



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 20TH DAY OF MAY, 1998 AT 9:30 A.M.

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

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

Agenda No. 652 was pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 641 Accept bid of Montavilla Sheet Metal Works for downspout materials for \$23,986 annually for two years with a one-year extension option (Purchasing Report - Quote 981416)

Disposition: Accepted; prepare contract.

- 642 Reject all bids for furnishing chlorine residual analyzers (Purchasing Report - Bid 98098)

Disposition: Accepted.

- 643 Accept bid of Platinum Construction Services, Inc. for Fire Bureau classroom addition for \$88,540 (Purchasing Report - Bid 98129)

Disposition: Accepted; prepare contract.

- 644 Accept bid of Shaw West Company for emergency generator systems for various fire stations for \$197,970 (Purchasing Report - Bid 98130)

Disposition: Accepted; prepare contract.

- 645 Accept bid of Werbin West Contracting, Inc. for NE Faloma Road 8" water main for \$64,453 (Purchasing Report - Bid 98131)

Disposition: Accepted; prepare contract.

- 646** Accept bid of the Natt McDougall Company for wet weather treatment facility - influent pump station for \$5,770,000 (Purchasing Report - Bid 98139)

Disposition: Accepted; prepare contract.

- 647** Accept proposal of Azumano/Carlson Wagonlit Travel for furnishing annual travel management services (Purchasing Report - RFP 98141)

Disposition: Accepted; prepare contract.

- 648** Accept bid of On Time Delivery Co. for furnishing delivery services for \$22,090 annually for two years with a one-year extension option (Purchasing Report - Bid 98155)

Disposition: Accepted; prepare contract.

- 649** Accept bids of Watson & Associates, Inc. and Jax International for furnishing annual supply of freestanding height-adjustable furniture for \$250,000 and \$240,000 respectively (Purchasing Report - Bid 98161)

Disposition: Accepted; prepare contract.

- 650** Accept bid of K&R Plumbing Construction Co., Inc. for N. Going Street sewer rehabilitation Project 6280 for \$114,785 (Purchasing Report - Bid 98165)

Disposition: Accepted; prepare contract.

- 651** Accept bid of Moore Excavation, Inc. for Bull Run Lake access road, spillway and dike reconstruction for \$672,219 (Purchasing Report - Bid 98169)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- 653** Recommend organizations eligible to participate in the City's 1998 Charitable Campaign (Resolution)

Disposition: Resolution No. 35695. (Y-4)

- *654** Pay claim of Daisy Sue McNeece (Ordinance)

Disposition: Ordinance No. 172264. (Y-4)

- *655** Authorize application to Federal Mediation and Conciliation Services for a grant in the amount of \$100,000 for development of a city-wide labor-management partnership (Ordinance)

Disposition: Ordinance No. 172265. (Y-4)

MAY 20, 1998

Commissioner Jim Francesconi

- *656** Lease agreement with Joseph Gent for space at 638 N. Killingsworth for the Bureau of Police (Ordinance)
- Disposition:** Ordinance No. 172266. (Y-4)
- *657** Authorize Purchasing Agent to sign a Purchase Order as a contract with B.J. Cummings Co. for Elders in Action remodel for \$82,412 (Ordinance)
- Disposition:** Ordinance No. 172267. (Y-4)
- *658** Authorize acceptance of a 25-foot recreational trail easement on the Columbia South Shore Slough (Ordinance)
- Disposition:** Ordinance No. 172268. (Y-4)
- *659** Grant a revocable permit to Peter and Mojgan Ghavami for non-park use of a portion of Council Crest Park under certain terms and conditions (Ordinance)
- Disposition:** Ordinance No. 172269. (Y-4)

