



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF JANUARY, 1998 AT 9:30 A.M.

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

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

Agenda No. 32 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 33** Accept bid of CEMS, Inc. for Aprilhill Park improvements for \$66,000 (Purchasing Report - Bid 98093)

Disposition: Accepted; prepare contract.

- 34** Accept bid of Environetics for Lots 1, 3 and 4 for \$257,620 and Corporate Environments for Lots 2, 5 and 6 for \$45,446 for furnishing specialty furniture for City Hall renovation (Purchasing Report - Bid 98095)

Disposition: Accepted; prepare contract.

- 35** Vacate a certain portion of NE 50th Avenue north of NE Beech Street, under certain conditions (Second Reading Agenda 08; C-9941)

Disposition: Ordinance No. 171925. (Y-5)

Mayor Vera Katz

- 36** Confirm appointment of Linly Ferris Rees to the Adjustment Committee (Report)

Disposition: Confirmed.

JANUARY 14, 1998

- 37** Confirm appointment of Herbert Bruce Broussard, Shane Latimer, Lloyd Lindley and Phyllis Reynolds to the Urban Forestry Commission (Report)

Disposition: Confirmed.

Commissioner Jim Francesconi

- *38** Contract with W & H Pacific and Network Computing Architects to provide telecommunications engineering consulting services for the Bureau of General Services, Communications Division (Ordinance)

Disposition: Ordinance No. 171926. (Y-5)

Commissioner Charlie Hales

- 39** Accept contract with Davis Landscape Nursery, Inc. for Northgate Park improvements as complete, authorize the final payment less \$4,700 for liquidated damages and release retainage (Report; Contract No. 30815)

Disposition: Accepted.

- *40** Increase contract with Infrastructure Management Group to provide facilitation, organizational consultation and planning services for Blueprint 2000 (Ordinance; amend Contract No. 31419)

Disposition: Ordinance No. 171927. (Y-5)

- *41** Authorize a contract and provide for payment for material and labor to construct improvements at Portland Heights Park (Ordinance)

Disposition: Ordinance No. 171928. (Y-5)

Commissioner Gretchen Miller Kafoury

- *42** Intergovernmental agreement with Federal Bureau of Investigation for Fire Bureau to provide paramedical backup services to FBI SWAT team (Ordinance)

Disposition: Ordinance No. 171929. (Y-5)

- *43** Amend agreement with REACH Community Development, Inc. to increase the budget by \$25,000, extend the timeline, amend the scope of work and provide for payment (Ordinance; amend Agreement No. 31064)

Disposition: Ordinance No. 171930. (Y-5)

JANUARY 14, 1998

- *44** Contract with Mental Health Services West for \$25,241 to provide outreach services to homeless individuals with mental illness and provide for payment (Ordinance)

Disposition: Ordinance No. 171931. (Y-5)

- *45** Agreement with Southeast Uplift Neighborhood Program, Inc. for \$22,977 for coordination of the Marshall Caring Community and to provide for payment (Ordinance)

Disposition: Ordinance No. 171932. (Y-5)

Commissioner Erik Sten

- 46** Accept completion of the Lincoln Park sanitary sewer system, Project No. 5051, and authorize final payment to Casper & Magera, Inc. (Report; Contract No. 30191)

Disposition: Accepted.

REGULAR AGENDA

- 32** Accept bid of Overall Laundry Service, Inc. for industrial uniform laundry services for \$66,997 (Purchasing Report - Bid 98087)

Discussion: Cay Kershner, Clerk of the Council, noted a request from Purchasing for a one week's continuance.

Disposition: Continued to January 21, 1998 at 9:30 a.m.

- *31** **TIME CERTAIN: 9:30 AM** - Acquire property located at 3130 NW Skyline Boulevard for fire station site (Previous Agenda 1955; introduced by Commissioner Francesconi)

Discussion: Commissioner Kafoury said this would authorize purchase of property for a fire station in an area where not many suitable sites are available. A separate conditional use land-use process through Multnomah County would still be required. She said the Fire Bureau is committed to involving the community in the site development process.

Fire Chief Robert Wall said the Fire Bureau has been assessing suitable areas for fire stations over a number of years. He said the Bureau will involve the community in site design and hopes to be a good neighbor and use the property as efficiently as possible. In response to questions about why a station was needed so close to Tualatin Valley's Station No. 250, he said response times in that area are still pretty high and need to be decreased. Regarding the proposed site at Forest Heights, he said what the developer offered was found to be unbuildable and there

JANUARY 14, 1998

is no formal City requirement that he provide a station site, although there probably should have been.

