for Accessible Transportation, said he listed his memberships because of his involvement with transportation improvement for the whole region with a special interest in serving the interests of the elderly and disabled. Mr. Lewis said the alignment was certainly controversial but its resolution has been well received. He came to live in Portland because of a magazine article that said the city was in a renaissance and the South/North rail will enhance that.



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Commissioner Francesconi said a main principle for him was how to connect the whole central city, including the Eastside, with bus service connecting the working class neighborhoods. On a recent trip to Philadelphia, he noted how the subway connects working class neighborhoods to the downtown and was struck by how limited Portland's system is.

Commissioner Hales said this is a good time to take stock of the city's transportation system and how to build a network to give people mobility and choices. Despite the tough competition for federal funding, Portlanders are committed to having a livable city through their transportation system.

Commissioner Sten said he appreciated Commissioner Hales' pushing on Kenton as it is essential to get down Interstate.

Mayor Katz said Portland's increased congestion results from the population increase as well as each family having numerous cars. She said the City also needs to look at a bus system to support light rail, airport light rail, commuter rail and high speed rail.

**Disposition:** Resolution No. 35608. (Y-5)

**Commissioner Erik Sten**

- \*650** Contract with Tri State Construction, Inc. for \$1,077,777 to perform utility relocation work associated with the Columbia Slough consolidation conduit project (Ordinance)

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

- \*651** Amend contract with Ecology and Environment for Phases 2 and 3 interim sediment remediation actions at the high priority contaminated sediment areas in the Columbia Slough in the amount of \$396,707 (Ordinance; amend Contract No. 30566)

**Discussion:** Commissioner Sten said in 1994 a very high level of metal content was found near the stormwater outfalls on the Slough and remediation looked very expensive. Since then it has been scientifically justified that the metal tracings are found just around the stormwater outlets and can be treated as part of the CSO for a savings of about \$500,000 in remediation costs. One wetland has been studied and there are three or four more, so remediation may still be needed. DEQ has been working with the Bureau of Environmental Services (BES) and has approved the report and recommendation without any corrections, which is unusual.

**Disposition:** Ordinance No. 171148. (Y-5)

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**City Auditor Barbara Clark**

- 652** Assess benefitted property for the costs of improvements in the Westside light rail underground utilities Local Improvement District (Hearing; Ordinance; C-9853)

**Discussion:** Dan Vizzini, Auditors Office Liens and Assessments Manager, said this hearing was scheduled some time ago and notices were sent to property owners, after which it was learned that the transportation project manager would be out of town. The property owners were notified last week of the hearing's two-week postponement.

**Disposition:** Continued to May 21, 1997 at 9:30 a.m.

- 653** Create the SW Evans Street/19th Avenue Local Improvement District (Hearing; Ordinance; C-9911)

**Discussion:** Dan Vizzini, Auditors Office Liens and Assessments Manager, said this district was formed by a combination of petitions and waivers and the cost estimates are based on its being built during this construction season.

Christopher Brand, Davis Wright Tremaine, 1330 SW 5th Avenue, Suite 2300, 97201, representing the Edwards family and Barbur Boulevard Rentals, said he submitted a remonstrance letter in opposition to the formation of this district. The proposed project would result in an \$100,000 assessment to his client for an improvement he could not use. The Edwards family and Barbur Boulevard Rentals would get no access to the road nor would their property be served by the storm drains at SW 19th and Evans. He said there will be no access to the Barbur Boulevard Lots 124 and 91 to the west side of SW 19th. There are three reasons why his clients should not be included within this district: 1) the waiver is invalid on these properties as the Edwards family was waiving the right to remonstrate against projects designed to serve the property -- not to benefit -- and the City has confirmed that the project will not serve the Edwards property; 2) if that waiver is valid, the property is not specially benefitted as required by Portland City Code or ORS 223; and 3) if Council does accept the waiver as valid and finds a special benefit, the apportionment is not proper. The Edwards and the client to the north would pay over 60 percent of this improvement.

Scott Edwards, Vice-President of Barbur Boulevard Rentals, 8205 SW Barbur Boulevard, said this has been a family-owned and operated business for over 40 years which does not make enough profit to pay \$100,000 for something they cannot use and are not benefitted by.