Commissioner Charlie Hales

- 660** Set hearing date, 9:30 a.m., Wednesday, June 17, 1998, to vacate a portion of SW Texas Street west of SW 45th Avenue (Report; C-9945)
- Disposition:** Adopted.
- 661** Accept contract with J. P. Contractors, Inc. for Ed Benedict Park improvements as substantially complete and authorize final payment with retainage to be released in full upon authorization of the construction manager (Report; Contract No. 30260)
- Disposition:** Accepted.
- 662** Accept contract with Silco Construction Company for Laurelhurst Park improvements as substantially complete and authorize final payment with retainage to be released in full upon authorization of the construction manager (Report; Contract No. 31139)
- Disposition:** Accepted.
- *663** Call for bids for the reconstruction of the soccer field and associated site work at Smith Elementary School (Ordinance)
- Disposition:** Ordinance No. 172270. (Y-4)

- *664** Call for bids for the reconstruction of the soccer field and associated site work at the Child Service Center (Ordinance)

Disposition: Ordinance No. 172271. (Y-4)

- *665** Intergovernmental agreement with the Portland Development Commission for design and construction engineering and contract construction of the improvements to SE 91st Avenue from SE Woodstock Blvd. to SE Foster Road (Ordinance)

Disposition: Ordinance No. 172272. (Y-4)

- *666** Amend Lease Agreement between the City and Apple Produce, Inc. to add an additional 1500 square feet and to update the lease agreement (Ordinance; amend Contract No. 50312)

Disposition: Ordinance No. 172273. (Y-4)

- *667** Grant a ten-year property tax exemption to Gerding/Edlen Development Company for new multiple-unit housing on the block bounded by SW 17th, 18th, Jefferson and Columbia (Ordinance)

Disposition: Ordinance No. 172274. (Y-4)

Commissioner Gretchen Miller Kafoury

- 668** Accept contract with Payne Construction, Inc. for the renovation of fire stations 3, 19 and 22, and make final payment (Report; Contract No. 31186)

Disposition: Accepted.

- *669** Contract with Housing Our Families for the Alberta Simmons Senior Housing Project in the amount of \$192,500 to provide partial funding for the commercial portion of the development and provide for payment (Ordinance)

Disposition: Ordinance No. 172275. (Y-4)

- *670** Accept a Lead-based Paint Hazard Control Program implementation grant under the Office of Lead Hazard Control of the U.S. Department of Housing and Urban Development in the amount of \$2,900,000 (Ordinance)

Disposition: Ordinance No. 172276. (Y-4)

- *671** Intergovernmental Agreement with Multnomah County for the provision of cardiopulmonary resuscitation classes for County Employees (Ordinance)

Disposition: Ordinance No. 172277. (Y-4)

- *672** Contract with Alder Creek Lumber Company, Inc. for fire prevention and suppression services for FY 1998-99 (Ordinance)

Disposition: Ordinance No. 172278. (Y-4)

- 673** Contract with David F. Weich, Sr. for fire prevention and suppression services (Ordinance)

Disposition: Passed to Second Reading May 27, 1998 at 9:30 a.m.

- 674** Contract with Trauma Intervention Programs, Inc. for crisis intervention training for \$48,000 (Second Reading Agenda 614; waive City Code Section 5.68)

Disposition: Ordinance No. 172279. (Y-4)

Commissioner Erik Sten

- 675** Confirm appointment of Sue Dicile Wedding to the Mt. Hood Cable Regulatory Commission (Report)

Disposition: Confirmed. (Y-4)

- *676** Authorize services agreement with Multnomah Community Television (Ordinance)

Disposition: Ordinance No. 172280. (Y-4)

- 677** Appropriate funding for contract with Construction Management and Inspection, Inc. for FY 98/99 (Ordinance; Contract No. 29874)

Disposition: Passed to Second Reading May 27, 1998 at 9:30 a.m.

- 678** Appropriate funding for contract with CMTS for FY 97/98 and FY 98/99 (Ordinance; Contract No. 29875)

Disposition: Passed to Second Reading May 27, 1998 at 9:30 a.m.

- 679** Appropriate funding for contract with Crane & Merseth Engineering/Surveying for FY 98/99 (Ordinance; Contract No. 29884)

Disposition: Passed to Second Reading May 27, 1998 at 9:30 a.m.

