



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF MAY, 1998 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Sten, Presiding; Commissioners Francesconi, Hales and Kafoury, 4.

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

Agenda Nos. 557 and 563 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 543** Accept bid of Brant Construction, Inc. for Council Crest Park improvements for \$376,400 (Purchasing Report - Bid No. 98110)
- Disposition:** Accepted; prepare contract.
- 544** Reject all bids for NW 107th Ave and NW 4th St sewer rehabilitation (Purchasing Report - Bid No. 98124)
- Disposition:** Accepted.
- 545** Accept bid of Brattain International Trucks, Inc. for four 25,500 GVW cab & chassis with utility service body & hydraulic power source for \$555,400 (Purchasing Report - Bid No. 98158)
- Disposition:** Accepted; prepare contract.
- 546** Accept bid of Courtesy Ford, Inc. for seven 12,000 GVW pickup extended cab & chassis dual rear wheels with utility service body for \$298,530 (Purchasing Report - Bid No. 98159)
- Disposition:** Accepted; prepare contract.
- 547** Accept bid of JVC Contractors, Inc. for Portland Building 4th floor remodel for Personnel for \$150,000 (Purchasing Report - Bid No. 98179)
- Disposition:** Accepted; prepare contract.

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- 548** Accept Contract with G. R. Morgan for Essex Park as substantially complete, authorize final payment and release of retainage (Report; Contract No. 31024)
- Disposition:** Accepted.
- 549** Accept Contract with M. Stearns Construction for University Park improvements as substantially complete, authorize the final payment and release of retainage (Report; Contract No. 31077)
- Disposition:** Accepted.
- 550** Accept Contract with G. R. Morgan for Rose City Park as substantially complete, authorize final payment and release of retainage (Report; Contract No. 31131)
- Disposition:** Accepted.
- 551** Accept Contract with C. M. Emeis & Co. for restroom renovation at Creston and Lents Parks as substantially complete and authorize final payment and release of retainage (Report; Contract No. 31207)
- Disposition:** Accepted.
- 552** Accept completion of Columbia Pool Phase II renovation and authorize final payment to Silco Construction Co. (Report; Contract No. 31493)
- Disposition:** Accepted.
- 553** Accept completion of the NE Klickitat sewer reconstruction project, Project No. 5746, and authorize final payment to S-2 Contractors, Inc. (Report; Contract No. 31542)
- Disposition:** Accepted.
- *554** Authorize the Director of the Waste Water Group, Bureau of Environmental Services, to execute agreement documents between the City of Portland and the Port of Portland in connection with the Portland Post Office Pump Station project (Ordinance)
- Disposition:** Ordinance No. 172211. (Y-4)
- *555** Extend legal services agreement with Marten and Brown, LLP to provide legal advice on issues pertaining to well fields (Ordinance; amend Agreement No. 31627)
- Disposition:** Ordinance No. 172212. (Y-4)

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- *556** Authorize a contract with Peter B. Tobey for technical support services and Net-Map license upgrades (Ordinance)
- Disposition:** Ordinance No. 172213. (Y-4)
- *558** Solicit bids to remodel the 4th floor of the Portland Building for the Bureau of General Services, enter into a contract with the most responsive and responsible bidder, and provide for payment (Ordinance)
- Disposition:** **Disposition:** Ordinance No. 172214. (Y-4)
- *559** Grant revocable permits to the Portland Rose Festival Association to hold the Grand Floral Parade on June 6, 1998 (Ordinance)
- Disposition:** Ordinance No. 172215. (Y-4)
- *560** Grant revocable permits to the Portland Rose Festival Association to hold the Junior Rose Festival Parade on June 3, 1998 (Ordinance)
- Disposition:** Ordinance No. 172216. (Y-4)
- *561** Grant revocable permits to the Portland Rose Festival Association to hold the Starlight Parade in downtown Portland on May 30, 1998 (Ordinance)
- Disposition:** Ordinance No. 172217. (Y-4)
- *562** Grant revocable permit to the Portland Rose Festival Association to use Tom McCall Waterfront Park from May 18 through June 18, 1998, or as approved by the Portland Parks and Recreation Bureau (Ordinance)
- Disposition:** Ordinance No. 172218. (Y-4)
- *564** Grant a revocable permit to the Portland Rose Festival Association to vend and sell Rose Festival items on downtown City sidewalks, on May 30, June 3, and June 6, 1998 (Ordinance)
- Disposition:** Ordinance No. 172219. (Y-4)
- *565** 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 21, 1998 (Ordinance)
- Disposition:** Ordinance No. 172220. (Y-4)

