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CITY OF  

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PORTLAND, OREGON

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**OFFICIAL  
MINUTES**

**WEDNESDAY, 9:30 AM, JULY 15, 1998**

**This session was cancelled.**

**All Agenda items normally considered at this session  
were heard on Thursday, July 16, 1998 at 2:00 pm.**

**WEDNESDAY, 2:00 PM, JULY 15, 1998**

**Due to the lack of an Agenda, this session was cancelled.**



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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 16TH DAY OF JULY, 1998 AT 2:00 P.M.

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

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

On a Y-4 roll call, the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

- 1015** Accept bid of Gresham Ford for three police patrol sedans for \$76,155 (Purchasing Report - Bid 98067)
- Disposition:** Accepted; prepare contract.
- 1016** Accept bid of J.P. Contractors, Inc. for Powell Park improvements for \$125,910 (Purchasing Report - Bid 98214)
- Disposition:** Accepted; prepare contract.
- 1017** Accept bid of CW McCallen Construction, Inc. for SW Miles water mains project for \$198,045 (Purchasing Report - Bid 98217-SMP)
- Disposition:** Accepted; prepare contract.
- 1018** Accept bid of 3M for furnishing an annual supply of retroreflective pavement marking materials for \$858,254 (Purchasing Report - Bid 98228)
- Disposition:** Accepted; prepare contract.
- 1019** Accept bid of San Diego Police Equipment Co., Inc. for furnishing an annual supply of new and practice ammunition for \$661,950 for two years (Purchasing Report - Bid 98232)
- Disposition:** Accepted; prepare contract.

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**Mayor Vera Katz**

- \*1020** Extend legal services agreement with Bogle & Gates for outside litigation representation (Ordinance; amend Agreement No. 31184)

**Disposition:** Ordinance No. 172473. (Y-4)

- \*1021** Extend legal services agreement with Bogle & Gates for outside litigation representation (Ordinance; amend Agreement No. 31469)

**Disposition:** Ordinance No. 172474. (Y-4)

- \*1022** Pay claim of Thomas Lee Miller (Ordinance)

**Disposition:** Ordinance No. 172475. (Y-4)

**Commissioner Jim Francesconi**

- 1023** Increase contract with Carlson Testing, Inc. for additional services for City Hall renovation in the amount of \$3,300 (Second Reading Agenda 989; amend Contract No. 30689)

**Disposition:** Ordinance No. 172476. (Y-4)

**Commissioner Erik Sten**

- 1024** Accept completion of the Columbia Boulevard Wastewater Treatment Plant biosolids dewatering modifications, Project No. 5594, and authorize final payment to PCI Mechanical Construction (Report; Contract No. 31208)

**Disposition:** Accepted.

- 1025** Authorize contract to the lowest responsible bidder for the construction of the PDX Post Office pump station (Ordinance)

**Disposition:** Passed to Second Reading July 22, 1998 at 9:30 a.m.

- \*1026** Define City responsibility for damage repair associated with access and construction of stormwater and stream enhancement projects on private property and authorize execution of access agreements (Ordinance)

**Disposition:** Ordinance No. 172477. (Y-4)

- 1027** Call for bids to purchase a gas chromatograph/mass spectrometer, authorize a contract and provide for payment (Ordinance)

**Disposition:** Passed to Second Reading July 22, 1998 at 9:30 a.m.

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- \*1028** Designate and assign certain Bureau of Water Works land as public street right-of-way and for slope and landscape easements for the NE 158th Avenue street improvement project (Ordinance)

**Disposition:** Ordinance No. 172478. (Y-4)

- 1029** Authorize an agreement with CES, Inc. for an amount not to exceed \$30,000 to provide engineering services to evaluate water mains mounted on bridges and provide for payment (Ordinance)

**Disposition:** Passed to Second Reading July 22, 1998 at 9:30 a.m.

- \*1030** Authorize a contract with The Workforce Development Board for a summer youth employment program (Ordinance)

**Disposition:** Ordinance No. 172479. (Y-4)

- 1031** Authorize a contract and provide for payment for the construction of improvements to Marquam Hill pump station No. 2 (Second Reading Agenda 1005)

**Disposition:** Ordinance No. 172480. (Y-4)

**City Auditor Barbara Clark**

- \*1032** Amend contract with Poorman-Douglas Corporation for billing and mailing services (Ordinance; amend Contract No. 28619)

**Disposition:** Ordinance No. 172481. (Y-4)

**REGULAR AGENDA**

**Commissioner Charlie Hales**

- 1033** Consider vacating two alleyways in Block 33, Portsmouth Addition, at the request of the University of Portland (Hearing; Report; C-9802)

**Discussion:** After noting that no one was present to testify, Commissioner Hales moved that the report be approved and the City Engineer directed to proceed. Commissioner Francesconi seconded.

**Disposition:** Approved; City Engineer prepare ordinance. (Y-4)

- \*1034** Authorize a contract with Financial Consulting Solutions Group, Inc. for performing a cost of service study for the Bureau of Planning without advertising for proposals (Ordinance)

**Disposition:** Ordinance No. 172482. (Y-4)

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**Commissioner Gretchen Miller Kafoury**

- \*1035** Amend City Code to create a new chapter authorizing yearly inspections of all occupancies and uses except single-family and two-family dwellings for compliance with fire regulations and create new fees (Ordinance; amend Code Title 31)

**Discussion:** Commissioner Kafoury said this is the result of a lengthy process which began last August. The proposal has gone through several iterations that reflect the concerns raised. Council has worked hard to make this as equitable as possible and balance a number of competing interests. The Water Bureau has helped with reductions in water line fees.