City Auditor Barbara Clark

- *680** Assess system development charge contracts and Private Plumbing Loan Program contracts (Ordinance; Z0684, Z0685, T0005, T0006, P0033)

Disposition: Ordinance No. 172281. (Y-4)

- *681 Contract with KPMG Peat Marwick LLP, CPAs for financial audit and other professional services for FY 1997-98 and provide for payment (Ordinance)

Disposition: Ordinance No. 172282. (Y-4)

REGULAR AGENDA

- 652 Confirm appointment of Jim Atkinson to the Portland Development Commission (Report)

Discussion: Felicia Trader, Director, Portland Development Commission, said the Commission is very pleased to have Mr. Atkinson as a member and acknowledged his strong support, as a Key Bank executive, for affordable housing.

Disposition: Confirmed.

- 639 **TIME CERTAIN: 9:30 AM** - Recommendation to accept the Water Bureau's proposed plan for managing water supply resources during the 1997 peak summer/fall season (Report introduced by Commissioner Sten)

Discussion: Commissioner Sten said because of the heavy spring rains, no summer water shortage is foreseen. He stressed, however, that overall, conservation is still the cheapest way to meet supply needs. He has issued an Executive Order to cap the Benson "bubblers" in order to underscore the City's commitment to conservation.

Mike Rosenberger, Director, Bureau of Water Works, said the water supply looks very good right now and they expect to get through the summer using Bull Run water only. However, the City has access to the Columbia wellfield and, if the wells are used, it will be at a ratio of 20 percent groundwater to 80 percent Bull Run water. Mr. Rosenberger said to enhance smolt migration, the Bureau is releasing 64 million gallons a day through June 15. He said it will also continue to focus on conservation during the summer peak season and will report monthly to Council. He noted that while some think the "bubblers" should not be capped when the water supply is abundant, the reality is that everyday they use water equal to that of 2,000 households.

Mayor Katz asked if additional storage facilities are planned.

Mr. Rosenberger said various scenarios are being developed with the region regarding storage. Among the possibilities is a third dam at Bull Run or raising the level of the dams already there.

Mayor Katz asked if this anticipates release of additional water to help fish runs.

Mr. Rosenberger said additional release of water will occur in the spring and summer, but not in the fall.

Commissioner Sten said the key release time is spring. He said storage is a more important issue than supply. Currently various regional scenarios are being discussed but he is not prepared to give specific details today.

Disposition: Accepted. (Y-4)

- 682** Authorize submission of the FY 1997-98 Spring Supplemental Budget to the Multnomah County Tax Supervising and Conservation Commission (Resolution)

Discussion: Larry Nelson, Bureau of Financial Planning, said this supplemental budget totals \$587 million and affects 19 funds. Four major actions are contained in this budget: 1) refinancing of \$520 in sewer revenue bonds, saving the City approximately \$6.4 million in interest; 2) recognition of additional debt proceeds of \$29.8 million which affects five funds; 3) receipt of additional urban renewal tax collections, affecting five funds and totalling \$11.6 million to be turned over to the Portland Development Commission Construction Fund; and 4) increases in beginning fund balances in four funds totaling \$10 million, reflecting higher ending fund balances from the prior fiscal year.

Mayor Katz asked if there were any major policy shifts or if there were any additional resources available with this supplemental budget for expenditures.

Randy Webster, Bureau of Financial Planning, said in the urban renewal debt funds the budget recognizes additional monies made available by the difference between Ballot Measure No. 47 and Ballot Measure No. 50 calculations. The latter allows more money for urban renewal and this money will flow to the tax increment districts. This resulted in the addition of \$11.6 million spread over five funds. Not all the money is available for new projects. Some of it will be used to retire debt to cover uncertainties under Ballot Measure No. 47.

Disposition: Resolution No. 35696. (Y-4)

- *683** Accept a \$35,000 grant from the Oregon Association Chiefs of Police for additional DUII saturation patrols (Ordinance)

Discussion: Mayor Katz noted that the community has strongly indicated its desire for more DUII enforcement.

Disposition: Ordinance No. 172283. (Y-4)

- *684** 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; Return Agenda Item 563)

Discussion: Dick Clark, Executive Director, Rose Festival Association, said the Association has added an Arts Festival to its schedule of events this year, to be held on the South Park Blocks. He said its presence there has presented some logistical problems for the neighbors and St. James Lutheran Church raised concerns about access to its day care center and Sunday services. In response, the Association has developed a mitigation plan, which he described. He asked Council to support passage of the permit and said the Association will submit a critique following the event.