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- *566** 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 a.m. to 1:30 p.m., on Saturday, June 6, 1998; for erection of seating in Winning Way from 8:00 a.m. Friday, June 5 through 4:00 p.m. Saturday, June 6, 1998; and for a float display area after the parade from 12:00 noon Saturday, June 6, through 8:00 p.m., Sunday, June 7, 1998 (Ordinance)

Disposition: Ordinance No. 172221. (Y-4)

- *567** Authorize an agreement between Portland Parks and Recreation and Greenworks, PC, for \$23,822 to provide design and consulting services for Eastmoreland Golf Course (Ordinance)

Disposition: Ordinance No. 172222. (Y-4)

- *568** Authorize application to the Environmental Protection Agency for a grant in the amount of \$500,000 for the Community Forestry Monitoring and Assessment Program (Ordinance)

Disposition: Ordinance No. 172223. (Y-4)

- *569** Authorize a contract and provide for payment for the renovation of Council Crest Park (Ordinance)

Disposition: Ordinance No. 172224. (Y-4)

- *570** Amend Agreement for marketing services with BankCall, LLC, an Oregon limited liability company, dba Columbia Marketing Group (Ordinance; amend Contract No. 50879)

Disposition: Ordinance No. 172225. (Y-4)

- *571** Authorize temporary appointment of Ken Rust to the position of Bureau of Financial Management Director at a rate of pay above the mid-range (Ordinance)

Disposition: Ordinance No. 172226. (Y-4)

- *572** Provide Portland Police Data System services to the City of Beaverton (Ordinance)

Disposition: Ordinance No. 172227. (Y-4)

- *573** Establish the nonelective contribution for the Cafeteria Benefit Plan for the plan year beginning July 1, 1998 (Ordinance)

Disposition: Ordinance No. 172228. (Y-4)

- *574** Amend Title 4, Personnel, of the City Code so as to accurately reflect current administrative practices and comply with the Internal Revenue Code (Ordinance; amend Chapter 4.48)

Disposition: Ordinance No. 172229. (Y-4)

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- *575** Authorize a contract and provide for payment for furnishing 22 twin ornamental cast iron street light assemblies (Ordinance)

Disposition: Ordinance No. 172230. (Y-4)

- 576** Authorize an agreement with CH2M Hill for an amount not to exceed \$50,000 to provide miscellaneous professional services in the area of emergency planning and provide for payment (Ordinance)

Disposition: Passed to Second Reading May 13, 1998 at 9:30 a.m.

- 577** Amend contract with Montgomery Watson, for \$498,000 for Phase IIC and IID to provide additional professional consulting engineering services to develop final contract documents for a new Intake and Control Building at the Bull Run Headworks site and provide for payment (Ordinance; amend Contract No. 29844)

Disposition: Passed to Second Reading May 13, 1998 at 9:30 a.m.

- *578** Authorize the Water Bureau to enter into a Contract with Cascadia Consulting Group to assist in the development of landscape/irrigation incentives and guidelines/ordinances for residential and non-residential customers (Ordinance)

Disposition: Ordinance No. 172231. (Y-4)

- 579** Amend contract with KCM Inc. for \$573,700 for Phase IIA and IIB to provide additional consulting engineering services to develop final contract documents for the first two intertie projects and provide for payment (Ordinance; amend Contract No. 31302)

Disposition: Passed to Second Reading May 13, 1998 at 9:30 a.m.