Commissioner Francesconi asked why Forest Heights did not offer an alternative site if this was unbuildable.

Commissioner Hales said the developer did offer another site but later withdrew that offer.

Commissioner Kafoury said nothing bound Forest Heights to donate a site so the City would have had to buy property anyway.

Commissioner Hales said this situation will never happen again as there will never be another development project of this size. He said the City did secure dedication of park land and school sites in Forest Heights but since the Dolan case, the City cannot ask a property owner to donate land as a condition of development.

Commissioner Francesconi asked if the City would need that station without Forest Heights.

Chief Wall said yes, although it may have taken many more years to get to the point where it was needed. The Bureau plans to minimally develop the proposed purchase site so it will blend into Forest Park. The 24-hour coverage the station will provide will add a security blanket for this area.

David Kish, Director, Bureau of General Services (BGS), said some have questioned why there was not a public bidding process for the site. He said for 25 years, the community has known it would eventually need a station here and there is only a linear set of options along Skyline. Rather than issue an RFP, BGS hired a broker to look for a site that met Fire Bureau needs and could be obtained at a reasonable price.

Commissioner Francesconi asked why joint staffing with the Tualatin Valley Fire District was not feasible.

Chief Wall said he and Commissioner Hales met several times with Tualatin Valley District staff regarding a joint site and got fairly close in their negotiations but then they backed out, partly due to labor reasons. Tualatin Valley then acquired property and built its own station.

Commissioner Francesconi noted that the Fire Bureau has indicated a need for four sites and that \$1 million in operating funds is required for each one.

JANUARY 14, 1998

Chief Wall said three sites on the West side and one in Hollywood are needed. One station could be staffed with existing personnel but after that more employees would be needed.

Commissioner Francesconi said four stations may exceed the City's operational capacity. If that is true, does the City still need to purchase property?

Chief Wall said the City's obligation is to provide adequate fire service and the City has promised service in these areas for quite a while. It is very difficult to find suitable property for these sites and how the City pays for the stations is a tough question.

Commissioner Francesconi said it would be better to talk to Tualatin Valley about how to operate cooperatively.

Mayor Katz said if the proposed General Obligation bond measure fails, the question will be how the Bureau can build and operate these facilities.

Residents speaking in opposition to the purchase of this property included:

John Buttler, 3131 NW Skyline Blvd., 97229
Clark Hansen, 3200 NW Skyline Blvd., 97229
Mel Zucker, 2222 NW Ramsey Drive, 97229
Louise Cody, 1515 SE 151st Avenue, 97233
Dorie Vollum, 3324 NW Skyline Blvd., 97229
David Froseth, 3200 NW Skyline Blvd., 97229
Lewis Marcus, 7318 N. Syracuse, 97213

Opponents of this purchase said this is not the best site for a new station which should be built closer to new development, particularly Forest Heights. Several testified that the property owner, Bob Pfeifer was not a willing seller. They said building a station on this site would duplicate services with the Tualatin Valley fire station while leaving other areas uncovered. Mr. Zucker said the breakdown between the City and Tualatin Valley was the fault of the City's firefighters union which would not agree to joint staffing. Many testified that Forest Heights had an obligation under Goal 11 of the Comprehensive Plan to provide a site for the station and noted that the one offered should have been immediately recognizable as unbuildable. Opponents claimed the Bureau's station siting study was flawed and that there was no notification to neighbors.

John Martinez, 6814 N. Greenwich Ave., representing Erika Pfeifer, the property owner's daughter, said Mr. Pfeifer is a willing seller and believes having the City acquire this property is in the best interest of both seller and buyer. He said Mr. Pfeifer initially wanted to will his property to Forest Park but needs to sell in order to pay medical bills. However, under the terms sought with the City, two-thirds of

JANUARY 14, 1998

the land will become part of the Park. He said current fire response times are unacceptable and with 500 new houses there, and many more to come, there is truly a need.

Chief Wall discussed current response times and alternative sites. He said there is no willingness to provide a site at Forest Heights now.

Commissioner Sten said it looks like the Fire Bureau erred in 1981 when it said the Forest Heights site was acceptable.

Chief Wall said he does not know what happened then but assumes the Bureau did not personally view the site. He said the Bureau continues to seek ways to work with Tualatin Valley but the opportunity to build a joint facility has passed and there is a great demand for service in Forest Heights. He insisted that the Fire Bureau siting strategy was not flawed. In response to a question from Commissioner Hales about wildfire capability, he said there is a significant need to have brush fire fighting equipment nearby during the high fire season. Right now the Bureau must bring that equipment from St. Johns.