Tom Feely, Management Office, Fire Bureau, said this is a comprehensive program that meets Council concerns and most of the concerns raised by the business community. He said the original proposal called for an annual inspection program for about 32,000 occupancies but that has been changed to a differentiated program that inspects some occupancies annually and others every two years. Occupancies that are fully sprinklered will be inspected every three years, with an option to extend that to every four years with self-inspections. The original proposal would have raised about \$1.8 million in fees and funded 15 new inspectors and three support staff. This proposal funds eight inspectors plus three support staff and will raise an estimated \$1.3 million. It also exempts primary and secondary schools as well as non-profit hospitals. A prevention advisory committee will be formed to review the program and make recommendations for improvements and adjustments. The Bureau will also report annually during the budget process on the effectiveness of the program.

Commissioner Francesconi asked if Mr. Feely had any objections to the amendments he has proposed.

Mr. Feely said while the Bureau does not object to them it believes the current proposal responds to the concerns raised through establishment of the prevention advisory committee and the annual budget review. If Council wishes a greater level of review and to add a sunset clause, it is all right with the Bureau.

Commissioner Kafoury said as Commissioner-in-Charge of the Fire Bureau, she does not favor that.

Individuals testifying in opposition to the proposal included:

Robin White, Executive Vice President, Portland BOMA, 1211 SW 5th Avenue,  
97205

Scott Matthews, PacWest Center, 1211 SW 5th Avenue, 97205

Dave Hamilton, Vice President, Commercial Property Management,  
Norris and Stevens

Opponents objected to the imposition of fees on office buildings as they are not convinced there is a problem with fires in office buildings, particularly as most are inspected annually by their owners' insurance companies. They contended that the fees are a tax in disguise and not

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reasonably related to the cost of service, the risk posed or the benefits gained. They supported Commissioner Francesconi's amendments to establish an oversight committee. Opponents stressed their concern with the imposition of yet one more expense on businesses which locate in the City, making Portland buildings even less competitive with those in the suburbs. There is also no enforcement mechanism.

John Gronewald, Executive Director, Metro Multi-family Housing Association, 921 SW Washington, 97205, said inspecting the common areas in multi-family residences will not prevent fires as State Fire Marshall statistics indicate that most fires start in the kitchen, bedroom and living room, none of which will be inspected under this program. Prevention is already happening without this program -- through education, promotion of better smoke detectors and improved landlord and tenant training. He said this is another example of requiring multiple housing owners to fund programs that benefit neither the landlord or tenant and at the same time asking them to provide more affordable housing.

Commissioner Francesconi said the Fire Bureau has research to show that certain steps can be taken in the common areas of multi-family buildings so that fires do not spread.

Commissioner Francesconi said his proposed amendments specify the duties of the fire prevention advisory council and set forth clear factors for evaluating the effectiveness of the program. They also include a sunset clause, ending the program June 30, 2003. He noted that a similar clause was included in the chronic nuisance ordinance, which was then readopted with some modifications. He moved his proposed amendments.

There was no second and the motion failed.

Commissioner Kafoury said sunset clauses are a common practice at the legislature but not with the Council.

Commissioner Francesconi said he has noticed it is hard to get things off the books here. However, although he thinks his amendments would improve this proposal, he will support the scaled-down version as he believes the cost benefit is now closer in line. He is concerned about the cost of doing business downtown versus the suburbs and will be interested in the findings of the several competitiveness studies underway now. Nevertheless, all means must be taken to increase fire prevention efforts.

Commissioner Hales said this is a reasonable compromise between the legitimate interests of the Fire Bureau to continue a nationally recognized leadership role in fire prevention and the concerns raised by the business community about the cost impact. The City must continue to review its fees and find ways to reduce them in order to level the cost differentials between the City and the rest of the metropolitan area. This exacerbates that cost somewhat but is moderated considerably by the change in fire line charges.

Commissioner Kafoury said this is a positive step for fire prevention as proactive prevention measures have suffered a great deal since passage of Ballot Measure 5. The changes made earlier, including leveling of the financial burden, changes in the time frame and the

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exemption of schools and hospitals have all been positive improvements. She said it is hard to negotiate to a "win win" situation, when one side is not willing to compromise.

Commissioner Sten said it pained him to make the recommendation regarding the fire line fee, which was part of the balancing act here. The water bill of every home owner and renter in the City was raised by two percent as a result.

Commissioner Kafoury said one of the fears was that the fire line fee was a detriment to sprinkling so other, bigger public policy issues were involved in that decision as well.

**Disposition:** Ordinance No. 172483. (Y-4)

- 1036** Authorize execution of agreements with the U.S. Department of Housing and Urban Development for a Section 108 loan in the amount of \$8,000,000 and a corresponding Economic Development Initiative grant in the amount of \$2,250,000 (Second Reading Agenda 1011)

**Disposition:** Ordinance No. 172484. (Y-4)

**City Auditor Barbara Clark**

- 1037** Assess property for sidewalk by the Bureau of Maintenance for billing processed through June 12, 1998 (Hearing; Ordinance; Y1029)

**Disposition:** Passed to Second Reading July 22, 1998 at 9:30 a.m.

At 2:30 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council