- 580** Grant a 10-year property tax exemption to Innovative Housing, Inc. for new multiple-unit housing at SW 20th, 21st and Howard's Way (Second Reading Agenda 519)

Disposition: Ordinance No. 172233. (Y-4)

- 581** Amend Intergovernmental Agreement with Marion County Department of Public Works for \$36,000 to conduct additional pavement assessment services of the Bull Run Watershed roads (Second Reading Agenda 529)

Disposition: Ordinance No. 172234. (Y-4)

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REGULAR AGENDA

- *557 Authorize submission of the Consolidated Plan and application for grants from the U.S. Department of Housing and Community Development under the Community Development Block Grant, HOME Investment Partnership, Emergency Shelter Grant, Housing Opportunities for Persons with AIDS programs for Fiscal Year 1998-1999 (Ordinance)

Disposition: Continued to May 13, 1998 at 9:30 a.m.

- *563 Grant revocable permit to Portland Rose Festival Association, to close certain streets from June 18 to June 21, 1998 to hold their Rose Festival Art Festival, waive fees for some permits and inspections (Ordinance)

Discussion: Cay Kershner, Clerk of the Council, said the Bureau had asked that this be referred back.

Disposition: Referred to Commissioner of Public Utilities. See May 20, 1998 at 9:30 a.m.

- 542 **TIME CERTAIN: 9:30 AM** - Willamette River CSO Predesign Project update (Report introduced by Commissioner Sten)

Discussion: Commissioner Sten said it is critical that the City show citizens why this project must be done and that the City is doing it in the most cost-effective way possible.

Dean Marriott, Director, Bureau of Environmental Services (BES) gave an overview of past actions, including the City's signing of a Stipulated Order with the Department of Environmental Quality (DEQ), committing the City to 96.4 percent control of Combined Sewer Overflows (CSOs) on the Willamette River and Columbia Slough.

Mr. Marriott outlined the project goals and reviewed the recommendations of an advisory group of nationally recognized experts in the field. The advisors recommended: 1) an integrated approach that goes beyond bacterial treatment of water when it rains; 2) phasing in of the project; 3) revision of current cost estimates; 4) implementation of early action plans; and 5) City involvement in regional watershed planning.

Lissa Brubeck, BES, updated Council on what actions have been taken since the Bureau's report in September. These have included identifying green solutions and reviewing models. One finding was that green solutions to date have prevented more basement floodings but have not reduced CSO flow as much as expected. She said they are now narrowing down treatment alternatives and testing them, identifying the impact of the endangered species steelhead listing and completing a water quality assessment. To date they have found that while CSOs are the major source of bacteria, there are also upstream sources which they have not yet been able to identify.

Commissioner Hales said the major upstream bacteria source has four legs and goes "moo."

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Commissioner Francesconi asked what percentage is attributed to upstream pollution sources.

Ms. Brubeck said 43 percent. She said over 90 percent of lead and copper pollution comes from upstream although the source is unknown.

Mr. Marriott noted that bacteria is a public health problem while lead and copper pollution, which affects fish habitat, is more an environmental issue. He described the integrated watershed approach that BES is now pursuing, with goals developed for each watershed and then coordinated as a whole.

Bill Hutchinson, co-chair, Stakeholders Task Force, said the goal is to ensure the highest water quality at the lowest possible cost. He said an integrated approach is needed so that the City speaks with one voice and bureau agendas do not contradict each other. A regional water lab also needs to be developed to help drive the upstream agenda and respond to downstream jurisdictions who see Portland as the only problem.

Brian Bains, co-chair, Stakeholders Task Force, said the City must make sure it does not spend \$400 million and then find people cannot swim in the River because of upstream pollution. He said the involvement of the community and bureau coordination is vital.