Chief Wall said normally the Bureau does notify residents in such matters but did not in this case because it had so few siting options. The Bureau will, however, involve the neighborhood in the design and operational plans. Tree cutting will be minimized.

Commissioner Sten asked if there was any suitable property in Forest Heights the City could buy.

David Kish, Director, Bureau of General Services, said a broker looked at property there but was not able to find anything that would work.

Chief Wall said since Tualatin Valley built its station, Portland is more limited in where its site should be.

Commissioner Francesconi said this appears to be a good economic deal for the City and, even if a station is never built, the City needs to keep its options open.

Commissioner Hales said the area's geography and the number of people here dictate the need for this station. He said the City needs capacity to fight forest and wild fires and locating a station at the top of the hill makes sense for response times. He disagreed with Mr. Zucker about why joint staffing with Tualatin Valley failed. He said labor issues were not the sticking point and Washington County chose to locate a station close to its service boundary, in sight of the City's boundary line.

JANUARY 14, 1998

Commissioner Kafoury said this purchase is not frivolous but recognizes the changing nature of the area. She said many of the concerns raised can be addressed through the land-use processes.

Commissioner Sten said while mistakes were made in the past concerning the Forest Heights site and joint efforts with Tualatin Valley, this appears to be the best site that can be found. He noted that allotting one acre for the station and four acres for Forest Park seems a nice bonus for the neighborhood.

Disposition: Ordinance No. 171933. (Y-5)

Commissioner Charlie Hales

- 47 Designate twelve significant historic structures as Portland Conservation Landmarks (Second Reading Agenda 27)

Disposition: Ordinance No. 171934. (Y-5)

Commissioner Gretchen Miller Kafoury

- 48 Authorize City Attorney to participate in legal proceedings involving Metro's Regional Framework Plan (Resolution)

Discussion: Commissioner Kafoury said Gresham has requested the City's participation in these proceedings to ensure that the entire region does its share of providing affordable housing.

David Knowles, Director, Planning Bureau, said the parties have agreed to have LUBA act as mediator. He said Portland needs to be at the table even though it does not take a position. However, staff will come back to Council if it feels a position is being taken. He said the settlement agreement might change the Framework Plan.

Mayor Katz said if the City takes sides then staff does need to return to Council.

Commissioner Sten said he is not neutral on this as he believes Gresham is out of line here. He said housing policy must be linked to cost and believes Metro is too timid in this regard.

Commissioner Francesconi said Portland took a specific stand on this at Metro and he would not be happy to see that changed without Council's consent.

Disposition: Resolution No. 35669. (Y-5)

JANUARY 14, 1998

- 49** Support the national days of dialogue on race relations, January 14-19, 1998 (Resolution)

Discussion: Helen Cheek, Director, Metropolitan Human Relations Commission, said four dialogues have been held in Portland recently which attempted to respond to past criticisms that such events always preached to the choir and that there was no follow-up. This time a real effort was made to include people with different opinions and allow people to express opinions they are sometimes hesitant to bring up in multi-racial groups.

Commissioner Francesconi said the City needs more diversity in its own work force and called for a review of minority hiring practices.

Disposition: Resolution No. 35670. (Y-5)

City Auditor Barbara Clark

- 50** Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through December 8, 1997 (Hearing; Ordinance; Y1025)

Disposition: Passed to Second Reading January 21, 1998 at 9:30 a.m.

At 11:20 a.m., Council recessed.

JANUARY 15, 1998

WEDNESDAY, 2:00 PM, JANUARY 14, 1998

DUE TO THE LACK OF AN AGENDA

NO MEETING WAS HELD

JANUARY 15, 1998

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF JANUARY, 1997 AT 2:00 P.M.

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

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

51 **TIME CERTAIN: 2:00 PM** - Request of Larry and Anita Sedig for Comprehensive Plan and Zoning Map amendments from R7h (Single-Dwelling zone with Aircraft Landing overlay) to R2h (Multi-Dwelling zone with Aircraft Landing overlay), with an Adjustment, in order to develop property with four-plex units and retention of existing residence located at 5626 NE Prescott (Hearing; LUR 97-00834 CP ZC AD)

Discussion: Linda Meng, Chief Deputy City Attorney, outlined the procedures to be followed in today's hearing.