Mayor Katz noted that since this area has been designated a cultural district, more such events can be expected.

Joe Smith, St. James Lutheran Church, said they totally favor the Arts Festival but hope that after it is over there will be discussions on future events. He said it is hard to imagine how the church fell through the cracks and suggested that Council hold a public hearing when such events are scheduled.

Mayor Katz stressed the need to be sensitive to institutions in the cultural area.

Commissioner Hales said staff needs to begin earlier to involve the affected parties. This permit is a warning to Council that there will be conflicts in the public realm between the use of parks and streets. He said some places, like Waterfront Park, can be loved to death and the City must make sure activities scheduled in public places are carefully managed.

Disposition: Ordinance No. 172284. (Y-4)

Commissioner Erik Sten

- *685 Authorize updated wholesale sewer service agreement between City of Portland and the Unified Sewerage Agency (Ordinance)

Discussion: Commissioner Sten said the City is in the process of getting better agreement with Unified Sewerage Agency (USA).

Steve Simonson, BES Wastewater Treatment Plant Engineer, said this updated agreement allows for changing conditions and provides compensation for the resulting difference in costs. Currently, the City pays USA \$2 million a year for sewage treatment but when the new pump station is built, a savings of \$1 to \$1-1/2 million is anticipated.

Erling Soli, BES Pump Station Design Section, said Council will consider awarding the contract and purchasing property for the pump station on June 3.

Mr. Simonson said the Bureau plans to purchase a piece of property from the Portland Golf Club for the pump station. Its construction will speed up removal of the pump station in Gabriel Park.

Disposition: Ordinance No. 172285. (Y-4)

- 640 **TIME CERTAIN: 10:15 AM** - Establish an area parking permit program in the Central Eastside Industrial District (Ordinance introduced by Mayor Katz)

Discussion: Bill Graham, Parking Control Manager, Office of Transportation, said they have been working on a permit program for this industrial area since 1991 when Title 16 was being rewritten. He said that was when they identified a problem with downtown commuters who parked on the Central Eastside Industrial District (CEID) streets and walked or bused to jobs on the West side. A parking committee was formed which proposed specific boundaries and two

public meetings were held prior to balloting of area businesses. Although there was a sparse turnout at the hearings, 54 percent of the ballots were returned (a 50 percent return is required), with 68 percent in favor of the plan. He said after an article appeared in the Oregonian, he had 75 calls in favor of the plan and about eight or nine in opposition. All the opponents were downtown workers who use the area as a parking lot.

Kelly Bruun, Chair, CEID Parking Permit Committee, said commuter parking on the streets meant there was no place for customers, delivery vans or employees to park because the spaces were taken all day. He said the area was not meant to be a "Park and Ride" zone and the Central Eastside Industrial District has been working since 1991 to come up with a suitable plan.

Joanne Ferrero, 230 E. Burnside, 97214, supported the program. She said she became involved in 1992 when parking kept being raised as an issue during meetings on community policing.

Peter Fry, planning consultant, 2153 SW Main, 97205, said this program will clean up a chaotic situation in the CEID and serve as a model for others.

Greg Wentworth, Wentworth Chevrolet, 107 SE Grand, 97214, said this is a very positive step and thanked Mr. Graham for his perseverance.

Charles Mengis, 7655 SW Garden Home Road, 97223, said he has commuted downtown from the Central Eastside for 26 years and has worked on transient issues, area cleanups and graffiti removal during that time. He opposed the program, stating that it is not fair to provide permits to employees since none are issued for those who work downtown. He noted that employers could have purchased off-street parking for their employees and argued that public parking should be on a first-come, first-served basis only.

Commissioner Hales said Council's philosophy is exactly the opposite, although he agreed that Mr. Mengis did have a point about his objections to parking permits for employees. He said urban places will not work if a first-come, first-served policy is encouraged. Instead, the direction is towards more regulated parking.

Mayor Katz asked where the commuters who park here will go.