Commissioner Sten asked what comes next.

Mr. Marriott said over the next six to 12 months, staff will work on an alternative, integrated approach, much as has occurred with the endangered species act listing. BES will then return with recommendations to change the Stipulated Order to include more solutions than just the treatment plan and a lot of tunnels. They have had extensive discussions with the DEQ and the Environmental Protection Agency (EPA) and both agencies are very open to evaluating an alternative approach as long as it provides equal or greater protection than the current proposal.

Commissioner Francesconi asked what two things they learned from their "expert" advisors and how this project differs from what it was two years ago.

Mr. Hutchinson said they learned, first, not to commit to irreversible bricks-and-mortar solutions too early. Second, they learned that the problem will not be solved if an integrated approach is not chosen. He said when the DEQ order was initiated it was with the idea that the sewer system was broken and needed fixing. Since then there has been a lot more experience nationwide in dealing with the problem.

Commissioner Kafoury noted that this has always been an evolutionary process as even at the beginning, when the City was under the gun from the DEQ, no one thought the approach taken then would provide a total solution.

Mr. Marriott said the City does not want to spend this much money to fix the CSO problem and then be told it needs to fix the metals problem or the water temperature problem. BES wants to identify the problems and come up solutions to all of them. They want to do more

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with the \$400 million by integrating best practices with the help of a number of different professions.

Mr. Hutchinson said what it comes down to is that while BES is still committed to getting CSOs out of the River, it has added more to the "to do" list.

Commissioner Sten said a decade ago people were dumping sewage in the Willamette. Now the City has come to an agreeable compromise with the DEQ to get 96 percent of it out of the Slough and River. The next step is to determine if the City can solve the sewage problem in a way that provides broader benefits.

Disposition: Accepted. (Y-4)

Mayor Vera Katz

- 582** Amend contract with Black & Veatch for professional engineering services for Columbia Boulevard Wastewater Treatment Plant digester modification project and provide for payment (Ordinance; amend Contract No. 30892)

Disposition: Passed to Second Reading May 13, 1998 at 9:30 a.m.

- *583** Authorize amendment to an existing agreement with David E. Evans & Associates, Inc., to add design work for modifications to the Bureau of Environmental Services Linnton Pump Stations (Ordinance; Contract No. 29488)

Disposition: Ordinance No. 172235. (Y-4)

- *584** Authorize the purchase of furniture for the Bureau of Personnel Services through an Oregon State Price Agreement for approximately \$150,000 and provide for payment (Ordinance)

Disposition: Ordinance No. 172236. (Y-4)

- *585** Authorize amendment between Tri-Met and the City of Portland for water system modifications related to the Westside Light Rail Tunnel segment construction (Ordinance; amend Contract No. 31302)

Disposition: Ordinance No. 172237. (Y-4)

City Auditor Barbara Clark

- 586** Assess property for sidewalk repair by the Bureau of Maintenance for billing processed through April 3, 1998 (Hearing; Ordinance; Y1027)

Disposition: Passed to Second Reading May 13, 1998 at 9:30 a.m.

Commissioner Kafoury moved consideration of the Four-Fifths item.

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FOUR-FIFTHS AGENDA

586-1 Accept bid of Contractors, Inc. for dry weather primary and odor control facility for \$17,447,000 (Purchasing Report - Bid No. 98138)

Disposition: Accepted; prepare contract. (Y-4)

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

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF MAY, 1998 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Sten, Presiding; Commissioners Francesconi, Hales and Kafoury, 4.

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

- 588 Tentatively deny appeal of Collins View Neighborhood Association and uphold Hearings Officer's decision, as amended, to approve with conditions the application of Lewis and Clark College for conditional use master plan amendments with an adjustment at 0615 SW Palatine Hill Road (Findings; Previous Agenda 382; 97-00074 CU MS AD)

Discussion: Cay Kershner, Clerk of the Council, noted a request to continue this item one week.