Stan Crawford, owner of parcel No. 10 on SW 19th, said this Local Improvement District (LID) came about at the request of the SW Evans Street property owners

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and that street was the scope of the original LID. The City suggested that SW 19th be included in this project because of drainage problems and meeting pavement-to-pavement guidelines. Including SW 19th seems due to the fact that over 40 percent of the properties on SW 19th are waived and thus automatically count towards the majority in an LID. Over 50 percent of the affected property owners on SW 19th have had their votes negated by the SW Evans owners. The original proposal has been modified three times, substantially altering the original plan and to his knowledge no signer of the original LID was offered an opportunity to resign or negate these modifications. SW 19th was originally going to be a full street improvement and is now a half-width street improvement, from the deadend to halfway up the hillside -- a street that goes nowhere to nowhere.

Craig Cooley, 8040 SW 19th Avenue, said he has been in the real estate business for 23 years, owns a lot of property and he sees no benefits to this property from the LID. Only four property owners on 19th Street are being asked to pay for this and all four are totally opposed.

Chuck Smith, 1831 SW Evans Street, said there is a total of ten houses facing Evans Street which is almost a deadend street and is the main access to Barbur Boulevard. In the apartments (which face 19th) at the end of Evans there is a total of 37 families and they all use Evans Street and should pay their fair share.

Ron Craft, property owner on SW Evans, said the apartment families are the main users of SW Evans and are the reason the street is deteriorating so quickly.

Commissioner Kafoury asked if there were some alternatives to explore.

Mr. Vizzini said the only real concern is how much of a delay there is because the LID would miss the season and another year would make this very bad road very much worse. There has been testimony on the size and layout of the district, which properties benefit and do not, and how the costs are spread. Mr. Brand's comments about the validity and effectiveness of the waiver cannot be decided by Council as the City Attorney's office has said that is a matter for the courts. Council can decide to form the district on its own authority. The Evans Street petitioners are almost unanimous in wanting to have these improvements. There is a risk in the City relying on the waivers on the Barbur Boulevard Rentals properties and the City Attorney's office recommends that Council not attempt that and form the district on its own authority.

Mayor Katz asked, if the courts interpret the waiver in the way the Edwards' representative did, will everyone else have a much higher bill.

Mr. Vizzini said whether the waivers are valid is a legal matter for the courts and independent of the question as to whether the properties benefit from the

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street improvement. He said the Evans property owners' testimony was accurate and a trip-generation study would show the majority of traffic travels down Evans Street and the volume is generated by the apartment buildings which front on SW 19th. The shape of the LID has grown out of the argument that, essentially, SW 19th is a long driveway, especially for the apartment buildings at its very end. The Barbur Rentals' Lot B is right against the public right-of-way and the zoning for commercial use will not allow access to 19th, so the Auditor's office recommends a zero-assessment in exchange for an irrevocable deed restriction to never tap 19th. Mr. Vizzini said that in the future if there is a request for a zoning change, to build apartments for example, and for access to 19th, then the other neighbors in the LID should be reimbursed for that property's share of this cost. Property A is zoned R1, residential, but is being used as commercial and, because of the permanent nature of the improvements, the property benefits whether it is used now or not. There is a long City history to assess based not on current use but on the permanent benefits of the improvements.

Commissioner Hales asked about the allegation that the Barbur Rentals property would not receive stormwater service from this LID.

Patty Nelson, Bureau of Environmental Services, said they are already connected to the Barbur Boulevard service.

Commissioner Hales asked why Lot 11 was not included and why the project did not go up to Moss Street.

Lola Gailey, Bureau of Transportation Engineering, said the original request was for SW Evans only. In researching the project it made sense to the engineering staff to include SW 19th from Barbur up to Moss. In the neighborhood, the people from Evans to Moss were unanimously opposed, as were the majority of the people to the south. Also, the northern piece has access to Barbur down Moss.

Mayor Katz said both the issues of proceeding with Evans and also not improving 19th seem to have been raised.

Mr. Vizzini said it would be a serious injustice to the property owners on Evans to exclude property on 19th that clearly benefits from the access. The problem with an LID is timing -- we are asking them to build it now and pay for it now (or on a loan) so the deferral may be an appropriate answer to the timing. All the others are clearly using it now and should pay for it.

Mr. Brand said his clients are interested in the potential deferral, especially as they will derive no immediate benefit for an assessment of over one-third the burden.

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Commissioner Francesconi asked if the proposal was to defer Lot A and exclude Lot B?

Mr. Vizzini said yes. He also wanted to add to the record that the area method was used for the fairest apportionment, as the lots vary in depth and trip-generation is unfair.

Mr. Brand said the danger in sidestepping the waiver issue is that a court could find it invalid.