Mr. Graham said about 1,600 cars are currently parking there. The Bureau plans a windshield flier to describe the program and outline the choices available. He said because the program calls for a two-hour parking zone, only those with permits can stay longer.

Mayor Katz said she is concerned about having more cars coming downtown and noted that there are no "Park and Rides" or parking garages within the District.

Commissioner Hales noted that the employer-supported "passport" program for transit has been greatly expanded, giving employees more options there.

Mr. Graham said during the 45 days before the program goes into effect, staff will talk to every tenant and add new signs in the entire district.

Mayor Katz asked him to monitor any ripple effect.

Disposition: Passed to Second Reading May 27, 1998 at 9:30 a.m.

Mayor Vera Katz

- 686** Amend contract with Sverdrup Civil, Inc. to provide program management services to the CIP Management Program for a fifth year at a cost of \$800,000 (Second Reading Agenda 628; amend Contract No. 29404)

Disposition: Ordinance No. 172286. (Y-4)

- 687** Prescribe the rates and charges for water and water-related services by the City of Portland during the fiscal year beginning July 1, 1998 to July 1, 1999 and fix an effective date (Second Reading Agenda 632)

Disposition: Ordinance No. 172287. (Y-4)

- 688** Amend Title 17 of the City Code to revise sewer and drainage rates and charges in accordance with the Fiscal Year 1998-99 Sewer User Rate Study (Second Reading Agenda 633; amend Code Chapters 17.24, 17.35 and 17.36)

Disposition: Ordinance No. 172288. (Y-4)

- 689** Amend Title 17 of the City Code to revise the stormwater system development charge in accordance with a settlement agreement (Second Reading Agenda 634; amend Code Chapter 17.36)

Disposition: Ordinance No. 172289 as amended. (Y-4)

- 690** Amend Title 17 of the City Code to revise the sanitary system development charge (Second Reading Agenda 635; amend Code Chapter 17.36)

Discussion: Commissioner Sten said while the Columbia Corridor Association still is not satisfied with the way the fees are enacted, he recommends passage. He noted support from the Public Utilities Rate Board and said further discussions with the Association will continue.

Disposition: Ordinance No. 172290. (Y-4)

City Auditor Barbara Clark

- 691** Assess benefitted property for the cost of constructing pedestrian improvements in the NE Broadway/Weidler-Halsey/9th Avenue Local Improvement District (Hearing; Ordinance; C-9921)

Discussion: Robert Barnard, Project Manager, Office of Transportation, described the project and

noted that the cost reflects a 10 percent reduction from the original estimate. He said two remonstrances were filed objecting to the cost and requesting an accounting.

Commissioner Hales moved to overrule the remonstrances. Hearing no objections, the Mayor so ordered.

Disposition: Remonstrances overruled; passed to Second Reading May 27, 1998 at 9:30 a.m.

Communications

692

Request of Jack N. Peek, President, Foster-Powell Neighborhood Association to address Council about a proposed ordinance regarding siting notification (Communication)

Discussion: Jack Peek, President, Foster-Powell Neighborhood Association said the City's siting process for public facilities has been abused and underused both in Foster/Powell and Buckman. He said government is not trusted when people are lied to about the impact of such facilities. He asked Council to support a proposed notification ordinance requiring that sensitive neighborhood areas be identified and providing honest communication about what the facilities are and who they will house.

Mayor Katz said she will ask Commissioner Kafoury to bring all the parties together to respond to these issues and hopes that will lead to a resolution that Council can support. She said currently there are some real gaps among all the jurisdictions regarding who has the ability to site.

Mr. Peek said the ordinance he proposes is borrowed from one passed by Fort Worth, Texas. It would force the City, State and County to communicate.

Commissioner Kafoury said this is one answer but she believes there are others as well. She said Mr. Peek needs to participate all the way through the process.

Disposition: Placed on File.

At 11:05 a.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland



By Cay Kershner
Clerk of the Council

MAY 20, 1998

WEDNESDAY, 2:00 PM, MAY 20, 1998

DUE TO THE LACK OF AN AGENDA

NO MEETING WAS HELD