Disposition: Continued to May 13, 1998 at 2:00 p.m.

- 587 **TIME CERTAIN: 2:00 PM** - Accept first biennial progress report on the implementation of the Bicycle Master Plan (Report introduced by Commissioner Hales)

Discussion: Keith Liden, Bicycle Advisory Committee, said they are very pleased that commuter bicycle riding is up and more interest is being shown in bicycling activities. Future challenges include complex route and planning issues, education and enforcement.

Mia Birk, Bicycle Program Coordinator, showed "before and after" visuals to demonstrate how bicycling rates have increased since completion of the bike lanes. She outlined some of the implementation benchmarks and said they are fairly on target in reaching the benchmark for the number of miles biked. One area where there is lag is creation of a west side network. Staff is encouraged by the number of businesses that have added new bike parking spaces and is working with the schools to increase the amount of parking there as well. Metro statistics indicate that three percent of commuters bike to work. The goal is 10 percent. As a school project, Portland State University students measured the number of bike commuters in downtown Portland in one day and came up with 11,000. Challenges that face them include: funding; collaboration with other bureaus and with schools; tough trade-offs between adding bike lanes and removing on-street parking and travel lanes; increased congestion; the high cost of projects in the West Hills; and the need for education and enforcement.

Karen Frost Mecey, Bicycle Transportation Alliance, said the City needs to challenge the domination of automobiles to a greater extent and work on the implementation of tough projects like Woodstock Boulevard.

Commissioner Kafoury said she is glad that education is being stressed.

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Commissioner Hales said when the choices are explained most people respond positively to the bike program, despite the tradeoffs. He said staff should express more graphically how many more parking garages would be needed if the bikers drove cars instead. He said during the light rail station design process, some consideration might be given to inter-modal connections with the bike network.

Disposition: Accepted. (Y-4)

At 2:25 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, 1998 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Sten, Presiding; Commissioners Francesconi,
Hales and Kafoury, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Peter Kasting, Senior
Deputy City Attorney; and Martin Cavinaw, Sergeant at Arms.

- 589 **TIME CERTAIN: 2:00 PM** - State Advisory Committee on Historic Preservation annual
achievement awards in observance of National Historic Preservation Week (Presentation
introduced by Mayor Katz)

Discussion: Al Staehli and Scott Stuenkel, Chair and Vice Chair of the Portland Historic
Landmarks Commission, presented achievement awards to: 1) the City of Portland for its
renovation of City Hall; 2) Douglas Goodman for replacement of the non-historic facade on
the H. Liebers building, 3) the Bosco-Milligan Foundation for publication of Cornerstones of
Community: The Buildings of Portland's African-American History; and 4) Concordia
Neighborhood Association and McMenamin's Pubs and Breweries for a model public/private
collaboration in the rehabilitation of Kennedy School.

Disposition: Placed on File.

- 590 **TIME CERTAIN: 2:15 PM** - Accept report and recommendation to construct permanent
devices for the SE 17th Avenue traffic calming project (Report introduced by Commissioner
Hales)

Discussion: Kris Ochia, Office of Transportation, reviewed the history of the project, citizen
involvement efforts and the results of the initial test plan. He said problems on this street,
which covers 33 blocks, included excessive speeding, high traffic volume and problems
related to truck traffic. After an initial 90-day test using a variety of traffic calming measures,
staff concluded that they did not fully address traffic volumes and that the removal of on-
street parking created some undesirable effects. Mr. Ochia outlined elements of the modified
plan which they are now bringing to Council for approval.

Bob Kahl, Advisory Committee Chair, said this is a good plan which, after three years and the
support of the Sellwood-Moreland Improvement League (SMILE), is long past due.