Susan McKinney, Planning Bureau, read the approval criteria and described the site where the applicants request a minor partition in order to develop the property. The Hearings Officer recommended against the request because it did not meet all the Comprehensive Plan amendment and zone change criteria. One issue is the desirability of converting single-family zoned property to multi-family use in an area which already has large amounts of underdeveloped land designated multi-family. Another major issue is transportation service adequacy, specifically at the intersection of NE Prescott/60th Avenue and Cully. This development would also accelerate the slow creep of multi-family units into single-family neighborhoods. The Hearings Officer found that the upzoning might set a precedent for future land use applications. The Cully Neighborhood Plan encourages upzoning in another area but calls for retaining single-family zoning in this area. She noted that this is not an appeal.

Jamie Charbonneau, Office of Transportation, said the applicant's traffic study for the Prescott/60th and Cully intersection shows it is currently at Service Level F, which is not acceptable. In reality, the proposal would not impact this intersection to a noticeable degree but since it is already at an unacceptable level it is not approvable. She said the intersection is on the Service Development Charge list so it is possible the service level will become adequate in the future.

Commissioner Francesconi noted the Hearings Officer's statement that the proposed development would have an insignificant impact on traffic but that the existing system must be made adequate at the time development is complete.

Ms. Charbonneau said from a transportation statement, the proposal's timing is off.

Greg Williams, co-applicant, said the existing character of this block goes from commercial to single-family residential within a single block and this project will

JANUARY 15, 1998

provide a graceful transition from 18 apartment units to single family homes. He said this project will not set a precedent because the property is unique as it adjoins R2 and is significantly larger than the average R7 parcels in the neighborhood. He said there are only a few vacant R2 lots in the neighborhood and that it is economically not feasible that the R2 lots with single family homes on them will be redeveloped. Finally, he noted that the Cully housing goals are still almost totally unmet after seven years.

Regarding level of service, he acknowledged that the level of service is ranked F but that his project will not worsen the situation. He called for resignalization of the intersection. Mr. Williams said the proposal for a shared driveway makes operational sense and is agreeable to the adjacent property owner. The applicant will mitigate the landscaping by moving the landscaping strip five to seven feet to the west.

Commissioner Sten noted the Hearings Officer statement that there is underdeveloped R2 in the area already and he tends to think nice homes will not be knocked down. He asked how this denial meets the intent of providing needed housing units.

Ms. McKinney said the intent over time is that the area will meet upzoned plan goals. The Hearings Officer and staff hope that the R2 adjacent property will be developed and applicant could then put two single-dwelling homes on that property.

Steve Yett, Chair, Cully Neighborhood Association, said the neighborhood opposes this mainly because of increased traffic congestion at the intersections of 60th, Cully and Prescott. He said over the last five years a lot of high-density buildings have been built within a half-mile radius and the neighborhood believes even a small increase in density now will worsen the situation. Because of the traffic situation, the neighborhood opposes any upzoning in this area until the intersection is improved.

Dayle Brinton, 5613 NE Prescott, 97218, said the rezoning of this area has already had a devastating effect, resulting in an enormous amount of infill. He said this rezoning is totally unnecessary and that this is a badly-planned project which does not meet all the approval criteria.

Jim Moore, 3565 NE 57th, opposed granting the zone change because of the traffic backups and inadequate service levels.

In rebuttal, Mr. Williams said the neighborhood association's problem was with traffic, not density, while the Hearings Officer objected based on the character of the neighborhood. However, multi-family housing is the character of the neighborhood. He said the zoning change will increase density and help the City meet its housing goals.

Mayor Katz asked for an explanation of "creep."

Ms. McKinney said single and multi-family zones have been established along Prescott. When the line is moved over to another street this puts pressure on the adjacent single-family zones.

JANUARY 15, 1998

Commissioner Francesconi asked when the intersection might be improved.

Christine Canavan, Transportation Engineering, said sometime between 2002 and 2005 according to their latest forecasts. The cost is estimated at \$1.6 million and needs a \$500,000 match.

Commissioner Hales asked staff to distinguish between what the owner could do under the existing zoning and with the zone change. If several flag lots are added would a curb cut be allowed.

Ms. Charbonneau said that issue would be addressed when the minor partition is reviewed. One option might be shared access with the existing home.

Commissioner Hales moved to uphold the Hearings Officer's decision. Commissioner Francesconi seconded.

Commissioner Francesconi said the Comprehensive Plan should not be amended in a piecemeal fashion. Approving this would send the wrong message to the neighborhood and give Council no standard by which to judge the next project.

Commissioner Hales said Comprehensive Plan amendments and zone changes require the highest level of proof before approval as the property must end up better than the status quo.

Commissioner Sten said he believes this would be a good transition step down for the neighborhood but meeting the traffic requirements is mandatory.

Disposition: Request denied. (Y-5)

At 3:10 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council