Mr. Vizzini said there will be a neighborhood meeting next Monday.

**Disposition:** Continued to May 21, 1997 at 9:30 a.m.

At 12:20 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF MAY, 1997 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Acting Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

**Commissioner Charlie Hales**

- 655** Tentatively deny appeal of Multnomah Neighborhood Association and uphold Hearings Officer's application approval of Leonard and Carolyn Faria, for a conditional use and adjustment to install a permanent, unmanned cellular broadcast facility at 4350 SW Multnomah (Findings; Previous Agenda 574; 96-01075 CU AD)

**Discussion:** Steve Gerber, Planning Bureau, said the appellant requested an additional two weeks to prepare the supplemental findings.

**Disposition:** Continued to May 21, 1997 at 9:30 a.m.

- 656** Tentatively deny appeal of Roseway Neighborhood Association and uphold Hearings Officer's decision to approve application of Frank A. Bitar and Associates for a conditional use and adjustment to install a permanent, unmanned cellular telecommunications broadcast facility at 3427 NE 72nd Avenue (Findings; Previous Agenda 540; 96-01113 CU AD)

**Discussion:** Steve Gerber, Planning Bureau, said the findings he prepared reflect Council's decision to uphold the Hearings Officer's decision with the modification to reduce the tower from 130 feet to 75 feet.

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

**Disposition:** Findings Adopted. (Y-4; Sten abstained.)

- 654** **TIME CERTAIN: 2:00 PM** - Appeal of Arthur Lutz, applicant, against Hearings Officer's decision to deny application for a zoning map amendment and solar adjustment to develop a 10.03 acre parcel as a 29 unit PUD at 6427 SW Hamilton (Hearing; 96-00925 PU SU EN AD)

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**Discussion:** Kathryn Beaumont, Senior Deputy City Attorney, said this was an "on the record" review and all comments must be limited to legal arguments based on the evidentiary record compiled by the Hearings Officer.

Sue Donaldson, Planning Bureau, said appellant is requesting an adjustment to solar regulations to reduce the number of lots required to meet the regulations in City Code 34.65 which would also involve removing the Hearings Officer's Condition J. She showed slides of the property and the immediate area. Ms. Donaldson said the Hearings Officer found that only 11 lots could meet the solar regulations -- orientation and lot size -- and that the remaining lots meet the third standard performance option which requires buildings to be designed and oriented on the site to expose a significant area of the building to solar radiation and protect roof and glazing from shade. However, Title 34 applies except to the extent the approval authority finds that one or more of the conditions for adjustment or exemption exist in which case an adjustment could be approved. The Planning staff determined that those conditions were met based on site character and the need to preserve trees and recommended approval to reduce the number of lots. The site has large trees and wetlands and the lot size has been reduced to protect them. The garages will be located at the rear of the lots to improve the streetscape appearance. Planning staff recommends approval.

Larry Epstein, 722 SW 2nd, 97204, representative for the appellant, said they originally appealed two issues and are withdrawing one of them as the Hearings Officer approved the zone change for a portion of the site which had been in Washington County. He said the solar access issue is very important to them. Of the 10 acres, about three and one-half acres will be preserved as a common open space so the lots are smaller and are permitted to be that way in a Planned Unit Development (PUD). Mr. Epstein said the two disputed lots are solar oriented -- each has a front lot line oriented within 30 degrees of a true east/west line, both have a lot depth of at least 90 feet and they do comply with the City Code description. On the basis that those two lots do comply with the basic standard, the request for an adjustment is for the 11 other lots which need to comply with the solar performance standard. To protect solar access to those lots, about 96 trees will need to be cut outside the building footprints.

Commissioner Hales asked if Council could accept findings today.

Ms. Beaumont said she has read through the findings and today, as a final decision, Council could grant the appeal, uphold the Hearings Officer's decision as written with respect to the PUD, the subdivision and the environmental review, reverse the Hearings Officer's decision as to compliance with the solar regulations and adjustments and adopt the findings prepared by the applicant/appellant as a substitute for the Hearings Officer's findings on compliance with solar requirements and solar adjustments.

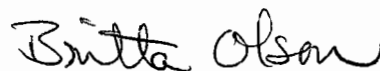
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Commissioner Hales moved the determination outlined by Ms. Beaumont and Commissioner Francesconi seconded.

**Disposition:** Appeal accepted: Findings Adopted. (Y-5)

At 2:20 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland



By Britta Olson  
Acting Clerk of the Council