Individuals testifying in support of the project included:

Charles Holzwessig, 6427 SE 17th, 97202-5521
Bruce Bade, 1708 SE Claybourne, 97202
Barbara Burns, 6324 SE 17th, 97202

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Donna Busto, 6516 SE 17th, 97202
Ken McFarling, 7417 SE 20th, 97202
Gordon Merseeth, 6827 SE 17th, 97202
Kathy McCann, 1639 SE Ellis, 97202
Jean Schiffers, 6412 SE 17th, 97202
Patricia Courtney, 7517 SE 17th, 97202
Matt Courtney, 7517 SE 17th, 97202
Bob Fattor, 6808 SE 17th, 97202
John Fyre, 6607 SE 18th, 97202
Bill Murray, 8036 SE 17th, 97202
Addie Davis, 6212 SE 17th, 97202
Ted Ottis, 6112 SE 17th, 97202
Cindy Kahl, 6015 SE 17th, 97202
Lee Leighton, 6113 SE 17th, 97202

Supporters likened SE 17th to a speedway that makes it unsafe for residents, particularly children, to cross the street. Other problems are constant noise from trucks and buses. They noted that this project does not stop traffic on 17th or decrease its capacity, but only sets up control points.

Individuals testifying in opposition to the project included:

Tom Gregg, 1647 SE Rex, 972092
Erin Wiesner, 7744 SE Milwaukie, 97202
Susan Johnson, 6103 SE 18th, 97202
Michael J. Pucik, 5800 SE 19th, 97202
Scott Salzwedel, 7616 SE Milwaukie, 97202
Colby Buswell, 7726 SE Milwaukie, 97202

Opponents raised concerns about the process, contending that little effort was made to seek input from anyone in the neighborhood who does not live on SE 17th. They said it is unfair to just dump the traffic problems from 17th onto SE Milwaukie and other streets and called for an assessment of the whole area rather than simply moving the problems somewhere else. Many called attention to the bottlenecks on Milwaukie that resulted during the test and the cost to business owners there, who are losing customers. They noted that the Sellwood-Moreland Business Association does not favor this and that SMILE did not originally favor it either but was later intimidated into support by 17th Avenue residents. Some asked for a redesign while others called for more testing of the new project before it is made permanent. Mr. Salzwedel presented specific recommendations for improving safety along SE Milwaukie, particularly in the school zone and by the Boys and Girls Club and library, and asked that Council consider these improvements as well.

Commissioner Francesconi asked about the reversal of SMILE's position, an issue raised by opponents.

Lee Leighton, 6113 SE 17th Ave., ex-president SMILE, said while there were process

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mistakes, it is unfair to say the SMILE board was intimidated into supporting the project. He said after an article appeared in the Sellwood Bee stating that the project was dead unless the Board approved it, another meeting was called and Transportation staff was asked to make a presentation for the Board. This resulted in a nine to one favorable vote.

Commissioner Hales asked staff about the effect on Milwaukie Avenue and asked if any mitigation was planned.

Mr. Ochia said staff has requested a reduction in the speed limits on Milwaukie and is looking at other measures to lessen the impact. He noted that Milwaukie is currently a designated truck route while 17th is not.

Commissioner Hales said staff needs to do a separate review to determine which City streets must have truck traffic.

Commissioner Hales moved approval of the project. Commissioner Francesconi seconded.

Commissioner Francesconi said he will support this project because traffic is now the neighborhoods' number one concern. He said 17th is a local street with more traffic on it than Milwaukie, which is a collector street. Staff needs to look at displacement problems earlier and take a more comprehensive approach in the future in order to avoid neighborhood dissension. However, in this case, he will rely on the expertise of the citizen committee and staff and vote in favor.

Commissioner Hales said the biggest problem is speeding by irresponsible drivers. This project is needed but more enforcement and education is needed as well and the impacts on these projects elsewhere need to be measured.

Commissioner Sten said he hopes the speed limit on Milwaukie can be changed.

Disposition: Accepted. (Y-4)

At 4:00 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council